

1 AN ACT concerning fraud.

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

4 Section 5. The Consumer Fraud and Deceptive Business
5 Practices Act is amended by adding Section 2MM as follows:

6 (815 ILCS 505/2MM new)

7 Sec. 2MM. Disbursing or obtaining funds by means of
8 temporary check.

9 (a) As used in this Section:

10 "Financial institution" has the meaning ascribed to that
11 term in the Check Printer and Check Number Act.

12 "Temporary check" means a writing that complies with the
13 requirements of Section 3-104 of the Uniform Commercial Code
14 but that has not been imprinted by a person who sells checks
15 for use by account holders with a check number, an account
16 number, or bank routing code.

17 (b) It is an unlawful practice for any person to obtain
18 funds from the account of another by use of a temporary check
19 unless the account holder provides to the person a number
20 identifying the sequence in which the temporary check was
21 issued upon the account.

22 (c) It is an unlawful practice for a financial
23 institution to disburse funds from the account of an account
24 holder pursuant to a temporary check unless the account
25 holder has assigned a number identifying the sequence in
26 which the temporary check was issued upon the account.

27 (d) A person who knowingly violates subsection (b) of
28 this Section is guilty of a Class A misdemeanor. A person
29 convicted of a subsequent violation of subsection (b) of this
30 Section is guilty of a Class 4 felony.

31 A financial institution that violates subsection (c) of

1 this Section commits a business offense and may be fined not
2 more than \$5,000 for a first offense and not more than
3 \$10,000 for a subsequent offense.