

## **15 ILCS 335/ 14(a)(1)**

### UNLAWFUL USE OF IDENTIFICATION CARD

**In violation of SECTION 14(a)(1) of ACT 335 of CHAPTER 15 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly<sup>1</sup> possessed<sup>2</sup> a revoked<sup>3</sup> identification card.**

<sup>1</sup>or intentionally or recklessly; <sup>2</sup>or displayed or caused to be displayed; <sup>3</sup>or canceled

**NOTE:** We are aware of no case law concerning whether this is an absolute liability offense. However, the case of People v. VanCura (1977), 7 Ill. Dec. 403, held that the offense of the unlawful use of an Illinois driver's license was such an offense.

**NOTE:** (1) "A fictitious identification card" means any issued identification card for which a computerized number and file have been created by the Secretary of State, the United States Government, any other state or political subdivision thereof, or any governmental or quasi-governmental organization that contains false information concerning the identity of the individual issued the identification card. (15 ILCS 335/14A(a)(1)) (2) "False information" means: (A) Any information concerning an individual's legal name, address, sex, date of birth, or social security number that (i) falsifies all or in part the actual identity of the individual issued the identification card, (ii) in the case of information concerning an address, is information concerning a non-existent address that is used to obtain the identification card, or (iii) is any combination of items (i) and (ii) of this subparagraph (A); (B) Any photograph that falsifies all or in part the actual identity of the individual issued the identification card. (15 ILCS 335/14A(a)(2)); (3) "An unlawfully altered identification card" means any issued identification card for which a computerized number and file have been created by the Secretary of State, the United States Government, any other state or political subdivision thereof, or any governmental or quasi-governmental organization that has been physically altered or changed in such a manner that false information appears upon the identification card. (15 ILCS 335/14A(a)(3)); (4) "A document capable of defrauding another" includes, but is not limited to, any document by which any right, obligation, or power with reference to any person or property may be created, transferred, altered, or terminated. (15 ILCS 335/14A(a)(4)); (5) An "identification document" or "identification card" means any document made or issued by or under the authority of the United States Government, the State of Illinois, or any other state or political subdivision thereof, or any other governmental or quasi-governmental organization which, when completed with information concerning the individual, is of a type intended or commonly accepted for the purpose of identification of an individual. (15 ILCS 335/14A(a)(5)).

**NOTE:** The following are alternative methods of violating Section 14(a): (2) To display or represent as the defendant's own any identification card issued to another; (3) To allow any unlawful use of an identification card issued to the person; (4) To lend an identification card to another person or knowingly allow the use thereof by another; (5) To fail or refuse to surrender to the Secretary of State, the Secretary's agent or any peace officer upon lawful demand, any identification card which has been revoked or canceled; (6) To possess, use, or allow to be used any materials, hardware, or software specifically designed for or primarily used in the manufacture, assembly, issuance, or authentication of an official Illinois Identification Card or

Illinois Disabled Person Identification Card issued by the Secretary of State; (7) To knowingly possess, use, or allow to be used a stolen identification card-making implement.

**NOTE:** See Appendix B for discussion of necessity of alleging mental state.

**CHARGING NOTE:** A second or subsequent offense is a Class 4 felony. The charging instrument must state prior conviction. See Appendix A for discussion.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**Legislative History:** Created - P.A. 79-1161 (July 1, 1977); Amended - P.A. 81-307, 82-999, 83-1421, 85-302, 85-309, 86-503, 86-555, 86-1028, 88-210, 89-283, 93-667 and 93-895.

**CHARGE:** Misdemeanor (Class A)

**BOND:** \$1,500

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## **15 ILCS 335/ 14A(b)(1)**

### UNLAWFUL FICTITIOUS<sup>1</sup> IDENTIFICATION CARD

In violation of SECTION 14A(b)(1) of ACT 335 of CHAPTER 15 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly possessed<sup>1</sup> a fictitious<sup>2</sup> identification card in that said card contained a false birth date of the defendant<sup>3</sup>.

<sup>1</sup>or displayed or caused to be displayed; <sup>2</sup>or an unlawfully altered; <sup>3</sup>or any false information concerning the identity of the person issued the identification card

**NOTE:** The following are alternative methods of violating Section 14A(b); 2. To knowingly possess, display or cause to be displayed any fictitious or unlawfully altered identification card for the purpose of obtaining any account, credit, credit card or debit card from a bank, financial institution or retail mercantile establishment; 3. To knowingly possess any fictitious or unlawfully altered identification card with the intent to commit theft, deception or credit or debit card fraud in violation of any law of this State or any law of any other jurisdiction; 4. To knowingly possess any fictitious or unlawfully altered identification card with the intent to commit any other violation of any law of this State or any law of any other jurisdiction for which a sentence to a term of imprisonment in a penitentiary for one year or more is provided; 5. To knowingly possess any fictitious or unlawfully altered identification card while in unauthorized possession of any document, instrument or device capable of defrauding another; 6. To knowingly possess any fictitious or unlawfully altered identification card with the intent to use the identification card to acquire any other identification document; 7. To knowingly issue or assist in the issuance of any fictitious identification card; 8. To knowingly alter or attempt to alter any identification card; 9. To knowingly manufacture, possess, transfer or provide any identification document, whether real or fictitious, for the purpose of obtaining a fictitious identification card; 10. To make application for the purpose of obtaining a fictitious

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

**NOTE:** (1) "A fictitious identification card" means any issued identification card for which a computerized number and file have been created by the Secretary of State, the United States Government, any other state or political subdivision thereof, or any governmental or quasi-governmental organization that contains false information concerning the identity of the individual issued the identification card. (15 ILCS 335/14A(a)(1)) (2) "False information" means: (A) Any information concerning an individual's legal name, address, sex, date of birth, or social security number that (i) falsifies all or in part the actual identity of the individual issued the identification card, (ii) in the case of information concerning an address, is information concerning a non-existent address that is used to obtain the identification card, or (iii) is any combination of items (i) and (ii) of this subparagraph(A); (B) Any photograph that falsifies all or in part the actual identity of the individual issued the identification card. (15 ILCS 335/14A(a)(2)); (3) "An unlawfully altered identification card" means any issued identification card for which a computerized number and file have been created by the Secretary of State, the United States Government, any other state or political subdivision thereof, or any governmental or quasi-governmental organization that has been physically altered or changed in such a manner that false information appears upon the identification card. (15 ILCS 335/14A(a)(3)); (4) "A document capable of defrauding another" includes, but is not limited to, any document by which any right, obligation, or power with reference to any person or property may be created, transferred, altered, or terminated. (15 ILCS 335/14A(a)(4)); (5) An "identification document" or "identification card" means any document made or issued by or under the authority of the United States Government, the State of Illinois, or any other state or political subdivision thereof, or any other governmental or quasi-governmental organization which, when completed with information concerning the individual, is of a type intended or commonly accepted for the purpose of identification of an individual. (15 ILCS 335/14A(a)(5)).

**CHARGING AND SENTENCING NOTE:** A second or subsequent offense is a Class 3 felony and shall be sentenced to a minimum fine of \$500 or 50 hours of community service, preferably at an alcohol abuse prevention program, if available.. The charging instrument must state prior conviction. See [Appendix A](#) for discussion.

**IMPORTANT:** For sentencing and alternative charging information see the [Sentencing Guide](#).

**Legislative History:** Created - P.A. 86-503 (Eff. 9-1-89); Amended - 88-210, 89-283, 90-220, 93-895 and 96-1120.

**CHARGE:** Felony (Class 4)

**BOND:** Must be Set by Judge

## **15 ILCS 335/ 14B(b)(1)**

### UNLAWFUL POSSESSION OF A FRAUDULENT IDENTIFICATION CARD

**In violation of SECTION 14B(b)(1) of ACT 335 of CHAPTER 15 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly possessed<sup>1</sup> a fraudulent identification card.**

<sup>1</sup>or displayed or caused to be displayed

**NOTE:** (1) The following are alternative methods of violating Section 14B(b): (2) To knowingly possess, display or cause to be displayed any fraudulent identification card for the purpose of obtaining any account, credit, credit card or debit card from a bank, financial institution or retail mercantile establishment; (3) To knowingly possess any fraudulent identification card with the intent to commit a theft, deception or credit or debit card fraud in violation of any law of this State or any law of any other jurisdiction; (4) To knowingly possess any fraudulent identification card with the intent to commit any other violation of any law of this State or any law of any other jurisdiction for which a sentence to a term of imprisonment in a penitentiary for one year or more is provided; (5) To knowingly possess any fraudulent identification card while in unauthorized possession of any document, instrument or device capable of defrauding another; (6) To knowingly possess any fraudulent identification card with the intent to use the identification card to acquire any other identification document; (7) To knowingly possess without authority any identification card making implement; (8) To knowingly possess any stolen identification card making implement; (9) To knowingly duplicate, manufacture, sell or transfer any fraudulent identification card; (10) To advertise or distribute any information or materials that promotes the selling, giving, or furnishing of a fraudulent identification card.

**NOTE:** When possession is the essence of the offense, knowledge is the mental state that must be alleged. People v. Smith (1960), 20 Ill. 2d 345 and People v. Farmer (1995), 165 Ill. 2d 194.

**NOTE:** (1) "A fictitious identification card" means any issued identification card for which a computerized number and file have been created by the Secretary of State, the United States Government, any other state or political subdivision thereof, or any governmental or quasi-governmental organization that contains false information concerning the identity of the individual issued the identification card. (15 ILCS 335/14A(a)(1)) (2) "False information" means: (A) Any information concerning an individual's legal name, address, sex, date of birth, or social security number that (i) falsifies all or in part the actual identity of the individual issued the identification card, (ii) in the case of information concerning an address, is information concerning a non-existent address that is used to obtain the identification card, or (iii) is any combination of items (i) and (ii) of this subparagraph(A); (B) Any photograph that falsifies all or in part the actual identity of the individual issued the identification card. (15 ILCS 335/14A(a)(2)); (3) "An unlawfully altered identification card" means any issued identification card for which a computerized number and file have been created by the Secretary of State, the United States Government, any other state or political subdivision thereof, or any governmental or quasi-governmental organization that has been physically altered or changed in such a manner

that false information appears upon the identification card. (15 ILCS 335/14A(a)(3)); (4) "A document capable of defrauding another" includes, but is not limited to, any document by which any right, obligation, or power with reference to any person or property may be created, transferred, altered, or terminated. (15 ILCS 335/14A(a)(4)); (5) An "identification document" or "identification card" means any document made or issued by or under the authority of the United States Government, the State of Illinois, or any other state or political subdivision thereof, or any other governmental or quasi-governmental organization which, when completed with information concerning the individual, is of a type intended or commonly accepted for the purpose of identification of an individual. (15 ILCS 335/14A(a)(5)).

**CHARGING AND SENTENCING NOTE:** Any person convicted of a violation of paragraph 1 of subsection (b) of this Section shall be guilty of a Class 4 felony and shall be sentenced to a minimum fine of \$500 or 50 hours of community service, preferably at an alcohol abuse prevention program, if available. Any person convicted of a violation of any of paragraphs 2 through 9 of subsection (b) of this Section shall be guilty of a Class 3 felony. A person convicted of a second or subsequent violation shall be guilty of a Class 2 felony. Any person who violates paragraph 10 of subsection (b) of this Section is guilty of a Class A misdemeanor.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**CONSTITUTIONALITY:** The constitutionality of this section was upheld in People v. Pizano, 347 Ill. App. 3d 128 (1st Dist. No. 1-01-4277, March 4, 2004).

**Legislative History:** Created - P.A. 86-503 (Eff. 9-1-89); Amended - 86-1028, 88-210, 89-283, 91-357, 93-895 and 94-701.

**CHARGE:** Felony (Class 4)

**BOND:** Must be Set by Judge

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## **15 ILCS 335/ 14C(a)(1)**

### MAKING FALSE APPLICATION OR AFFIDAVIT

In violation of SECTION 14C(a)(1) of ACT 335 of CHAPTER 15 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), presented<sup>1</sup> an application<sup>2</sup> for an Illinois identification card<sup>3</sup> knowing that said application contained a false birth date<sup>4</sup> of the defendant.

<sup>1</sup>or displayed; <sup>2</sup>or any document; <sup>3</sup>or an Illinois Disabled Person identification card;

<sup>4</sup>or any false information concerning the identity of defendant

**NOTE:** This offense may also be committed by the following: (a) (2) accepting or allowing to be accepted any document displayed or presented for the purpose of making application for an Illinois identification card or Illinois Disabled Person identification card knowing that such document contained false information concerning the identity of the applicant or; (a) (3) knowingly making a false affidavit or swearing or affirming falsely concerning any matter or thing required by the terms of this Act to be sworn or affirmed. (Chapter 15, Sections 14C(a)(2) and 14C(a)(3))

**CHARGING NOTE:** A second or subsequent offense is a Class 3 felony. The charging instrument must state prior conviction. See Appendix A for discussion.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**Legislative History:** Created - P.A. 86-503 (Eff. 9-1-89). Amended: P.A. 93-895.

**CHARGE:** Felony (Class 4)

**BOND:** Must be Set by Judge

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## **20 ILCS 2635/ 18(B)**

### UNLAWFUL DISSEMINATION OF INACCURATE CONVICTION INFORMATION

In violation of SECTION 18(B) of ACT 2635 of CHAPTER 20 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), intentionally and knowingly disseminated inaccurate<sup>1</sup> conviction information concerning Sam Smith in that (describe the inaccurate or incomplete information).

<sup>1</sup>or incomplete

**NOTE:** This offense may also be committed by intentionally and knowingly: (A) requesting, obtaining, or seeking to obtain conviction information under false pretenses, or (B) failing to disseminate or make public conviction information as required under the Illinois Uniform Conviction Information Act, or (C) failing to correct or update a conviction record after it is determined by audit, by individual review and challenge procedures, or by other verifiable means to be inaccurate or incomplete for the purpose of causing harm to the individual named in the request or to whom the information pertains, or (D) violating any other provision of this Act.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**Legislative History:** Created - P.A. 85-922. (January 1, 1991)

**CHARGE:** Misdemeanor (Class A)

**BOND:** \$1,500

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## **205 ILCS 205/ 11008a**

### UNLAWFUL PARTICIPATION IN CONDUCT OF AFFAIRS OF A SAVINGS BANK

**In violation of SECTION 11008a of ACT 205 of CHAPTER 205 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), a person who has been convicted of the offense of forgery,<sup>1</sup> participated directly<sup>2</sup> in the conduct of the affairs of the Union City Savings Bank<sup>3</sup> in that said defendant (describe manner in which defendant participated in the conduct of the affairs of the savings bank).**

<sup>1</sup>or any criminal offense involving dishonesty or a breach of trust; <sup>2</sup>or indirectly; <sup>3</sup>any savings bank

**NOTE:** Additionally, no such person may receive benefit, directly or indirectly, from such savings bank or own or control, directly or indirectly, more than 0.001% of the capital stock of such savings bank.

**CHARGING AND SENTENCING NOTE:** A person who violates this statute may be fined not more than \$10,000 for each day of violation. It is also a Class 3 felony for a savings bank to permit participation in the conduct of its affairs by a person who has been convicted of any criminal offense involving dishonesty or a breach of trust. (205 ILCS 205/11008(b)) See Sentencing Guide.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**Legislative History:** Created - P.A. 86-1213 (August 30, 1990). Amended: P.A. 91-97 and 92-483.

**CHARGE:** Felony (Class 3)

**BOND:** Must be Set by Judge

## **205 ILCS 685/ 7(a)(3)**

### UNLAWFUL STRUCTURING OF A CURRENCY TRANSACTION

**In violation of SECTION 7(a)(3) of ACT 685 of CHAPTER 205 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name),<sup>1</sup> for the purpose of evading the reporting requirements of the Currency Reporting Act, knowingly<sup>2</sup> conducted<sup>3</sup> a transaction in currency<sup>4</sup> in the amount of \$5,000<sup>5</sup> at the Union City Bank<sup>6</sup> in that said defendant (describe defendant's actions in conducting the transaction).<sup>7</sup>**

<sup>1</sup>either alone or in conjunction with or on behalf of other persons; <sup>2</sup>or intentionally or recklessly; <sup>3</sup>or attempted to conduct or assisted in conducting; <sup>4</sup>or cashier's checks, money orders or traveler's checks; <sup>5</sup>in any amount; <sup>6</sup>at one or more financial institutions; <sup>7</sup> defendants actions may be conducted on one or more days and may be made in any manner

**NOTE:** A person may also violate the Currency Reporting Act: (a)(1) Causing or attempting to cause a financial institution to fail to file a report or make a record required under this Act; or (a)(2) Causing or attempting to cause a financial institution to fail to file a report or make a record required under this Act that contains a material omission or misstatement of fact; or (a)(3) Structuring, assisting in structuring, or attempting to structure or assist in structuring any transaction with one or more financial institutions. (A person structures a transaction if he or she: (1) acting alone, or in conjunction with or on behalf of other persons; (2) conducts, attempts to conduct, or assists in conducting; (3) one or more transactions in currency, cashier's checks, money orders or traveler's checks; (4) in any amount; (5) at one or more financial institutions; (6) on one or more days; (7) in any manner; (8) for the purpose of evading the reporting requirements of this Act.)

**NOTE:** See Appendix B for discussion of necessity of alleging mental state.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**Legislative History:** Created - P.A. 87-619 (September 18, 1991).

**CHARGE:** Felony (Class 2)

**BOND:** Must be Set by Judge

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## **225 ILCS 460/ 19**

### UNLAWFUL USE<sup>2</sup> OF CHARITABLE TRUST FUNDS

In violation of SECTION 19 of ACT 460 of CHAPTER 225 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of     , defendant, (defendant's name), a person without lawful authority,<sup>1</sup> intentionally caused the use<sup>2</sup> of the charitable trust funds of Don Smith over which the defendant was a fiduciary, to be used<sup>3</sup> for the defendant's personal benefit<sup>4</sup> in an amount in excess of \$1,000 within a 3-year period.

<sup>1</sup>or a trustee; <sup>2</sup>or disbursement; <sup>3</sup>or disbursed; <sup>4</sup>or for his own personal use

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**SENTENCING NOTE:** One who violates this section is subject to civil punitive damages up to or equal to the amount used and a civil penalty fine of up to \$50,000 for each intentional violation.



**Legislative History:** Created - P.A. 87-755 (January 1, 1992).

**CHARGE:** Felony (Class 2)

**BOND:** Must be Set by Judge

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**235 ILCS 5/ 6-16(a)(i)**

UNLAWFUL SALE OF ALCOHOLIC LIQUOR  
TO A MINOR

In violation of SECTION 6-16(a)(i) of ACT 5 of CHAPTER 235 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant’s name), an employee<sup>1</sup> of Steve Black, who is licensed to sell alcoholic liquor, knowingly<sup>2</sup> sold<sup>3</sup> an alcoholic liquor, Old Cow Whiskey, to Don Smith, a person under the age of 21 years.<sup>4</sup>

<sup>1</sup>or a licensee, an associate, an officer, a member, a representative, or an agent of such licensee; <sup>2</sup>or intentionally or recklessly; <sup>3</sup>or gave or delivered; <sup>4</sup>or to any intoxicated person

**NOTE:** See Appendix B for discussion of necessity of alleging mental state.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**Legislative History:** Created - Laws 1933 & 1934, p.57 (January 31, 1934); Amended - Laws 1951, p.1557; Laws 1953, p.1182; Laws 1961, p.2479; Laws 1963, p.2529; P.A.s 77-2410, 78-26, 78-630, 78-1297, 81-212, 82-783, 83-706, 83-834, 83-1362,-84-272, 84-1379, 86-1196, 87-1253, 88-213, 88-613, 89-250, 90-355, 90-432, 90-655, 90-739, 92-380, 92-503, 92-507, 92-651, 92-687 & 95-563.

**CHARGE:** Misdemeanor (Class A)

**BOND:** \$1,500

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**235 ILCS 5/ 6-16(a)(iii)**

UNLAWFUL DELIVERY OF ALCOHOLIC LIQUOR  
TO A MINOR

In violation of SECTION 6-16(a)(iii) of ACT 5 of CHAPTER 235 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant’s name), after purchasing<sup>1</sup> alcoholic liquor, a quart of Old Cow Whiskey, knowingly<sup>2</sup> gave<sup>3</sup> the alcoholic liquor to Don Smith, a person under the age of 21 years.

<sup>1</sup>or otherwise obtaining; <sup>2</sup>or intentionally or recklessly; <sup>3</sup>or sold or delivered

**NOTE:** See Appendix B for discussion of necessity of alleging mental state.

**CHARGING AND SENTENCING NOTE:** It is a Class 4 felony for a person to commit a violation of this subsection if a death occurs as the result of that violation. The sentence of a person who is convicted of violating this subsection shall include, but shall not be limited to, a fine of not less than \$500 for a first offense and not less than \$2,000 for a second or subsequent offense. The charging instrument must state prior conviction. See Appendix A and the Sentencing Guide.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

**235 ILCS 5/ 6-16(a)(iii)**

UNLAWFUL SALE OF FRAUDULENT IDENTIFICATION CARD

In violation of **SECTION 6-16(a)(iii)** of ACT 5 of CHAPTER 235 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly and unlawfully sold<sup>1</sup> to Don Smith, a person under the age of 21 years, a printed<sup>2</sup> card, being an Illinois driver's license, containing fraudulent<sup>3</sup> evidence of the age and identity of Don Smith in that the driver's license indicated Don Smith's birth date to be June 2, 1982.

(OR)

knowingly and unlawfully sold<sup>1</sup> to Don Smith, a person under the age of 21 years, an Illinois driver's license of Tom White<sup>4</sup> containing evidence of the age and identity of Tom White.

<sup>1</sup>or gave or furnished; <sup>2</sup>or any written or photo-static evidence of age and identity; <sup>3</sup>or false; <sup>4</sup>any person

**NOTE:** See "Note" on prior page for information concerning mandatory fine.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

CHARGE: Misdemeanor (Class A)

BOND: \$1,500

## **235 ILCS 5/ 6-16(a)(iii)**

### UNLAWFUL POSSESSION OF FRAUDULENT IDENTIFICATION CARD

In violation of SECTION 6-16(a)(iii) of ACT 5 of CHAPTER 235 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), a person under the age of 21 years, knowingly and unlawfully presented<sup>1</sup> to Don Smith, a person licensed<sup>2</sup> to sell alcoholic liquor in the State of Illinois, a printed<sup>3</sup> card evidencing his age and identity, being a gun registration card which indicated Steve Black's birth date to be January 1, 1982, which card was false<sup>4</sup> for the purpose of purchasing<sup>5</sup> an alcoholic liquor, Spitz beer;

(OR)

a person under the age of 21 knowingly and unlawfully had in his possession a printed<sup>3</sup> card as evidence of his age and identity, being a gun registration card, which was false<sup>4</sup> in that it indicated Steve Black's birth date to be January 1, 1982.

<sup>1</sup>or offered; <sup>2</sup>or his agent, or employee; <sup>3</sup>or written or photo static; <sup>4</sup>or fraudulent or not actually his own; <sup>5</sup>or ordering or attempting to purchase or otherwise procure or attempt to procure the serving of any alcoholic liquor

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**CHARGE:** Misdemeanor (Class A)

**BOND:** \$1,500

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## **235 ILCS 5/ 6-16(a)(iii)**

### UNLAWFUL POSSESSION OF AN ALCOHOLIC BEVERAGE BY A MINOR

In violation of SECTION 6-16(a)(iii) of ACT 5 of CHAPTER 235 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), a person under the age of 21 years, knowingly possessed an alcoholic beverage, a quart of Old Cow Whiskey, while in the Union City Central Park, a public place.<sup>1</sup>

<sup>1</sup>or on any street or highway or in any public place or in any place open to the public

**NOTE:** This Section does not apply to possession by a person under the age of 21 years while that person is making a delivery of an alcoholic beverage in pursuance of the order of his or her parent or in pursuance of his or her employment.

**NOTE:** When possession is the essence of the offense, knowledge is the mental state that must be alleged. People v. Smith (1960), 20 Ill. 2d 345 and People v. Farmer (1995), 165 Ill. 2d 194.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**CHARGE:** Misdemeanor (Class A)

**BOND:** \$1,500

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**235 ILCS 5/ 6-16(a-1)**

PERMITTING A VIOLATION OF LIQUOR CONTROL ACT

In violation of SECTION 6-16(a-1) of ACT 5 of CHAPTER 235 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), the parent<sup>1</sup> of Don Smith, knowingly permitted his residence at 777 West State Street, Union City, Illinois<sup>2</sup>, to be used by Steve Black, an 18-year-old<sup>3</sup> invitee of Don Smith, in a manner that constitutes a violation of Section 6-16 of Act 5 of Chapter 235 of the Illinois Compiled Statutes in that (describe the statutory violation).

<sup>1</sup>or guardian; <sup>2</sup>or any other private property under his or her control, or any vehicle, conveyance, or watercraft under his or her control; <sup>3</sup>the invitee must be under 21 years of age

**PERMISSIVE INFERENCE:** For the purposes of this subsection (a-1) where the residence or other property has an owner and a tenant or lessee, the trier of fact may infer that the residence or other property is occupied only by the tenant or lessee.

**NOTE:** A parent or guardian is deemed to have knowingly permitted his or her residence, any other private property under his or her control, or any vehicle, conveyance, or watercraft under his or her control to be used in violation of this Section if he or she knowingly authorized, enabled or permitted consumption of alcoholic liquor by underage invitees.

**CHARGING AND SENTENCING NOTE:** Any person who violates this subsection (a-1) is guilty of a Class A misdemeanor and the person's sentence shall include, but shall not be limited to, a fine of not less than \$500. Where a violation of this subsection (a-1) directly or indirectly results in great bodily harm or death to any person, the person violating this subsection shall be guilty of a Class 4 felony.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**Legislative History:** This subsection was amended by Public Acts: 98-1017. Eff: 1-1-15.

**CHARGE:** Misdemeanor (Class A)

**BOND:** \$1,500

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## **235 ILCS 5/ 6-16(c)**

### UNLAWFULLY PERMITTING A MINOR TO BECOME INTOXICATED

**In violation of SECTION 6-16(c) of ACT 5 of CHAPTER 235 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly permitted a gathering of two or more persons at a residence the defendant occupied at 123 May Street in Union City, Illinois, and that at the residence one or more of those persons was under 21 years of age, that the defendant knew Don Smith, a person under 21 years of age, was consuming<sup>1</sup> an alcoholic beverage, that Don Smith was not otherwise permitted by the Liquor Control Act to consume such an alcoholic beverage, and that the defendant knew that Don Smith left the defendant's residence in an intoxicated condition.**

<sup>1</sup>or possessing

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**WARNING:** This subsection has been declared to be unconstitutional in People v. Law, 202 Ill. 2d 578, 782 N. E. 2d 247, 270 Ill. Dec. 53 (Ill. Sup. Ct., No. 93389, December 5, 2002)

**CHARGE:** Misdemeanor (Class A)

**BOND:** \$1,500

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## **235 ILCS 5/ 6-20(e)**

### UNLAWFUL CONSUMPTION<sup>1</sup> OF ALCOHOLIC LIQUOR

**In violation of SECTION 6-20(e) of ACT 5 of CHAPTER 235 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), a person under 21 years of age, knowingly<sup>2</sup> consumed<sup>3</sup> an alcoholic liquor.**

<sup>1</sup>or possession (found in subsection (d) of this Section); <sup>2</sup>or intentionally or recklessly;  
<sup>3</sup>or possessed

**NOTE:** "Alcoholic liquor" includes alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by a human being. (235 ILCS 5/1-3.05)

**NOTE:** See Appendix B for discussion of necessity of alleging mental state.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**Legislative History:** Created - Laws 1955 (Eff: 7-1-55); Amended by Laws - 1963, Laws - 1965, Laws - 1967, P.As. 77-2410, 78-26, 81-212, 82-783, 83-834, 90-432, 95-166 & 95-355.

**CHARGE:** Misdemeanor (Class A)

**BOND:** \$1,500

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## **235 ILCS 5/ 10-1(a)**

### UNLAWFUL SALE OF ALCOHOLIC LIQUOR

In violation of SECTION 10-1(a) of ACT 5 of CHAPTER 235 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly<sup>1</sup> sold<sup>2</sup> alcoholic liquor at the Do-Drop-Inn Tavern located in Union City, Illinois<sup>3</sup> to Don Smith without first having obtained a valid license to do so under the provisions of the Illinois Liquor Control Act of 1934.

<sup>1</sup>or intentionally or recklessly; <sup>2</sup>or manufactured, imported for distribution or use or distributed; <sup>3</sup>or at any place within the State of Illinois

**NOTE:** See Appendix B for discussion of necessity of alleging mental state.

**CHARGING NOTE:** A second or subsequent offense is a Class 4 felony. The charging instrument must state prior conviction. See Appendix A for discussion.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**Legislative History:** Created - Laws 1933 & 34, p.57 (January 31, 1934); Amended - Laws 1937, p.31; Laws 1939, p.85; Laws 1953, p.1539; Laws 1961, p.2479; Laws 1965, p.433; P.A.s 77-2413, 78-26, 81-212, 82-783, 82-1057, 84-25, 85-296, 86-445, 90-739 & 91-239.

**CHARGE:** Business Offense (fine of not more than \$1,000 for the first such offense)

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## **235 ILCS 5/ 10-1(e)**

### MISREPRESENTATION OF AGE BY A MINOR

In violation of SECTION 10-1(e) of ACT 5 of CHAPTER 235 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), a person under the age of 21 years, represented himself to be 21 years of age or over to Don Smith, a licensee under the Illinois Liquor Control Act of 1934, for the purpose of buying<sup>1</sup> alcoholic liquor from Don Smith.

<sup>1</sup>or accepting or receiving

**NOTE:** See Appendix B for discussion of necessity of alleging mental state.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**CHARGE:** Misdemeanor (Class A)

**BOND:** \$1,500

---

**305 ILCS 5/ 8A-2(a)**

PUBLIC ASSISTANCE RECIPIENT FRAUD

In violation of SECTION 8A-2(a) of ACT 5 of CHAPTER 305 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly<sup>1</sup>, by means of a false statement<sup>2</sup> obtained<sup>3</sup> \$500.00 in public aid under the Illinois Public Aid Code to which he was not entitled in that (describe the false statement).

<sup>1</sup>or intentionally or recklessly; <sup>2</sup>or any false statement, willful misrepresentation or failure to notify the County Department or the local governmental unit, as the case may be, of a change in his status as required by Section 11-18 and 11-19 of this Act, or any person who knowingly caused any applicant or recipient without knowledge to make such a false statement or willful misrepresentation, or by withholding information caused the applicant or recipient to fail to notify the County Department or local governmental unit as required, for the purpose of preventing the denial, cancellation, or suspension of any grant, or a variation in the amount thereof, or through the use of any other fraudulent device; <sup>3</sup>or attempted to obtain or aided or abetted any person in obtaining

**NOTE:** Restitution is now mandated for this offense. (305 ILCS 5/8A-3.5) (P.A. 94-577 - Eff: 1-1-06).

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**Legislative History:** Created - P.A. 82-440 (September 14, 1981). Amended by Public Act 94-577.

**CHARGE:** Felony (Class 4)

**BOND:** Must be Set by Judge

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**305 ILCS 5/ 8A-2.5(a)**

UNAUTHORIZED USE OF MEDICAL ASSISTANCE

In violation of SECTION 8A-2.5(a) of ACT 5 of CHAPTER 305 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly possessed<sup>1</sup> an altered medical card.<sup>2</sup>

<sup>1</sup>or used, acquired or transferred; <sup>2</sup>or knowingly used, acquired, possessed or transferred a medical card in any manner not authorized by law or by rules and regulations of the Illinois Department of Public Aid

**NOTE:** This offense can also be committed by altering a medical card.

**NOTE:** Restitution is mandated for this offense. (305 ILCS 5/8A-3.5)

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**Legislative History:** Created by Public Act 89-289 (Eff. 1-1-96). Amended by Public Act 94-577, 96-1501 & 97-23.

**CHARGE:** Misdemeanor (Class A)

**BOND:** \$1,500

---

### **305 ILCS 5/ 8A-2.5(b)**

#### UNAUTHORIZED USE OF MEDICAL ASSISTANCE

In violation of SECTION 8A-2.5(b) of ACT 5 of CHAPTER 305 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly obtained \$2,000 worth of unauthorized medical benefits<sup>1</sup> in that (describe the method by which the benefits were obtained).

<sup>1</sup>this offense can be committed with or without a medical card;

**NOTE:** Restitution is mandated for this offense. (305 ILCS 5/8A-3.5)

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**CHARGE:** Felony (Class 3)

**BOND:** Must be Set by Judge

---

### **305 ILCS 5/ 8A-3(b)(1)**

#### PUBLIC ASSISTANCE VENDOR FRAUD

In violation of SECTION 8A-3(b)(1) of ACT 5 of CHAPTER 305 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly<sup>1</sup> solicited<sup>2</sup> from Don Smith a \$500 kickback<sup>3</sup> in return for referring Jeff Black to Don Smith at the Union City Health Care Center where Jeff Black could be furnished with health care benefits<sup>4</sup> which would be paid for<sup>5</sup> under the Illinois Public Aid Code.



<sup>1</sup>or intentionally or recklessly; <sup>2</sup>or received; <sup>3</sup>or any remuneration, including any kickback, bribe, or rebate, directly or indirectly, overtly or covertly, in cash or in kind to any person; <sup>4</sup>or any item or service; <sup>5</sup>in whole or in part

**NOTE:** See Appendix B for discussion of necessity of alleging mental state.

**NOTE:** Restitution is mandated for this offense. (305 ILCS 5/8A-3.5)

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**Legislative History:** Created - P.A. 82-440 (September 14, 1981); Amended by P.A. 85-818 and 94-577.

**CHARGE:** Felony (Class 4)

**BOND:** Must be Set by Judge

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### **305 ILCS 5/ 8A-3(b)(2)**

#### PUBLIC ASSISTANCE VENDOR FRAUD

In violation of SECTION 8A-3(b)(2) of ACT 5 of CHAPTER 305 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly<sup>1</sup> solicited<sup>2</sup> from Don Smith a \$600.00 kickback<sup>3</sup> in return for arranging for<sup>4</sup> the purchase<sup>5</sup> of a building<sup>6</sup> owned by Don Smith and located at 777 Union Street, Union City, Illinois, by the Union City Health Care Center for which payment was to be made<sup>7</sup> under the Illinois Public Aid Code.

<sup>1</sup>or intentionally or recklessly; <sup>2</sup>or received; <sup>3</sup>or any remuneration, including any kickback, bribe, or rebate, directly or indirectly, overtly or covertly, in cash or in kind; <sup>4</sup>or for recommending; <sup>5</sup>or for the purchasing, leasing or ordering; <sup>6</sup>or any good, facility, service or item; <sup>7</sup>in whole or in part

**NOTE:** See Appendix B for discussion of necessity of alleging mental state.

**NOTE:** Restitution is mandated for this offense. (305 ILCS 5/8A-3.5)

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**CHARGE:** Felony (Class 4)

**BOND:** Must be Set by Judge

---

## **305 ILCS 5/ 8A-3(c)(1)**

### PUBLIC ASSISTANCE VENDOR FRAUD

In violation of SECTION 8A-3(c)(1) of ACT 5 of CHAPTER 305 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly<sup>1</sup> paid<sup>2</sup> to Don Smith a \$600 kickback<sup>3</sup> in order to induce Don Smith into referring the defendant to Steve Black at the Union City Health Care Center where the defendant could be furnished with health care benefits<sup>4</sup> for which payment would be made<sup>5</sup> under the Illinois Public Aid Code.

<sup>1</sup>or intentionally or recklessly; <sup>2</sup>or offered; <sup>3</sup>or any remuneration, including any kickback, bribe, or rebate, directly or indirectly, overtly or covertly, in cash or in kind to any person; <sup>4</sup>or any item or service; <sup>5</sup>in whole or in part

**NOTE:** See Appendix B for discussion of necessity of alleging mental state.

**NOTE:** Restitution is mandated for this offense. (305 ILCS 5/8A-3.5)

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**CHARGE:** Felony (Class 4)

**BOND:** Must be Set by Judge

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## **305 ILCS 5/ 8A-3(c)(2)**

### PUBLIC ASSISTANCE VENDOR FRAUD

In violation of SECTION 8A-3(c)(2) of ACT 5 of CHAPTER 305 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly<sup>1</sup> paid<sup>2</sup> to Don Smith a \$600.00 kickback<sup>3</sup> in order to induce Don Smith to arrange for<sup>4</sup> the purchase<sup>5</sup> of a building<sup>6</sup> owned by the defendant and located at 777 Union Street, Union City, Illinois by the Union City Health Care Center for which payment was to be made<sup>7</sup> under the Illinois Public Aid Code.

<sup>1</sup>or intentionally or recklessly; <sup>2</sup>or offered; <sup>3</sup>or any remuneration including any kickback, bribe or rebate, directly or indirectly, overtly or covertly, in cash or in kind to any person; <sup>4</sup>or recommending; <sup>5</sup>or for the purchasing, leasing or ordering; <sup>6</sup>or any good, facility, service or item; <sup>7</sup>in whole or in part

**NOTE:** See Appendix B for discussion of necessity of alleging mental state.

**NOTE:** Restitution is mandated for this offense. (305 ILCS 5/8A-3.5)

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**CHARGE:** Felony (Class 4)

**BOND:** Must be Set by Judge

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**305 ILCS 5/ 8A-4**

UNAUTHORIZED USE OF FEDERAL SURPLUS FOOD COMMODITIES

In violation of SECTION 8A-4 of ACT 5 of CHAPTER 305 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant’s name),<sup>1</sup> knowingly altered \$600.00 worth of authorizations to participate in the federal surplus food commodities program.

<sup>1</sup>or any person

**NOTE:** See Appendix B for information concerning the classification of violations for this Section.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**CHARGE:** Felony (Class 4)

**BOND:** Must be Set by Judge

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**305 ILCS 5/ 8A-4**

UNAUTHORIZED USE OF FEDERAL FOOD STAMPS<sup>1</sup>

In violation of SECTION 8A-4 of ACT 5 of CHAPTER 305 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant’s name),<sup>2</sup> knowingly used<sup>3</sup> \$600.00 worth of altered federal food stamps.<sup>4</sup>

<sup>1</sup>or Federal Food Stamp Benefits; <sup>2</sup>or any person; <sup>3</sup>or acquired, possessed, or transferred, or who knowingly altered federal food stamps; <sup>4</sup>or Federal Food Stamp Benefits, or Electronic Benefit Transfer card for federal food stamp benefits, or authorizations to participate in the Federal Food Stamp Program

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**CHARGE:** Felony (Class 4)

**BOND:** Must be Set by Judge

---

## **305 ILCS 5/ 8A-4**

### UNAUTHORIZED USE OF FEDERAL FOOD STAMPS<sup>1</sup>

**In violation of SECTION 8A-4 of ACT 5 of CHAPTER 305 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name),<sup>2</sup> knowingly transferred<sup>3</sup> federal food stamps<sup>4</sup> in a manner<sup>5</sup> not authorized by law or the rules and regulations of the Illinois Department of Public Aid in that said defendant unlawfully sold his federal food stamps to Don Smith for \$700.00.**

<sup>1</sup>or Federal Food Stamp Benefits; <sup>2</sup>or any person; <sup>3</sup>or used, acquired or possessed; <sup>4</sup>or Federal Food Stamp Benefits, or Electronic Benefit Transfer Card for federal food stamp benefits, or authorizations to participate in the Federal Food Stamp Program; <sup>5</sup>or any manner

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**Legislative History:** Created - P.A. 82-440 (September 14, 1981). Amended: P.A. 89-489.

**CHARGE:** Felony (Class 4)

**BOND:** Must be Set by Judge

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## **305 ILCS 5/ 8A-4A**

### UNAUTHORIZED USE OF FEDERAL SURPLUS FOOD COMMODITIES

**In violation of SECTION 8A-4A of ACT 5 of CHAPTER 305 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name),<sup>1</sup> knowingly transferred<sup>2</sup> federal surplus food commodities<sup>3</sup> in a manner<sup>4</sup> not authorized by law or the rules and regulations of the Illinois Department of Public Aid in that said defendant unlawfully sold his federal surplus food commodities to Don Smith for \$600.00.**

<sup>1</sup>or any person; <sup>2</sup>or used, acquired or possessed; <sup>3</sup>or authorizations to participate in the federal surplus food commodities program; <sup>4</sup>or any manner

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**Legislative History:** Created - P.A. 85-555 (January 1, 1988).

**CHARGE:** Felony (Class 4)

**BOND:** Must be Set by Judge

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## **305 ILCS 5/ 8A-4A**

### UNAUTHORIZED USE OF FEDERAL SURPLUS FOOD COMMODITIES

**In violation of SECTION 8A-4A of ACT 5 of CHAPTER 305 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name),<sup>1</sup> knowingly altered \$600 worth of authorizations to participate in the federal surplus food commodities program.**

<sup>1</sup>or any person

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**CHARGE:** Felony (Class 4)

**BOND:** Must be Set by Judge

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## **305 ILCS 5/ 8A-5(a)**

### PUBLIC ASSISTANCE ADMINISTRATIVE MALFEASANCE

**In violation of SECTION 8A-5(a) of ACT 5 of CHAPTER 305 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly<sup>1</sup> misappropriated<sup>2</sup> \$600.00 in public funds made available for public aid purposes under the Illinois Public Aid Code.**

<sup>1</sup>or intentionally or recklessly; <sup>2</sup>or misused or unlawfully withheld or converted to his own use or to the use of another

**NOTE:** See Appendix B for discussion of necessity of alleging mental state.

**SENTENCING NOTE:** A person convicted of insurance fraud, vendor fraud, or a federal criminal violation associated with defrauding the Medicaid program shall be ordered to pay monetary restitution to the insurance company or self-insured entity or any other person for any financial loss sustained as a result of a violation of this Section, including any court costs and attorneys fees. (305 ILCS 5/8A-3.5)

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**Legislative History:** Created - P.A. 82-440 (September 14, 1981).

**CHARGE:** Felony (Class 4)

**BOND:** Must be Set by Judge

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## **410 ILCS 620/ 3.22(a)**

### UNLAWFUL DISTRIBUTION OF<sup>1</sup> A HUMAN GROWTH HORMONE

**In violation of SECTION 3.22(a) of ACT 620 of CHAPTER 410 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly and without lawful authority distributed<sup>2</sup> human growth hormone to Don Smith.**

<sup>1</sup>or possession with the intent to distribute; <sup>2</sup>or possessed with the intent to distribute

**NOTE:** Public Act 87-754 repealed the Steroid Control Act and made steroids a Schedule III drug.

**NOTE:** For purposes of this offense, "without lawful authority" means for any use in humans that is other than the treatment of a disease or other recognized medical condition, when the use has been authorized by the Secretary of Health and Human Services and under the order of a physician. As used in this Section, the term "human growth hormone" means somatrem, somatotropin, or an analogue of either of them.

**SENTENCING NOTE:** Whoever commits any offense set forth in this Section and the offense involves an individual under 18 years of age is punishable by not more than 10 years imprisonment, and twice the fine authorized above. Any conviction for a violation of this Section shall be considered a violation of the Illinois Controlled Substances Act for the purposes of forfeiture under Section 505 of such Act.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**Legislative History:** Created - P.A. 87-754 (September 29, 1991). Amended and renumbered by Public Act 97-872. Effective: 7-31-12.

**CHARGE:** Felony (Class 3)

**BOND:** Must be Set by Judge

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## **410 ILCS 620/ 3.22(b)**

### UNLAWFUL DISTRIBUTION OF<sup>1</sup> A SYNTHETIC DRUG PRODUCT

**In violation of SECTION 3.22(b) of ACT 620 of CHAPTER 410 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly<sup>2</sup> distributed<sup>2</sup> a synthetic drug product<sup>4</sup> to Don Smith.**

<sup>1</sup>or possession with the intent to distribute; <sup>2</sup>or intentionally or recklessly; <sup>3</sup>or possessed with the intent to distribute; <sup>4</sup>or a drug that is misbranded under this Act.

**DEFINITION:** For purposes of this offense, "Synthetic drug product" means any product that contains a substance defined as a controlled substance under subsections (d) and (e) of Section 204 of the Illinois Controlled Substances Act. Products approved by the U.S. Food and Drug Administration for human consumption are not synthetic drug products. (410 ILCS 620/2.4(b))

**SENTENCING NOTES:** Anyone violating this provision may be fined not to exceed \$100,000. A person convicted of a second or subsequent violation of this Section is guilty of a Class 1 felony, the fine for which shall not exceed \$250,000. The charging instrument should state the prior conviction. See Appendix A and the Sentencing Guide. Whoever commits any offense set forth in this Section and the offense involves an individual under 18 years of age is punishable by not more than 10 years imprisonment, and twice the fine authorized above. Any conviction for a violation of this Section shall be considered a violation of the Illinois Controlled Substances Act for the purposes of forfeiture under Section 505 of such Act.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**Legislative History:** The subsection was created by Public Act 97-872. Effective: 7-31-12.

**CHARGE:** Felony (Class 2) **BOND:** Must be Set by Judge

**410 ILCS 620/ 3.22(c)**

FALSE ADVERTISEMENT OF<sup>1</sup> A SYNTHETIC DRUG PRODUCT

**In violation of SECTION 3.22(c) of ACT 620 of CHAPTER 410 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), falsely advertised a synthetic drug product in that (describe the false advertisement.)**

**DEFINITION:** For purposes of this offense, "Synthetic drug product" means any product that contains a substance defined as a controlled substance under subsections (d) and (e) of Section 204 of the Illinois Controlled Substances Act. Products approved by the U.S. Food and Drug Administration for human consumption are not synthetic drug products. (410 ILCS 620/2.4(b))

**SENTENCING NOTES:** Anyone violating this provision may be fined not to exceed \$100,000. Whoever commits any offense set forth in this Section and the offense involves an individual under 18 years of age is punishable by not more than 10 years imprisonment, and twice the fine authorized above. Any conviction for a violation of this Section shall be considered a violation of the Illinois Controlled Substances Act for the purposes of forfeiture under Section 505 of such Act.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**Legislative History:** The subsection was created by Public Act 97-872. Effective: 7-31-12.

**CHARGE:** Felony (Class 2)

**BOND:** Must be Set by Judge

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**415 ILCS 5/ 44(b)(1)**

CALCULATED CRIMINAL DISPOSAL OF HAZARDOUS WASTE

In violation of SECTION 44(b)(1) of ACT 5 of CHAPTER 415 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly disposed of hazardous waste<sup>1</sup> while knowing that he thereby created an immediate<sup>2</sup> danger to the public health<sup>3</sup> in that the defendant poured 2,000 gallons of used sulfuric battery acid into the Union City sewer system.

<sup>1</sup>for a definition of hazardous waste see Section 3.15 of this Act; <sup>2</sup>or a long term; <sup>3</sup>or to the environment or that he placed another person in danger of great bodily harm

**NOTE:** The phrase "without lawful justification" has been deleted. See Appendix B for an explanation.

**SENTENCING NOTE:** In addition to any other penalties prescribed by law, a person convicted of the offense of Calculated Criminal Disposal of Hazardous Waste is subject to a fine not to exceed \$500,000 for each day of such offense.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**Legislative History:** Created - P.A. 76-2429 (July 1, 1970); Amended - P.A.s 77-2830, 78-862, 81-1484, 82-380, 82-783, 82-972, 82-1057, 83-431, 83-1101, 83-1362, 84-697, 85-486, 85-1331, 86-1363, 86-1475, 87-337, 87-690, 87-895, 87-1088, 87-1213, 88-45, 88-668, 88-681, 88-690, 89-235, 90-219, 90-344, 90-502, 90-655, 94-286, 96-603, 97-220, 97-286 & 97-813.

**CHARGE:** Felony (Class 2)

**BOND:** Must be Set by Judge

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**415 ILCS 5/ 44(c)(1)**

CRIMINAL DISPOSAL OF HAZARDOUS WASTE

In violation of SECTION 44(c)(1) of ACT 5 of CHAPTER 415 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly disposed of hazardous waste in that he dumped 20 gallons of lead contaminated paint solvent into a ditch located at 777 Union Street in Union City, Illinois.

**NOTE:** For a definition of hazardous waste see Section 3.15 of this Act.



**NOTE:** The phrase "without lawful justification" has been deleted. See Appendix B for an explanation.

**SENTENCING NOTE:** In addition to any other penalties prescribed by law, a person convicted of the offense of Criminal Disposal of Hazardous Waste is subject to a fine not to exceed \$250,000 for each day of such offense.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**CHARGE:** Felony (Class 3)

**BOND:** Must be Set by Judge

---

### **415 ILCS 5/ 44(d)(1)(A)**

#### UNAUTHORIZED USE OF HAZARDOUS WASTE

In violation of SECTION 44(d)(1)(A) of ACT 5 of CHAPTER 415 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly transported<sup>1</sup> hazardous waste, 300 gallons of used sulfuric battery acid, without first obtaining a license<sup>2</sup> to do so as required by the Illinois Environmental Protection Act.<sup>3</sup>

<sup>1</sup>or treated or stored; <sup>2</sup>or permit or registration; <sup>3</sup>or any other law regulating the treatment, transportation, or storage of hazardous waste

**NOTE:** For a definition of hazardous waste see Section 3.15 of this Act.

**NOTE:** For variations of this offense concerning the violation of the terms and conditions of a hazardous waste permit, or for transporting hazardous waste to an unlicensed facility or for the failure to have a hazardous waste permit on driver's person see Paragraphs B, C and D of this subsection.

**SENTENCING NOTE:** In addition to any other penalties prescribed by law, a person convicted of violating subdivision (1)(A), (1)(B) or (1)(C) is subject to a fine not to exceed \$100,000 for each day of such violation, and a person who is convicted of violating subdivision (1)(D) is subject to a fine not to exceed \$1,000.

**CHARGING NOTE:** Violations of Paragraphs A, B and C of this subsection are Class 4 felonies. Bond must be set by a Judge. Violation of Paragraph D of this subsection is a Class A misdemeanor. Bond is \$1,500. See Sentencing Guide.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**CHARGE:** Class 4 Felony

**BOND:** Must be set by Judge

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## **415 ILCS 5/ 44(e)(1)**

### UNLAWFUL DELIVERY OF HAZARDOUS WASTE

**In violation of SECTION 44(e)(1) of ACT 5 of CHAPTER 415 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly delivered hazardous waste, 200 gallons of used sulfuric battery acid, to Don Smith at 777 Union Street in Union City, Union County, Illinois and said delivery was not authorized by the Illinois Environmental Protection Act, to wit: (Describe how the delivery was not authorized by the Act).**

**NOTE:** For a definition of hazardous waste see Section 3.15 of this Act.

**NOTE:** "Deliver" or "delivery" means the actual, constructive, or attempted transfer of possession of hazardous waste, with or without consideration, whether or not there is an agency relationship. (415 ILCS 5/ 44(e) (3))

**SENTENCING NOTE:** In addition to any other penalties prescribed by law, a person convicted of the offense of Unlawful Delivery of Hazardous Waste is subject to a fine not to exceed \$250,000 for each such violation.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**CHARGE:** Felony (Class 3)

**BOND:** Must be Set by Judge

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## **415 ILCS 5/ 44(f)(1)**

### RECKLESS DISPOSAL OF HAZARDOUS WASTE

**In violation of SECTION 44(f)(1) of ACT 5 of CHAPTER 415 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), disposed of hazardous waste, 30 gallons of used sulfuric battery acid, and his act of disposing of the hazardous waste was performed with a conscious disregard of a substantial and unjustifiable risk that such disposal of hazardous waste was a gross deviation from the standard of care which a reasonable person would exercise in that situation.**

**NOTE:** It is irrelevant whether or not the defendant acted pursuant to or under color of any permit or license.

**NOTE:** For a definition of hazardous waste see Section 3.15 of this Act.

**SENTENCING NOTE:** In addition to any other penalties prescribed by law, a person convicted of the offense of Reckless Disposal of Hazardous Waste is subject to a fine not to exceed \$50,000 for each day of such offense.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**CHARGE:** Felony (Class 4)

**BOND:** Must be Set by Judge

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### **415 ILCS 5/ 44(g)(1)**

#### UNLAWFUL CONCEALMENT OF CRIMINAL DISPOSAL OF HAZARDOUS WASTE

In violation of SECTION 44(g)(1) of ACT 5 of CHAPTER 415 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), concealed the disposal of hazardous waste, 30 gallons of used sulfuric battery acid into a ditch located at 777 Union Street in Union City, Illinois, with the knowledge that the disposal of said hazardous waste was made in violation of the Illinois Environmental Protection Act in that said defendant (describe the act of concealment).

**NOTE:** For a definition of hazardous waste see Section 3.15 of this Act.

**NOTE:** The phrase "without lawful justification" has been deleted. See Appendix B for an explanation.

**SENTENCING NOTE:** In addition to any other penalties prescribed by law, a person convicted of the offense of Concealment of Criminal Disposal of Hazardous Waste is subject to a fine not to exceed \$50,000 for each day of such offense.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**CHARGE:** Felony (Class 4)

**BOND:** Must be set by Judge

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### **415 ILCS 5/ 44(h)(2)**

#### FALSE MATERIAL STATEMENT CONCERNING HAZARDOUS WASTE

In violation of SECTION 44(h)(2) of ACT 5 of CHAPTER 415 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly made a false material statement<sup>1</sup> in a report<sup>2</sup> filed<sup>3</sup> in compliance with the Environmental Protection Act in connection with the transportation<sup>4</sup> of hazardous waste in that the defendant reported that he had hauled 2,000 gallons of hazardous waste in 2008 when in fact he had hauled 25,000 gallons of hazardous waste in 2012.<sup>5</sup>

<sup>1</sup>or representation; <sup>2</sup>or on any label, manifest, record, permit or license or other document; <sup>3</sup>or maintained or used; <sup>4</sup>or generation, disposal, treatment or storage;

<sup>5</sup>name the false statement or representation

**NOTE:** For a definition of hazardous waste see Section 3.15 of this Act.

**SENTENCING NOTE:** In addition to any other penalties prescribed by law, a person convicted of violating this subsection (h) is subject to a fine not to exceed \$50,000 for each day of such violation.

**CHARGING NOTES:** A second or subsequent offense is a Class 3 felony. The charging instrument must state prior conviction. See Sentencing Guide for discussion. A knowing false material statement or representation in any application, bill, invoice, or other document filed, maintained, or used for the purpose of receiving money from the Underground Storage Tank Fund commits a Class 4 felony. A second and/or subsequent offense is a Class 3 felony. (415 ILCS 5/44(h)(4)) See Sentencing Guide.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**CHARGE:** Felony (Class 4)

**BOND:** Must be Set by Judge

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### **415 ILCS 5/ 44(h)(3)**

#### UNLAWFUL DESTRUCTION<sup>1</sup> OF HAZARDOUS WASTE RECORDS

In violation of SECTION 44(h)(3) of ACT 5 of CHAPTER 415 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly destroyed<sup>2</sup> certain records of the Duce Hauling Company which the Illinois Environmental Protection Act required the Duce Hauling Company to maintain in connection with the transportation<sup>3</sup> of hazardous waste by the Duce Hauling Company.

<sup>1</sup>or alteration or concealment; <sup>2</sup>or altered or concealed; <sup>3</sup>or disposal, treatment or storage

**NOTE:** For a definition of hazardous waste see Section 3.15 of this Act.

**SENTENCING NOTE:** In addition to any other penalties prescribed by law, a person convicted of violating this subsection (h) is subject to a fine not to exceed \$50,000 for each day of such violation.

**CHARGING NOTE:** A second or subsequent offense is a Class 3 felony. The charging instrument must state prior conviction. See Appendix A for discussion. A person who knowingly destroys, alters, or conceals any record required to be made or maintained by the Environmental Protection Act or by Board or Agency rules for the purpose of receiving money from the Underground Storage Tank Fund commits a Class 4 felony. A second or subsequent offense is a Class 3 felony. (415 ILCS 5/44(h)(5)) See Sentencing Guide and Appendix A.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**CHARGE:** Felony (Class 4)

**BOND:** Must be set by Judge

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**415 ILCS 5/ 44(k)(1)**

CRIMINAL OPERATION OF A HAZARDOUS WASTE<sup>1</sup> INCINERATOR

**In violation of SECTION 44(k)(1) of ACT 5 of CHAPTER 415 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), while in the course of operating a hazardous waste<sup>1</sup> incinerator, knowingly and without lawful justification operated that incinerator without an Environmental Protection Agency permit<sup>2</sup> and as a result of that violation knowingly placed Don Smith<sup>3</sup> in danger of great bodily harm.<sup>4</sup>**

<sup>1</sup>or PCB; <sup>2</sup>in knowing violation of the terms of an Agency permit; <sup>3</sup>or any person or persons; <sup>4</sup>or knowingly created an immediate or long-term material danger to the public health or the environment

**NOTE:** For the purpose of this subsection (k), the term "hazardous waste or PCB incinerator" means a pollution control facility at which either hazardous waste or PCBs, or both, are incinerated. "PCBs" means any substance or mixture of substances that contains one or more polychlorinated biphenyls in detectable amounts.

**SENTENCING NOTE:** In addition to any other penalties prescribed by law, shall be subject to a fine not to exceed \$100,000 for each day of the offense.

**CHARGING AND SENTENCING NOTE:** Any person who commits the offense of criminal operation of a hazardous waste or PCB incinerator for a second or subsequent time commits a Class 3 felony and, in addition to any other penalties prescribed by law, shall be subject to a fine not to exceed \$250,000 for each day of the offense. The charging instrument should state prior conviction. See Appendix A for discussion.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**CHARGE:** Felony (Class 4)

**BOND:** Must be Set by Judge

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## **415 ILCS 5/ 44(p)(1)(A)**

### CRIMINAL DISPOSAL OF WASTE

In violation of SECTION 44(p)(1)(A) of ACT 5 of CHAPTER 415 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly conducted a waste disposal operation<sup>1</sup> in a quantity that exceeds 250 cubic feet of waste without a permit as required under subsection (d) of Section 21 of the Illinois Environmental Protection Act at the corner of 3rd Avenue and Union Street in Union City, Illinois.

<sup>1</sup>or a waste-storage or waste-treatment operation

**SENTENCING NOTE:** In addition to any other penalties provided by law, the defendant is subject to a fine not to exceed \$25,000 for each day of violation.

**CHARGING AND SENTENCING NOTE:** A second or subsequent offense is a Class 3 felony. The charging instrument should state prior conviction. See Appendix A for discussion. In addition to any other penalties provided by law, the defendant is subject to a fine not to exceed \$50,000 for each day of violation.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**CHARGE:** Felony (Class 4)

**BOND:** Must be Set by Judge

## **415 ILCS 5/ 44(p)(1)(B)**

### CRIMINAL DISPOSAL OF WASTE

In violation of SECTION 44(p)(1)(B) of ACT 5 of CHAPTER 415 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly conducted open dumping of waste in violation of subsection (a) of Section 21 of the Environmental Protection Act in that said defendant dumped garbage<sup>1</sup> at the corner of 3rd Avenue and Union Street in Union City, Illinois.

<sup>1</sup>or any other waste

**NOTE:** For a definition of "waste" see 415 ILCS 5/3.53. For a definition of "garbage" see 415 ILCS 5/3.11.

**CHARGING AND SENTENCING NOTE:** A person who is convicted of a violation of subparagraph (B) of paragraph (1) of this subsection for the open dumping of waste in a quantity that exceeds 250 cubic feet or that exceeds 50 waste tires is guilty of a Class 4 felony and, in addition to any other penalties provided by law, is subject to a fine not to exceed \$25,000 for each day of violation.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**Legislative History:** This subsection was recently amended by Public Act: 97-0286 (Eff: 8-10-11).

**CHARGE:** Misdemeanor (Class A)

**BOND:** \$1,500

**415 ILCS 5/ 44(q)(1)(B)**

CRIMINAL DAMAGE TO A PUBLIC WATER SUPPLY

In violation of SECTION 44(q)(1)(B) of ACT 5 of CHAPTER 415 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly conducted open dumping of waste in violation of subsection (a) of Section 21 of the Environmental Protection Act in that said defendant dumped garbage<sup>1</sup> at the corner of 3rd Avenue and Union Street in Union City, Illinois.

<sup>1</sup>or any other waste

**DEFINITION:** For a definition of "waste" see 415 ILCS 5/3.53. For a definition of "garbage" see 415 ILCS 5/3.11.

**CHARGING AND SENTENCING NOTE:** A person who is convicted of a violation of subparagraph (B) of paragraph (1) of this subsection for the open dumping of waste in a quantity that exceeds 250 cubic feet or that exceeds 50 waste tires is guilty of a Class 4 felony and, in addition to any other penalties provided by law, is subject to a fine not to exceed \$25,000 for each day of violation.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**Legislative History:** This subsection was amended by Public Act: 97-0286 (Eff: 8-10-11).

**CHARGE:** Misdemeanor (Class A)

**BOND:** \$1,500

## **415 ILCS 5/ 44(r)(1)(B)**

### AGGRAVATED CRIMINAL DAMAGE TO A PUBLIC WATER SUPPLY

In violation of SECTION 44(q)(1)(B) of ACT 5 of CHAPTER 415 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly and without lawful justification damaged<sup>1</sup> the equipment<sup>2</sup> of the Union City public water supply<sup>3</sup> in that (describe the damage done by the defendant) and in so doing, said defendant thereby placed Sam Smith<sup>4</sup> in danger of serious illness<sup>5</sup>.

<sup>1</sup>or altered or otherwise tampered with; <sup>2</sup>or property; <sup>3</sup>or any public water supply; <sup>4</sup>or any other person; <sup>5</sup>or great bodily harm or he or she creates an immediate or long-term danger to public health or the environment.

**CHARGING NOTE:** This subsection can also be violated when a defendant knowingly introduces a contaminant into the distribution system of a public water supply so as to cause, threaten, or allow the distribution of water from any public water supply of such quality or quantity as to be injurious to human health or the environment.

**SENTENCING NOTE:** In addition to any other penalties prescribed by law, a person convicted of the offense of Aggravated Criminal Damage to a Public Water Supply is subject to a fine not to exceed \$500,000 for each day of such offense.

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**Legislative History:** This subsection was created by Public Act: 97-0220 (Eff: 7-28-11).

**CHARGE:** Felony (Class 4)

**BOND:** Must be set by Judge

## **425 ILCS 35/ 2**

### UNLAWFUL SALE OF FIREWORKS

In violation of SECTION 2 of ACT 35 of CHAPTER 425 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly and unlawfully exploded<sup>1</sup> consumer fireworks, being 1000 firecrackers, 12 Roman Candles and 50 sparklers,<sup>2</sup> other than as authorized in the Fireworks Use Act.

<sup>1</sup>or used, possessed, exposed for sale, offered for sale or sold at retail; <sup>2</sup>or any display fireworks or flame effects. (For definitions of these items, see Section 1 of this Act)

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.



**Legislative History:** Created - Laws 1941, p.430; Amended - P.A.s 81-623, 82-620, 86-1028, 93-263 and 94-658.

**CHARGE:** Misdemeanor (Class A)

**BOND:** \$1,500

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**(Added Note)**

**430 ILCS 65/ 2(a)(1)**

POSSESSION OF FIREARM WITHOUT REQUISITE FIREARM  
OWNER'S I.D. CARD

In violation of SECTION 2(a)(1) of ACT 65 of CHAPTER 430 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly possessed<sup>1</sup> a firearm, a pistol,<sup>2</sup> within this State, without having in his possession a Firearm Owner's identification card previously issued in his name by the Department of State Police under the provisions of the Firearm Owners Identification Card Act.

<sup>1</sup>or acquired; <sup>2</sup>specify firearm if possible

**NOTE:** Subsection 2(a)(2) now applies to firearm ammunition.

**NOTE:** When possession is the essence of the offense, knowledge is the mental state that must be alleged. People v. Smith (1960), 20 Ill. 2d 345 and People v. Farmer (1995), 165 Ill. 2d 194.

**NOTE: (c-5) The provisions of paragraphs (1) and (2) of subsection (a) of this Section regarding the possession of firearms and firearm ammunition do not apply to the holder of a valid concealed carry license issued under the Firearm Concealed Carry Act who is in physical possession of the concealed carry license.**

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**This complaint was amended by Public Act 99-29; Eff: 07/01/15.**

**Legislative History:** Created - Laws 1967, p.2600 (July 1, 1968); Amended - P.A.s 76-447, 76-1918, 76-2074, 83-482, 84-25, 84-707, 84-1258, 84-1308, 84-1438, 85-1336, 87-240, 88-680, 89-445, 91-694, 92-839, 94-6, 96-7 & 99-29.

**CHARGE:** Misdemeanor (Class A)

**BOND:** \$1,500

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**430 ILCS 65/ 2(a)(2)**

POSSESSION OF FIREARM AMMUNITION WITHOUT REQUISITE FIREARM  
OWNER'S I.D. CARD

In violation of SECTION 2(a)(2) of ACT 65 of CHAPTER 430 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly possessed<sup>1</sup> firearm ammunition, a 16-gauge shotgun shell,<sup>2</sup> within this State, without having in his possession a Firearm Owner's identification card previously issued in his name by the Department of State Police under the provisions of the Firearm Owners Identification Card Act.

<sup>1</sup>or acquired; <sup>2</sup>specify firearm ammunition if possible

**NOTE: (c-5) The provisions of paragraphs (1) and (2) of subsection (a) of this Section regarding the possession of firearms and firearm ammunition do not apply to the holder of a valid concealed carry license issued under the Firearm Concealed Carry Act who is in physical possession of the concealed carry license.**

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**This complaint was amended by Public Act 99-29; Eff: 07/01/15.**

**CHARGE:** Misdemeanor (Class A)

**BOND:** \$1,500

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**430 ILCS 65/ 6.1(a)**

FORGERY OF A FIREARM OWNER'S IDENTIFICATION CARD

In violation of SECTION 6.1(a) of ACT 65 of CHAPTER 430 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly<sup>1</sup> forged<sup>2</sup> a Firearm Owner's Identification Card.

<sup>1</sup>or intentionally or recklessly; <sup>2</sup>or materially altered or counterfeited

**NOTE:** "Counterfeit" as used in this Offense means to copy or imitate, without legal authority, with intent to deceive. (430 ILCS 65/1.1)

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**Legislative History:** Created: P.A. 92-414, § 5, eff. Jan. 1, 2002.

**CHARGE:** Felony (Class 2)

**BOND:** Must be Set by Judge

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## **430 ILCS 65/ 6.1(b)**

### POSSESSION OF A MATERIALLY ALTERED<sup>1</sup> FIREARM OWNER'S IDENTIFICATION CARD

**In violation of SECTION 6.1(b) of ACT 65 of CHAPTER 430 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly possessed a materially altered<sup>1</sup> Firearm Owner's Identification Card with the intent to use it.<sup>2</sup>**

<sup>1</sup>or a Forged FOID Card; <sup>2</sup>an alternative method of violating this subsection is to knowingly possess a counterfeit FOID Card. (Note: This provision does not contain the "with the intent to use it" language of the alternative violation.)

**NOTE:** "Counterfeit" as used in this subsection means to copy or imitate, without legal authority, with intent to deceive. (430 ILCS 65/1.1)

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**CHARGE:** Felony (Class 2)

**BOND:** Must be Set by Judge

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## **430 ILCS 65/ 14(d-5)**

### ENTERING FALSE INFORMATION<sup>1</sup> ON AN APPLICATION FOR AN FOID CARD

**In violation of SECTION 14(d-5) of ACT 65 of CHAPTER 430 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly entered false information<sup>1</sup> on an application for a Firearm Owner's Identification Card in that (describe the false information).**

<sup>1</sup>or who knowingly gives a false answer to any question on the application or who knowingly submits false evidence in connection with an application

**IMPORTANT:** For sentencing and alternative charging information see the Sentencing Guide.

**CHARGE:** Felony (Class 2)

**BOND:** Must be Set by Judge

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## **430 ILCS 66/ 70(d)**

### POSSESSION OF A CONCEALED CARRY FIREARM WHILE INTOXICATED

**In violation of SECTION 70(d) of ACT 66 of CHAPTER 430 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), a concealed carry licensee, knowingly carried a concealed firearm, a pistol,<sup>1</sup> while said defendant was under the influence of alcohol<sup>2</sup>.**

<sup>1</sup>specify firearm if possible; <sup>2</sup>or other drug or drugs, intoxicating compound or combination of compounds, or any combination thereof, under the standards set forth in subsection (a) of Section 11-501 of the Illinois Vehicle Code.

**CAVEAT:** The statute enacting this subsection provides the following: “(d) A licensee shall not carry a concealed firearm while under the influence of alcohol, other drug or drugs, intoxicating compound or combination of compounds, or any combination thereof, under the standards set forth in subsection (a) of Section 11-501 of the Illinois Vehicle Code.” The construction of this provision is uncertain. For purposes of this publication, I have construed this provision to mean that a concealed carry license may not carry a concealed firearm while under the influence as defined in Section 11-501. However, it could also be construed to mean that carrying a concealed weapon while committing DUI pursuant to Section 11-501. Obviously, the second alternative would greatly narrow the application of this offense. You must decide which construction is appropriate and charge accordingly.

**NOTE:** When possession is the essence of the offense, knowledge is the mental state that must be alleged. People v. Smith (1960), 20 Ill. 2d 345 and People v. Farmer (1995), 165 Ill. 2d 194.

**CHARGING NOTE:** A subsequent conviction for a violation of this offense is a Class 4 felony. The charging instrument must state the prior conviction. See **Appendix A** in Volume II for discussion.

**SENTENCING NOTE:** The Department may suspend a license for up to 6 months for a second violation and shall permanently revoke a license for a third violation.

**IMPORTANT:** For sentencing and alternative charging information see the **Sentencing Guide**.

**Legislative History:** Created: P.A. 98-63, eff. 7-9-13; Amended: P.A. 98-756, eff. 7-16-14 & 98-899, eff. 8-15-14.)

**CHARGE:** Misdemeanor (Class A)

**BOND:** \$1,500

## **430 ILCS 66/ 70(e)**

### CARRYING A CONCEALED CARRY FIREARM IN A PROHIBITED AREA

In violation of SECTION 70(e) of ACT 66 of CHAPTER 430 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), a concealed carry licensee, knowingly carried a firearm, a pistol,<sup>1</sup> into a building under the control of the Union City Water Park, an amusement park<sup>2</sup>, an area in which the licensee was prohibited from carrying a concealed carry firearm.

<sup>1</sup>specify firearm if possible; <sup>2</sup>or any prohibited area as listed in 430 ILCS 66/65. See **CHARGING NOTE: PART I** below.

**NOTE:** When possession is the essence of the offense, knowledge is the mental state that must be alleged. People v. Smith (1960), 20 Ill. 2d 345 and People v. Farmer (1995), 165 Ill. 2d 194.

**CHARGING NOTE (PART I):** (a) A licensee under this Act shall not knowingly carry a firearm on or into:

(1) Any building, real property, and parking area under the control of a public or private elementary or secondary school. (2) Any building, real property, and parking area under the control of a pre-school or child care facility, including any room or portion of a building under the control of a pre-school or child care facility. Nothing in this paragraph shall prevent the operator of a child care facility in a family home from owning or possessing a firearm in the home or license under this Act, if no child under child care at the home is present in the home or the firearm in the home is stored in a locked container when a child under child care at the home is present in the home.

(3) Any building, parking area, or portion of a building under the control of an officer of the executive or legislative branch of government, provided that nothing in this paragraph shall prohibit a licensee from carrying a concealed firearm onto the real property, bikeway, or trail in a park regulated by the Department of Natural Resources or any other designated public hunting area or building where firearm possession is permitted as established by the Department of Natural Resources under Section 1.8 of the Wildlife Code.

(4) Any building designated for matters before a circuit court, appellate court, or the Supreme Court, or any building or portion of a building under the control of the Supreme Court.

(5) Any building or portion of a building under the control of a unit of local government.

(6) Any building, real property, and parking area under the control of an adult or juvenile detention or correctional institution, prison, or jail.

(7) Any building, real property, and parking area under the control of a public or private hospital or hospital affiliate, mental health facility, or nursing home.

(8) Any bus, train, or form of transportation paid for in whole or in part with public funds, and any building, real property, and parking area under the control of a public transportation facility paid for in whole or in part with public funds.

(9) Any building, real property, and parking area under the control of an establishment that serves alcohol on its premises, if more than 50% of the establishment's gross receipts within the prior 3 months is from the sale of alcohol. The owner of an establishment who knowingly fails to prohibit concealed firearms on its premises as provided in this paragraph or who knowingly

makes a false statement or record to avoid the prohibition on concealed firearms under this paragraph is subject to the penalty under subsection (c-5) of Section 10-1 of the Liquor Control Act of 1934.

(10) Any public gathering or special event conducted on property open to the public that requires the issuance of a permit from the unit of local government, provided this prohibition shall not apply to a licensee who must walk through a public gathering in order to access his or her residence, place of business, or vehicle.

(11) Any building or real property that has been issued a Special Event Retailer's license as defined in Section 1-3.17.1 of the Liquor Control Act during the time designated for the sale of alcohol by the Special Event Retailer's license, or a Special use permit license as defined in subsection (q) of Section 5-1 of the Liquor Control Act during the time designated for the sale of alcohol by the Special use permit license.

(12) Any public playground.

(13) Any public park, athletic area, or athletic facility under the control of a municipality or park district, provided nothing in this Section shall prohibit a licensee from carrying a concealed firearm while on a trail or bikeway if only a portion of the trail or bikeway includes a public park.

(14) Any real property under the control of the Cook County Forest Preserve District.

(15) Any building, classroom, laboratory, medical clinic, hospital, artistic venue, athletic venue, entertainment venue, officially recognized artistic venue, athletic venue, entertainment venue, officially recognized university-related organization property, whether owned or leased, and any real property, including parking areas, sidewalks, and common areas under the control of a public or private community college, college, or university.

(16) Any building, real property, or parking area under the control of a gaming facility licensed under the Riverboat Gambling Act or the Illinois Horse Racing Act of 1975, including an inter-track wagering location licensee.

(17) Any stadium, arena, or the real property or parking area under the control of a stadium, arena, or any collegiate or professional sporting event.

(18) Any building, real property, or parking area under the control of a public library.

(19) Any building, real property, or parking area under the control of an airport.

(20) Any building, real property, or parking area under the control of an amusement park.

(21) Any building, real property, or parking area under the control of a zoo or museum.

(22) Any street, driveway, parking area, property, building, or facility, owned, leased, controlled, or used by a nuclear energy, storage, weapons, or development site or facility regulated by the federal Nuclear Regulatory Commission. The licensee shall not under any circumstance store a firearm or ammunition in his or her vehicle or in a compartment or container within a vehicle located anywhere in or on the street, driveway, parking area, property, building, or facility described in this paragraph.

(23) Any area where firearms are prohibited under federal law. **See: 430 ILCS 66/65**

**CHARGING NOTE (PART II):** A licensee convicted or found guilty of a violation of this Act who has a valid license and is otherwise eligible to carry a concealed firearm shall only be subject to the penalties under this Section and shall not be subject to the penalties under Section 21-6, paragraph (4), (8), or (10) of subsection (a) of Section 24-1, or subparagraph (A-5) or (B-5) of paragraph (3) of subsection (a) of Section 24-1.6 of the Criminal Code of 2012. Except as otherwise provided in this subsection, nothing in this subsection prohibits the licensee from being subjected to penalties for violations other than those specified in this Act. **See 430 ILCS 66/70(f)**

**CHARGING NOTE: PART III:** A subsequent conviction for a violation of this offense is a Class A Misdemeanor. The charging instrument must state the prior conviction. See **Appendix A** in Volume II for discussion.

**SENTENCING NOTE:** The Department may suspend a license for up to 6 months for a second violation and shall permanently revoke a license for 3 or more violations of Section 65 of this Act. Any person convicted of a violation under this Section shall pay a \$150 fee to be deposited into the Mental Health Reporting Fund, plus any applicable court costs or fees.

**IMPORTANT:** For sentencing and alternative charging information see the **Sentencing Guide** in Volume II.

**Legislative History:** Created: P.A. 98-63, eff. 7-9-13; Amended: P.A. 98-756, eff. 7-16-14 & 98-899, eff. 8-15-14.)

**CHARGE:** Misdemeanor (Class B)

**BOND:** \$1,500

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**430 ILCS 66/ 70(g)**

FAILURE TO SURRENDER A CONCEALED CARRY FIREARM LICENSE

In violation of SECTION 70(g) of ACT 66 of CHAPTER 430 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), a concealed carry licensee, knowingly<sup>1</sup> failed to surrender his concealed carry license to a local law enforcement agency within 48 hours after receiving notice that his license had been revoked<sup>2</sup>.

<sup>1</sup>or intentionally or recklessly; <sup>2</sup>or suspended, or denied.

**IMPORTANT:** For sentencing and alternative charging information see the **Sentencing Guide**.

**Legislative History:** Created: P.A. 98-63, eff. 7-9-13; Amended: P.A. 98-756, eff. 7-16-14 & 98-899, eff. 8-15-14.)

**CHARGE:** Misdemeanor (Class A)

**BOND:** \$1,500

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## **430 ILCS 66/ 70(i)**

### PROVIDING A FALSE CERTIFICATION OF FIREARMS TRAINING

In violation of SECTION 70(i) of ACT 66 of CHAPTER 430 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), a certified firearms instructor, knowingly provided<sup>1</sup> a false certification to Joe Doe, an applicant for a concealed carry firearm license, that Joe Doe had completed firearms training as required under the Firearm Concealed Carry Act.

<sup>1</sup>or offered to provide.

**IMPORTANT:** For sentencing and alternative charging information see the **Sentencing Guide.**

**SENTENCING NOTE:** A person guilty of a violation of this subsection (i) is not eligible for court supervision. The Department shall permanently revoke the firearms instructor certification of a person convicted under this subsection (i).

**Legislative History:** Created: P.A. 98-0899; Eff: 8-15-14.

**CHARGE:** Misdemeanor (Class A)

**BOND:** \$1,500

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**(Corrected Charge)**

## **510 ILCS 70/ 3.03(a)**

### ANIMAL TORTURE

In violation of SECTION 3.03(a) of ACT 70 of CHAPTER 510 of the Illinois Compiled Statutes, on (date of offense), in the State of Illinois and the County of \_\_\_\_\_, defendant, (defendant's name), knowingly<sup>1</sup> tortured an animal in that he (describe the act of torture).

<sup>1</sup>or intentionally

**NOTE:** "Torture" is defined as the infliction of or subjection to extreme physical pain, motivated by an intent to increase or prolong the pain, suffering, or agony of the animal.

**NOTE:** The phrase "without legal justification" has been viewed as creating an exception or exemption from this offense. For a discussion of whether it is necessary to allege and prove this "exception" to this criminal offense see **Appendix B.**

**CHARGING NOTE:** ~~A second or subsequent offense is a Class 3 felony. The charging instrument must state prior conviction. See Appendix A for discussion.~~

**IMPORTANT:** For sentencing and alternative charging information see the **Sentencing Guide.**



**Legislative History:** Created - Public Act 91-351 (Eff: 7-29-99). Amended by Public Act 92-650.

**CHARGE:** Felony (Class 3)

**BOND:** Must be Set by Judge

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