

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 Criminal Code of 1961 is amended by
5 changing Section 17-1 as follows:

6 (720 ILCS 5/17-1) (from Ch. 38, par. 17-1)

7 Sec. 17-1. Deceptive practices. (A) As used in this
8 Section:

9 (i) A financial institution means any bank, savings and
10 loan association, credit union, or other depository of money,
11 or medium of savings and collective investment.

12 (ii) An account holder is any person, having a checking
13 account or savings account in a financial institution.

14 (iii) To act with the "intent to defraud" means to act
15 wilfully, and with the specific intent to deceive or cheat,
16 for the purpose of causing financial loss to another, or to
17 bring some financial gain to oneself. It is not necessary to
18 establish that any person was actually defrauded or deceived.

19 (B) General Deception

20 A person commits a deceptive practice when, with intent to
21 defraud:

22 (a) He causes another, by deception or threat to execute
23 a document disposing of property or a document by which a
24 pecuniary obligation is incurred, or

25 (b) Being an officer, manager or other person
26 participating in the direction of a financial institution, he
27 knowingly receives or permits the receipt of a deposit or
28 other investment, knowing that the institution is insolvent,
29 or

30 (c) He knowingly makes or directs another to make a
31 false or deceptive statement addressed to the public for the

1 purpose of promoting the sale of property or services, or
2 (d) With intent to obtain control over property or to
3 pay for property, labor or services of another, or in
4 satisfaction of an obligation for payment of tax under the
5 Retailers' Occupation Tax Act or any other tax due to the
6 State of Illinois, he issues or delivers a check or other
7 order upon a real or fictitious depository for the payment of
8 money, knowing that it will not be paid by the depository.
9 Failure to have sufficient funds or credit with the
10 depository when the check or other order is issued or
11 delivered, or when such check or other order is presented for
12 payment and dishonored on each of 2 occasions at least 7 days
13 apart, is prima facie evidence that the offender knows that
14 it will not be paid by the depository, and that he has the
15 intent to defraud.

16 (e) He issues or delivers a check or other order upon a
17 real or fictitious depository in an amount exceeding \$150 in
18 payment of an amount owed on any credit transaction for
19 property, labor or services, or in payment of the entire
20 amount owed on any credit transaction for property, labor or
21 services, knowing that it will not be paid by the depository,
22 and thereafter fails to provide funds or credit with the
23 depository in the face amount of the check or order within
24 seven days of receiving actual notice from the depository or
25 payee of the dishonor of the check or order.

26 Sentence.

27 A person convicted of deceptive practice under paragraphs
28 (a) through (e) of this subsection (B), except as otherwise
29 provided by this Section, is guilty of a Class A misdemeanor.

30 A person convicted of a deceptive practice in violation
31 of paragraph (d) a second or subsequent time shall be guilty
32 of a Class 4 felony.

33 A person convicted of deceptive practices in violation of
34 paragraph (d), when the value of the property so obtained, in

1 a single transaction, or in separate transactions within a 90
2 day period, exceeds \$150, shall be guilty of a Class 4
3 felony. In the case of a prosecution for separate
4 transactions totaling more than \$150 within a 90 day period,
5 such separate transactions shall be alleged in a single
6 charge and provided in a single prosecution.

7 (C) Deception on a Bank or Other Financial Institution
8 False Statements

9 1) Any person who, with the intent to defraud, makes or
10 causes to be made, any false statement in writing in order to
11 obtain an account with a bank or other financial institution,
12 or to obtain credit from a bank or other financial
13 institution, knowing such writing to be false, and with the
14 intent that it be relied upon, is guilty of a Class A
15 misdemeanor.

16 For purposes of this subsection (C), a false statement
17 shall mean any false statement representing identity,
18 address, or employment, or the identity, address or
19 employment of any person, firm or corporation.

20 Possession of Stolen or Fraudulently Obtained Checks

21 2) Any person who possesses, with the intent to obtain
22 access to funds of another person held in a real or
23 fictitious deposit account at a financial institution, makes
24 a false statement or a misrepresentation to the financial
25 institution, or possesses, transfers, negotiates, or presents
26 for payment a check, draft, or other item purported to direct
27 the financial institution to withdraw or pay funds out of the
28 account holder's deposit account with knowledge that such
29 possession, transfer, negotiation, or presentment is not
30 authorized by the account holder or the issuing financial
31 institution is guilty of a Class A misdemeanor. A person
32 shall be deemed to have been authorized to possess, transfer,
33 negotiate, or present for payment such item if the person was
34 otherwise entitled by law to withdraw or recover funds from

1 the account in question and followed the requisite procedures
 2 under the law. In the event that the account holder, upon
 3 discovery of the withdrawal or payment, claims that the
 4 withdrawal or payment was not authorized, the financial
 5 institution may require the account holder to submit an
 6 affidavit to that effect on a form satisfactory to the
 7 financial institution before the financial institution may be
 8 required to credit the account in an amount equal to the
 9 amount or amounts that were withdrawn or paid without
 10 authorization. Any--person-who-possesses,-with-the-intent-to
 11 defraud,-any-check-or-order-for-the-payment-of-money,-upon--a
 12 real--or--fictitious--account,-without--the--consent--of-the
 13 account-holder,-or--the--issuing--financial--institution,-is
 14 guilty-of-a-Class-A-misdemeanor.

15 Any person who, within any 12 month period, violates this
 16 Section with respect to 3 or more checks or orders for the
 17 payment of money at the same time or consecutively, each the
 18 property of a different account holder or financial
 19 institution, is guilty of a Class 4 felony.

20 3) Possession of Implements of Check Fraud. Any person
 21 who possesses, with the intent to defraud, and without the
 22 authority of the account holder or financial institution any
 23 check imprinter, signature imprinter, or "certified" stamp is
 24 guilty of a Class A misdemeanor.

25 A person who within any 12 month period violates this
 26 subsection (C) as to possession of 3 or more such devices at
 27 the same time or consecutively, is guilty of a Class 4
 28 felony.

29 Possession of Identification Card

30 4) Any person, who with the intent to defraud, possesses
 31 any check guarantee card or key card or identification card
 32 for cash dispensing machines without the authority of the
 33 account holder or financial institution, is guilty of a Class
 34 A misdemeanor.

1 A person who, within any 12 month period, violates this
2 Section at the same time or consecutively with respect to 3
3 or more cards, each the property of different account
4 holders, is guilty of a class 4 felony.

5 A person convicted under this Section, when the value of
6 property so obtained, in a single transaction, or in separate
7 transactions within any 90 day period, exceeds \$150 shall be
8 guilty of a Class 4 felony.

9 (Source: P.A. 84-897.)