



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB3110

Introduced 2/19/2016, by Sen. Neil Anderson

SYNOPSIS AS INTRODUCED:

720 ILCS 5/17-2

from Ch. 38, par. 17-2

Amends the Criminal Code of 2012. Provides that a person commits false personation when he or she falsely represents himself or herself to be a veteran when seeking employment or public office with an intent to obtain money, property, or other tangible benefit. A person commits false personation if he or she falsely represents that he or she received the Congressional Medal of Honor, The Distinguished Service Cross, the Navy Cross, The Air Force Cross, The Silver Star, the Bronze Star, or the Purple Heart, with an intent to obtain money, property, or other tangible benefit. Provides that a person who commits false personation when he or she knowingly and falsely represents himself or herself to be a recipient of, or wears on his or her person, any of the following medals if that medal was not awarded to that person by the United States Government, irrespective of branch of service: The Congressional Medal of Honor, The Distinguished Service Cross, the Navy Cross, The Air Force Cross, The Silver Star, the Bronze Star, or the Purple Heart, with an intent to obtain money, property, or other tangible benefit is a guilty of a Class B misdemeanor. A second or subsequent violation of this offense is a Class A misdemeanor.

LRB099 20631 SLF 45215 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 2012 is amended by changing
5 Section 17-2 as follows:

6 (720 ILCS 5/17-2) (from Ch. 38, par. 17-2)
7 Sec. 17-2. False personation; solicitation.

8 (a) False personation; solicitation.

9 (1) A person commits a false personation when he or she
10 knowingly and falsely represents himself or herself to be a
11 member or representative of any veterans' or public safety
12 personnel organization or a representative of any
13 charitable organization, or when he or she knowingly
14 exhibits or uses in any manner any decal, badge or insignia
15 of any charitable, public safety personnel, or veterans'
16 organization when not authorized to do so by the
17 charitable, public safety personnel, or veterans'
18 organization. "Public safety personnel organization" has
19 the meaning ascribed to that term in Section 1 of the
20 Solicitation for Charity Act.

21 (2) A person commits a false personation when he or she
22 knowingly and falsely represents himself or herself to be a
23 veteran in seeking employment or public office or with

1 intent to obtain money, property, or other tangible
2 benefit. In this paragraph, "veteran" means a person who
3 has served in the Armed Services or Reserve Forces of the
4 United States.

5 (2.5) A person commits a false personation when he or
6 she knowingly and falsely represents himself or herself to
7 be:

8 (A) another actual person and does an act in such
9 assumed character with intent to intimidate, threaten,
10 injure, defraud, or to obtain a benefit from another;
11 or

12 (B) a representative of an actual person or
13 organization and does an act in such false capacity
14 with intent to obtain a benefit or to injure or defraud
15 another.

16 (3) No person shall knowingly use the words "Police",
17 "Police Department", "Patrolman", "Sergeant",
18 "Lieutenant", "Peace Officer", "Sheriff's Police",
19 "Sheriff", "Officer", "Law Enforcement", "Trooper",
20 "Deputy", "Deputy Sheriff", "State Police", or any other
21 words to the same effect (i) in the title of any
22 organization, magazine, or other publication without the
23 express approval of the named public safety personnel
24 organization's governing board or (ii) in combination with
25 the name of any state, state agency, public university, or
26 unit of local government without the express written

1 authorization of that state, state agency, public
2 university, or unit of local government.

3 (4) No person may knowingly claim or represent that he
4 or she is acting on behalf of any public safety personnel
5 organization when soliciting financial contributions or
6 selling or delivering or offering to sell or deliver any
7 merchandise, goods, services, memberships, or
8 advertisements unless the chief of the police department,
9 fire department, and the corporate or municipal authority
10 thereof, or the sheriff has first entered into a written
11 agreement with the person or with an organization with
12 which the person is affiliated and the agreement permits
13 the activity and specifies and states clearly and fully the
14 purpose for which the proceeds of the solicitation,
15 contribution, or sale will be used.

16 (5) No person, when soliciting financial contributions
17 or selling or delivering or offering to sell or deliver any
18 merchandise, goods, services, memberships, or
19 advertisements may claim or represent that he or she is
20 representing or acting on behalf of any nongovernmental
21 organization by any name which includes "officer", "peace
22 officer", "police", "law enforcement", "trooper",
23 "sheriff", "deputy", "deputy sheriff", "State police", or
24 any other word or words which would reasonably be
25 understood to imply that the organization is composed of
26 law enforcement personnel unless:

1 (A) the person is actually representing or acting
2 on behalf of the nongovernmental organization;

3 (B) the nongovernmental organization is controlled
4 by and governed by a membership of and represents a
5 group or association of active duty peace officers,
6 retired peace officers, or injured peace officers; and

7 (C) before commencing the solicitation or the sale
8 or the offers to sell any merchandise, goods, services,
9 memberships, or advertisements, a written contract
10 between the soliciting or selling person and the
11 nongovernmental organization, which specifies and
12 states clearly and fully the purposes for which the
13 proceeds of the solicitation, contribution, or sale
14 will be used, has been entered into.

15 (6) No person, when soliciting financial contributions
16 or selling or delivering or offering to sell or deliver any
17 merchandise, goods, services, memberships, or
18 advertisements, may knowingly claim or represent that he or
19 she is representing or acting on behalf of any
20 nongovernmental organization by any name which includes
21 the term "fireman", "fire fighter", "paramedic", or any
22 other word or words which would reasonably be understood to
23 imply that the organization is composed of fire fighter or
24 paramedic personnel unless:

25 (A) the person is actually representing or acting
26 on behalf of the nongovernmental organization;

1 (B) the nongovernmental organization is controlled
2 by and governed by a membership of and represents a
3 group or association of active duty, retired, or
4 injured fire fighters (for the purposes of this
5 Section, "fire fighter" has the meaning ascribed to
6 that term in Section 2 of the Illinois Fire Protection
7 Training Act) or active duty, retired, or injured
8 emergency medical technicians - ambulance, emergency
9 medical technicians - intermediate, emergency medical
10 technicians - paramedic, ambulance drivers, or other
11 medical assistance or first aid personnel; and

12 (C) before commencing the solicitation or the sale
13 or delivery or the offers to sell or deliver any
14 merchandise, goods, services, memberships, or
15 advertisements, the soliciting or selling person and
16 the nongovernmental organization have entered into a
17 written contract that specifies and states clearly and
18 fully the purposes for which the proceeds of the
19 solicitation, contribution, or sale will be used.

20 (7) No person may knowingly claim or represent that he
21 or she is an airman, airline employee, airport employee, or
22 contractor at an airport in order to obtain the uniform,
23 identification card, license, or other identification
24 paraphernalia of an airman, airline employee, airport
25 employee, or contractor at an airport.

26 (8) No person, firm, copartnership, or corporation

1 (except corporations organized and doing business under
2 the Pawners Societies Act) shall knowingly use a name that
3 contains in it the words "Pawners' Society".

4 (b) False personation; public officials and employees. A
5 person commits a false personation if he or she knowingly and
6 falsely represents himself or herself to be any of the
7 following:

8 (1) An attorney authorized to practice law for purposes
9 of compensation or consideration. This paragraph (b)(1)
10 does not apply to a person who unintentionally fails to pay
11 attorney registration fees established by Supreme Court
12 Rule.

13 (2) A public officer or a public employee or an
14 official or employee of the federal government.

15 (2.3) A public officer, a public employee, or an
16 official or employee of the federal government, and the
17 false representation is made in furtherance of the
18 commission of felony.

19 (2.7) A public officer or a public employee, and the
20 false representation is for the purpose of effectuating
21 identity theft as defined in Section 16-30 of this Code.

22 (3) A peace officer.

23 (4) A peace officer while carrying a deadly weapon.

24 (5) A peace officer in attempting or committing a
25 felony.

26 (6) A peace officer in attempting or committing a

1 forcible felony.

2 (7) The parent, legal guardian, or other relation of a
3 minor child to any public official, public employee, or
4 elementary or secondary school employee or administrator.

5 (7.5) The legal guardian, including any representative
6 of a State or public guardian, of a person with a
7 disability appointed under Article XIa of the Probate Act
8 of 1975.

9 (8) A fire fighter.

10 (9) A fire fighter while carrying a deadly weapon.

11 (10) A fire fighter in attempting or committing a
12 felony.

13 (11) An emergency management worker of any
14 jurisdiction in this State.

15 (12) An emergency management worker of any
16 jurisdiction in this State in attempting or committing a
17 felony. For the purposes of this subsection (b), "emergency
18 management worker" has the meaning provided under Section
19 2-6.6 of this Code.

20 (b-5) The trier of fact may infer that a person falsely
21 represents himself or herself to be a public officer or a
22 public employee or an official or employee of the federal
23 government if the person:

24 (1) wears or displays without authority any uniform,
25 badge, insignia, or facsimile thereof by which a public
26 officer or public employee or official or employee of the

1 federal government is lawfully distinguished; or

2 (2) falsely expresses by word or action that he or she
3 is a public officer or public employee or official or
4 employee of the federal government and is acting with
5 approval or authority of a public agency or department.

6 (c) Fraudulent advertisement of a corporate name.

7 (1) A company, association, or individual commits
8 fraudulent advertisement of a corporate name if he, she, or
9 it, not being incorporated, puts forth a sign or
10 advertisement and assumes, for the purpose of soliciting
11 business, a corporate name.

12 (2) Nothing contained in this subsection (c) prohibits
13 a corporation, company, association, or person from using a
14 divisional designation or trade name in conjunction with
15 its corporate name or assumed name under Section 4.05 of
16 the Business Corporation Act of 1983 or, if it is a member
17 of a partnership or joint venture, from doing partnership
18 or joint venture business under the partnership or joint
19 venture name. The name under which the joint venture or
20 partnership does business may differ from the names of the
21 members. Business may not be conducted or transacted under
22 that joint venture or partnership name, however, unless all
23 provisions of the Assumed Business Name Act have been
24 complied with. Nothing in this subsection (c) permits a
25 foreign corporation to do business in this State without
26 complying with all Illinois laws regulating the doing of

1 business by foreign corporations. No foreign corporation
2 may conduct or transact business in this State as a member
3 of a partnership or joint venture that violates any
4 Illinois law regulating or pertaining to the doing of
5 business by foreign corporations in Illinois.

6 (3) The provisions of this subsection (c) do not apply
7 to limited partnerships formed under the Revised Uniform
8 Limited Partnership Act or under the Uniform Limited
9 Partnership Act (2001).

10 (d) False law enforcement badges.

11 (1) A person commits false law enforcement badges if he
12 or she knowingly produces, sells, or distributes a law
13 enforcement badge without the express written consent of
14 the law enforcement agency represented on the badge or, in
15 case of a reorganized or defunct law enforcement agency,
16 its successor law enforcement agency.

17 (2) It is a defense to false law enforcement badges
18 that the law enforcement badge is used or is intended to be
19 used exclusively: (i) as a memento or in a collection or
20 exhibit; (ii) for decorative purposes; or (iii) for a
21 dramatic presentation, such as a theatrical, film, or
22 television production.

23 (e) False medals.

24 (1) A person commits a false personation if he or she
25 knowingly and falsely represents himself or herself to be a
26 recipient of, or wears on his or her person, any of the

1 following medals if that medal was not awarded to that
2 person by the United States Government, irrespective of
3 branch of service: The Congressional Medal of Honor, The
4 Distinguished Service Cross, The Navy Cross, The Air Force
5 Cross, The Silver Star, The Bronze Star, or the Purple
6 Heart with intent to obtain money, property, or other
7 tangible benefit.

8 (2) It is a defense to a prosecution under paragraph
9 (e)(1) that the medal is used, or is intended to be used,
10 exclusively:

11 (A) for a dramatic presentation, such as a
12 theatrical, film, or television production, or a
13 historical re-enactment; or

14 (B) for a costume worn, or intended to be worn, by
15 a person under 18 years of age.

16 (f) Sentence.

17 (1) A violation of paragraph (a)(8) is a petty offense
18 subject to a fine of not less than \$5 nor more than \$100,
19 and the person, firm, copartnership, or corporation
20 commits an additional petty offense for each day he, she,
21 or it continues to commit the violation. A violation of
22 paragraph (c)(1) is a petty offense, and the company,
23 association, or person commits an additional petty offense
24 for each day he, she, or it continues to commit the
25 violation. ~~A violation of subsection (c) is a petty offense~~
26 ~~for which the offender shall be fined at least \$100 and not~~

1 ~~more than \$200.~~

2 (2) A violation of paragraph (a)(1), (a)(3), or
3 (b)(7.5) is a Class C misdemeanor.

4 (2.5) A violation of subsection (e) is a Class B
5 misdemeanor. A second or subsequent violation of
6 subsection (e) is a Class A misdemeanor.

7 (3) A violation of paragraph (a)(2), (a)(2.5), (a)(7),
8 (b)(2), or (b)(7) or subsection (d) is a Class A
9 misdemeanor. A second or subsequent violation of
10 subsection (d) is a Class 3 felony.

11 (4) A violation of paragraph (a)(4), (a)(5), (a)(6),
12 (b)(1), (b)(2.3), (b)(2.7), (b)(3), (b)(8), or (b)(11) is a
13 Class 4 felony.

14 (5) A violation of paragraph (b)(4), (b)(9), or (b)(12)
15 is a Class 3 felony.

16 (6) A violation of paragraph (b)(5) or (b)(10) is a
17 Class 2 felony.

18 (7) A violation of paragraph (b)(6) is a Class 1
19 felony.

20 (g) A violation of subsection (a)(1) through (a)(7) or
21 subsection (e) of this Section may be accomplished in person or
22 by any means of communication, including but not limited to the
23 use of an Internet website or any form of electronic
24 communication.

25 (Source: P.A. 98-1125, eff. 1-1-15; 99-143, eff. 7-27-15.)