

## Insurance Fraud

(720 ILCS 5/46-1)

Sec. 46-1. Insurance fraud.

(a) A person commits the offense of insurance fraud when he or she knowingly obtains, attempts to obtain, or causes to be obtained, by deception, control over the property of an insurance company or self-insured entity by the making of a false claim or by causing a false claim to be made on any policy of insurance issued by an insurance company or by the making of a false claim to a self-insured entity, intending to deprive an insurance company or self-insured entity permanently of the use and benefit of that property.

(b) Sentence.

(1) A violation of this Section in which the value of the property obtained or attempted to be obtained is \$300 or less is a Class A misdemeanor.

(2) A violation of the Section in which the value of the property obtained or attempted to be obtained is more than \$300 but not more than \$10,000 is a Class 3 felony.

(3) A violation of this Section in which the value of the property obtained or attempted to be obtained is more than \$10,000 but not more than \$100,000 is a Class 2 felony.

(4) A violation of this Section in which the value of the property obtained or attempted to be obtained is more than \$100,000 is a Class 1 felony.

(5) 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 attorney fees. An order of restitution also includes expenses incurred and paid by the State of Illinois or an insurance company or self-insured entity in connection with any medical evaluation or treatment services.

(c) For the purposes of this Article, where the exact value of property obtained or attempted to be obtained is either not alleged by the accused or not specifically set by the terms of a policy of insurance, the value of the property shall be the fair market replacement value of the property claimed to be lost, the reasonable costs of reimbursing a vendor or other claimant for services to be rendered, or both.

(d) Definitions. For the purposes of this Article:

(1) "Insurance company" means "company" as defined under Section 2 of the Illinois Insurance Code.

(2) "Self-insured entity" means any person, business, partnership, corporation, or organization that sets aside funds to meet his, her, or its losses or to absorb fluctuations in the amount of loss, the losses being charged against the funds set aside or accumulated.

(3) "Obtain", "obtains control", "deception", "property" and "permanent deprivation" have the meanings

ascribed to those terms in Article 15 of this Code.