

1 AN ACT in relation to criminal law.

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

4 Section 5. The Illinois Identification Card Act is
5 amended by changing Sections 14A and 14B as follows:

6 (15 ILCS 335/14A) (from Ch. 124, par. 34A)

7 Sec. 14A. Fictitious or unlawfully altered
8 identification card.

9 (a) As used in this Section:

10 1. "A fictitious identification card" means any
11 issued identification card for which a computerized
12 number and file have been created by the Secretary of
13 State, the United States Government, any other state or
14 political subdivision thereof, or any governmental or
15 quasi-governmental organization that contains false
16 information concerning the identity of the individual
17 issued the identification card;

18 2. "False information" means any information
19 concerning the name, sex, date of birth, social security
20 number or any photograph that falsifies all or in part
21 the actual identity of the individual issued the
22 identification card;

23 3. "An unlawfully altered identification card"
24 means any issued identification card for which a
25 computerized number and file have been created by the
26 Secretary of State, the United States Government, any
27 other state or political subdivision thereof, or any
28 governmental or quasi-governmental organization that has
29 been physically altered or changed in such a manner that
30 false information appears upon the identification card;

31 4. "A document capable of defrauding another"

1 includes, but is not limited to, any document by which
2 any right, obligation or power with reference to any
3 person or property may be created, transferred, altered
4 or terminated;

5 5. An "identification document" or "identification
6 card" means any document made or issued by or under the
7 authority of the United States Government, the State of
8 Illinois or any other state or political subdivision
9 thereof, or any other governmental or quasi-governmental
10 organization which, when completed with information
11 concerning the individual, is of a type intended or
12 commonly accepted for the purpose of identification of an
13 individual.

14 (b) It is a violation of this Section for any person:

15 1. To knowingly possess, display, or cause to be
16 displayed any fictitious or unlawfully altered
17 identification card;

18 2. To knowingly possess, display, or cause to be
19 displayed any fictitious or unlawfully altered
20 identification card for the purpose of obtaining any
21 account, credit, credit card or debit card from a bank,
22 financial institution or retail mercantile establishment;

23 3. To knowingly possess any fictitious or
24 unlawfully altered identification card with the intent to
25 commit a theft, deception or credit or debit card fraud
26 in violation of any law of this State or any law of any
27 other jurisdiction;

28 4. To knowingly possess any fictitious or
29 unlawfully altered identification card with the intent to
30 commit any other violation of any law of this State or
31 any law of any other jurisdiction for which a sentence to
32 a term of imprisonment in a penitentiary for one year or
33 more is provided;

34 5. To knowingly possess any fictitious or

1 unlawfully altered identification card while in
2 unauthorized possession of any document, instrument or
3 device capable of defrauding another;

4 6. To knowingly possess any fictitious or
5 unlawfully altered identification card with the intent to
6 use the identification card to acquire any other
7 identification document;

8 7. To knowingly issue or assist in the issuance of
9 any fictitious identification card;

10 8. To knowingly alter or attempt to alter any
11 identification card;

12 9. To knowingly manufacture, possess, transfer, or
13 provide any identification document whether real or
14 fictitious for the purpose of obtaining a fictitious
15 identification card;

16 10. To make application for the purpose of
17 obtaining a fictitious identification card for another
18 person;

19 11. To obtain the services of another person to
20 make application for the purpose of obtaining a
21 fictitious identification card.

22 (c) Sentence.

23 1. Any person convicted of a violation of paragraph
24 1, 10, or 11 of subsection (b) of this Section shall be
25 guilty of a Class 4 felony. A person convicted of a
26 second or subsequent violation shall be guilty of a Class
27 3 felony and shall be sentenced to a minimum fine of \$500
28 or 50 hours of community service, preferably at an
29 alcohol abuse prevention program, if available.

30 2. Any person convicted of a violation of paragraph
31 1 of subsection (b) of this Section who at the time of
32 arrest had in his possession two or more fictitious or
33 unlawfully altered identification cards shall be guilty
34 of a Class 4 felony.

1 3. Any person convicted of a violation of paragraph
 2 through & 9 of subsection (b) of this Section shall be
 3 guilty of a Class 4 felony. A person convicted of a
 4 second or subsequent violation shall be guilty of a Class
 5 3 felony.

6 4. A person convicted of a violation of paragraph 9
 7 of subsection (b) of this Section is guilty of a Class 3
 8 felony. A person convicted of a second or subsequent
 9 violation of paragraph 9 of subsection (b) of this
 10 Section is guilty of a Class 2 felony. A person
 11 convicted of a first or subsequent violation of paragraph
 12 9 of subsection (b) of this Section shall be sentenced to
 13 a minimum fine of \$500 or 50 hours of community service.

14 (d) This Section does not prohibit any lawfully
 15 authorized investigative, protective, law enforcement or
 16 other activity of any agency of the United States, State of
 17 Illinois or any other state or political subdivision thereof.
 18 (Source: P.A. 89-283, eff. 1-1-96; 90-220, eff. 1-1-98.)

19 (15 ILCS 335/14B) (from Ch. 124, par. 34B)
 20 Sec. 14B. Fraudulent identification card.

21 (a) As used in this Section:

22 1. "A fraudulent identification card" means any
 23 identification card which purports to be an official
 24 identification card for which a computerized number and
 25 file have not been created by the Secretary of State, the
 26 United States Government or any state or political
 27 subdivision thereof, or any governmental or
 28 quasi-governmental organization. For the purpose of this
 29 paragraph, any identification card which resembles an
 30 official identification card in either size, color,
 31 photograph location, or design or uses the word
 32 "official", "state", "Illinois", or the name of any other
 33 state or political subdivision thereof, or any

1 governmental or quasi-governmental organization
2 individually or in any combination thereof to describe or
3 modify the term "identification card" or "I.D. card"
4 anywhere on the card, or uses a shape in the likeness of
5 Illinois or any other state on the photograph side of the
6 card, is deemed to be a fraudulent identification card
7 unless the words "This is not an official Identification
8 Card", appear prominently upon it in black colored
9 lettering in 12 point type on the photograph side of the
10 card, and no such card shall be smaller in size than 3
11 inches by 4 inches, and the photograph shall be on the
12 left side of the card only.

13 2. "A license-making implement" means any implement
14 specially designed or primarily used in the manufacture,
15 assembly or authentication of any identification card
16 issued by the Secretary of State, the United States
17 Government, the State of Illinois or any other state or
18 political subdivision of the state, or any governmental
19 or quasi-governmental organization. Such implements
20 include, but are not limited to, cameras used for
21 creating identification card photographs, camera cards,
22 or identification card laminates.

23 (b) It is a violation of this Section for any person:

24 1. To knowingly possess, display, or cause to be
25 displayed any fraudulent identification card;

26 2. To knowingly possess, display or cause to be
27 displayed any fraudulent identification card for the
28 purpose of obtaining any account, credit, credit card or
29 debit card from a bank, financial institution or retail
30 mercantile establishment;

31 3. To knowingly possess any fraudulent
32 identification card with the intent to commit a theft,
33 deception or credit or debit card fraud in violation of
34 any law of this State or any law of any other

1 jurisdiction;

2 4. To knowingly possess any fraudulent
3 identification card with the intent to commit any other
4 violation of any law of this State or any law of any
5 other jurisdiction for which a sentence to a term of
6 imprisonment in a penitentiary for one year or more is
7 provided;

8 5. To knowingly possess any fraudulent
9 identification card while in unauthorized possession of
10 any document, instrument or device capable of defrauding
11 another;

12 6. To knowingly possess any fraudulent
13 identification card with the intent to use the
14 identification card to acquire any other identification
15 document;

16 7. To knowingly possess without authority any
17 license-making implement;

18 8. To knowingly possess any stolen identification
19 card making implement;

20 9. To knowingly duplicate, manufacture, sell or
21 transfer any fraudulent identification card;

22 10. To advertise or distribute any information or
23 materials that promote the selling, giving, or furnishing
24 of a fraudulent identification card.

25 (c) Sentence.

26 1. Any person convicted of a violation of paragraph
27 1 of subsection (b) of this Section shall be guilty of a
28 Class 4 felony and shall be sentenced to a minimum fine
29 of \$500 or 50 hours of community service, preferably at
30 an alcohol abuse prevention program, if available.

31 2. Any person convicted of a violation of any of
32 paragraphs 2 through 8 9 of subsection (b) of this
33 Section shall be guilty of a Class 4 felony. A person
34 convicted of a second or subsequent violation shall be

1 guilty of a Class 3 felony.

2 2.1. A person convicted of a violation of paragraph
3 9 of subsection (b) of this Section is guilty of a Class
4 3 felony. A person convicted of a second or subsequent
5 violation of paragraph 9 of subsection (b) of this
6 Section is guilty of a Class 2 felony. A person
7 convicted of a first or subsequent violation of paragraph
8 9 of subsection (b) of this Section shall be sentenced to
9 a minimum fine of \$500 or 50 hours of community service.

10 3. Any person who violates paragraph 10 of
11 subsection (b) of this Section is guilty of a Class 4
12 felony A--misdemeanor. A person convicted of a first or
13 subsequent violation of paragraph 10 of subsection (b) of
14 this Section shall be sentenced to a minimum fine of \$500
15 or 50 hours of community service.

16 (d) This Section does not prohibit any lawfully
17 authorized investigative, protective, law enforcement or
18 other activity of any agency of the United States, State of
19 Illinois or any other state or political subdivision thereof.

20 (e) The Secretary of State may request the Attorney
21 General to seek a restraining order in the circuit court
22 against any person who violates paragraph 10 of subsection
23 (b) of this Section by advertising fraudulent identification
24 cards.

25 (Source: P.A. 91-357, eff. 7-29-99.)

26 Section 10. The Illinois Vehicle Code is amended by
27 changing Sections 6-301.1 and 6-301.2 as follows:

28 (625 ILCS 5/6-301.1) (from Ch. 95 1/2, par. 6-301.1)
29 Sec. 6-301.1. Fictitious or unlawfully altered driver's
30 license or permit.

31 (a) As used in this Section:

32 1. "A fictitious driver's license or permit" means

1 any issued license or permit for which a computerized
2 number and file have been created by the Secretary of
3 State or other official driver's license agency in
4 another jurisdiction which contains false information
5 concerning the identity of the individual issued the
6 license or permit;

7 2. "False information" means any information
8 concerning the name, sex, date of birth, social security
9 number or any photograph that falsifies all or in part
10 the actual identity of the individual issued the license
11 or permit;

12 3. "An unlawfully altered driver's license or
13 permit" means any issued license or permit for which a
14 computerized number and file have been created by the
15 Secretary of State or other official driver's license
16 agency in another jurisdiction which has been physically
17 altered or changed in such a manner that false
18 information appears upon the license or permit;

19 4. "A document capable of defrauding another"
20 includes, but is not limited to, any document by which
21 any right, obligation or power with reference to any
22 person or property may be created, transferred, altered
23 or terminated;

24 5. "An identification document" means any document
25 made or issued by or under the authority of the United
26 States Government, the State of Illinois or any other
27 state or political subdivision thereof, or any other
28 governmental or quasi-governmental organization which,
29 when completed with information concerning the
30 individual, is of a type intended or commonly accepted
31 for the purpose of identification of an individual.

32 (b) It is a violation of this Section for any person:

33 1. To knowingly possess any fictitious or
34 unlawfully altered driver's license or permit;

1 2. To knowingly possess, display or cause to be
2 displayed any fictitious or unlawfully altered driver's
3 license or permit for the purpose of obtaining any
4 account, credit, credit card or debit card from a bank,
5 financial institution or retail mercantile establishment;

6 3. To knowingly possess any fictitious or
7 unlawfully altered driver's license or permit with the
8 intent to commit a theft, deception or credit or debit
9 card fraud in violation of any law of this State or any
10 law of any other jurisdiction;

11 4. To knowingly possess any fictitious or
12 unlawfully altered driver's license or permit with the
13 intent to commit any other violation of any law of this
14 State or any law of any other jurisdiction for which a
15 sentence to a term of imprisonment in a penitentiary for
16 one year or more is provided;

17 5. To knowingly possess any fictitious or
18 unlawfully altered driver's license or permit while in
19 possession without authority of any document, instrument
20 or device capable of defrauding another;

21 6. To knowingly possess any fictitious or
22 unlawfully altered driver's license or permit with the
23 intent to use the license or permit to acquire any other
24 identification document;

25 7. To knowingly issue or assist in the issuance of
26 any fictitious driver's license or permit;

27 8. To knowingly alter or attempt to alter any
28 driver's license or permit;

29 9. To knowingly manufacture, possess, transfer or
30 provide any identification document whether real or
31 fictitious for the purpose of obtaining a fictitious
32 driver's license or permit.

33 (c) Sentence.

34 1. Any person convicted of a violation of paragraph

1 of subsection (b) of this Section shall be guilty of a
 2 Class A misdemeanor and shall be sentenced to minimum
 3 fine of \$500 or 50 hours of community service, preferably
 4 at an alcohol abuse prevention program, if available. A
 5 person convicted of a second or subsequent violation
 6 shall be guilty of a Class 4 felony.

7 2. Any person convicted of a violation of paragraph
 8 3 of subsection (b) of this Section who at the time of
 9 arrest had in his possession two or more fictitious or
 10 unlawfully altered driver's licenses or permits shall be
 11 guilty of a Class 4 felony.

12 3. Any person convicted of a violation of any of
 13 paragraphs 2 through 9 of subsection (b) of this
 14 Section shall be guilty of a Class 4 felony. A person
 15 convicted of a second or subsequent violation shall be
 16 guilty of a Class 3 felony.

17 4. A person convicted of a violation of paragraph 9
 18 of subsection (b) of this Section is guilty of a Class 3
 19 felony. A person convicted of a second or subsequent
 20 violation of paragraph 9 of subsection (b) of this
 21 Section is guilty of a Class 2 felony. A person
 22 convicted of a first or subsequent violation of paragraph
 23 9 of subsection (b) of this Section shall be sentenced to
 24 a minimum fine of \$500 or 50 hours of community service.

25 (d) This Section does not prohibit any lawfully
 26 authorized investigative, protective, law enforcement or
 27 other activity of any agency of the United States, State of
 28 Illinois or any other state or political subdivision thereof.
 29 (Source: P.A. 88-210.)

30 (625 ILCS 5/6-301.2) (from Ch. 95 1/2, par. 6-301.2)
 31 Sec. 6-301.2. Fraudulent driver's license or permit.

32 (a) (Blank).

33 (b) It is a violation of this Section for any person:

1 1. To knowingly possess any fraudulent driver's
2 license or permit;

3 2. To knowingly possess, display or cause to be
4 displayed any fraudulent driver's license or permit for
5 the purpose of obtaining any account, credit, credit card
6 or debit card from a bank, financial institution or
7 retail mercantile establishment;

8 3. To knowingly possess any fraudulent driver's
9 license or permit with the intent to commit a theft,
10 deception or credit or debit card fraud in violation of
11 any law of this State or any law of any other
12 jurisdiction;

13 4. To knowingly possess any fraudulent driver's
14 license or permit with the intent to commit any other
15 violation of any laws of this State or any law of any
16 other jurisdiction for which a sentence to a term of
17 imprisonment in a penitentiary for one year or more is
18 provided;

19 5. To knowingly possess any fraudulent driver's
20 license or permit while in unauthorized possession of any
21 document, instrument or device capable of defrauding
22 another;

23 6. To knowingly possess any fraudulent driver's
24 license or permit with the intent to use the license or
25 permit to acquire any other identification document;

26 7. To knowingly possess without authority any
27 driver's license-making or permit-making implement;

28 8. To knowingly possess any stolen driver's
29 license-making or permit-making implement;

30 9. To knowingly duplicate, manufacture, sell or
31 transfer any fraudulent driver's license or permit;

32 10. To advertise or distribute any information or
33 materials that promote the selling, giving, or furnishing
34 of a fraudulent driver's license or permit.

1 (c) Sentence.

2 1. Any person convicted of a violation of paragraph
3 1 of subsection (b) of this Section shall be guilty of a
4 Class 4 felony and shall be sentenced to a minimum fine
5 of \$500 or 50 hours of community service, preferably at
6 an alcohol abuse prevention program, if available.

7 2. Any person convicted of a violation of any of
8 paragraphs 2 through 8 9 of subsection (b) of this
9 Section shall be guilty of a Class 4 felony. A person
10 convicted of a second or subsequent violation shall be
11 guilty of a Class 3 felony.

12 2.1. A person convicted of a violation of paragraph
13 9 of subsection (b) of this Section is guilty of a Class
14 3 felony. A person convicted of a second or subsequent
15 violation of paragraph 9 of subsection (b) of this
16 Section is guilty of a Class 2 felony. A person
17 convicted of a first or subsequent violation of paragraph
18 9 of subsection (b) of this Section shall be sentenced to
19 a minimum fine of \$500 or 50 hours of community service.

20 3. Any person convicted of a violation of paragraph
21 10 of subsection (b) of this Section shall be guilty of a
22 Class A B misdemeanor. A person convicted of a first or
23 subsequent violation of paragraph 10 of subsection (b) of
24 this Section shall be sentenced to a minimum fine of \$500
25 or 50 hours of community service.

26 (d) This Section does not prohibit any lawfully
27 authorized investigative, protective, law enforcement or
28 other activity of any agency of the United States, State of
29 Illinois or any other state or political subdivision thereof.

30 (e) The Secretary may request the Attorney General to
31 seek a restraining order in the circuit court against any
32 person who violates this Section by advertising fraudulent
33 driver's licenses or permits.

34 (Source: P.A. 89-283, eff. 1-1-96; 90-89, eff. 1-1-98;

1 90-191, eff. 1-1-98; 90-655, eff. 7-30-98.)