

AN ACT concerning business.

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

Section 5. The Home Repair Fraud Act is amended by changing
Section 5 as follows:

(815 ILCS 515/5) (from Ch. 121 1/2, par. 1605)

Sec. 5. Aggravated Home Repair Fraud. A person commits the
offense of aggravated home repair fraud when he commits home
repair fraud:

(i) against a person 60 years of age or older or a
disabled person as defined in Section 16-1.3 of the
Criminal Code of 1961; or

(ii) in connection with a home repair project intended
to assist a disabled person.

(a) Aggravated violation of paragraphs (1) or (2) of
subsection (a) of Section 3 of this Act shall be a Class 2
felony when the amount of the contract or agreement is more
than \$500, a Class 3 ~~4~~ felony when the amount of the contract
or agreement is \$500 or less, and a Class 2 ~~3~~ felony for a
second or subsequent offense when the amount of the contract or
agreement is \$500 or less. If 2 or more contracts or agreements
for home repair exceed an aggregate amount of \$500 or more and
such contracts or agreements are entered into with the same

victim by one or more of the defendants as part of or in furtherance of a common fraudulent scheme, design or intention, the violation shall be a Class 2 felony.

(b) Aggravated violation of paragraph (3) of subsection (a) of Section 3 of this Act shall be a Class 2 felony when the amount of the contract or agreement is more than \$5,000 and a Class 3 felony when the amount of the contract or agreement is \$5,000 or less.

(c) Aggravated violation of paragraph (4) of subsection (a) of Section 3 of this Act shall be a Class 3 felony when the amount of the contract or agreement is more than \$500, a Class 4 felony when the amount of the contract or agreement is \$500 or less and a Class 3 felony for a second or subsequent offense when the amount of the contract or agreement is \$500 or less.

(d) Aggravated violation of paragraphs (1) or (2) of subsection (b) of Section 3 of this Act shall be a Class 3 felony.

(e) If a person commits aggravated home repair fraud, then any State or local license or permit held by that person that relates to the business of home repair may be appropriately suspended or revoked by the issuing authority, commensurate with the severity of the offense.

(f) A defense to aggravated home repair fraud does not exist merely because the accused reasonably believed the victim to be a person less than 60 years of age.

(Source: P.A. 93-542, eff. 1-1-04.)

Public Act 096-1026

SB3645 Enrolled

LRB096 20744 DRJ 36488 b

Section 99. Effective date. This Act takes effect upon becoming law.