

AN ACT concerning apostilles and certifications.

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

Section 5. The Secretary of State Act is amended by adding Section 5.20 as follows:

(15 ILCS 305/5.20 new)

Sec. 5.20. Apostilles and certifications.

(a) A request for an apostille or a certification shall be submitted on the form prescribed by the Secretary of State and must be accompanied by the lawful fee for the apostille or certification.

(b) The Secretary of State may refuse to issue an apostille or certification if:

(1) the document has not been certified by the appropriate authority, if applicable;

(2) the document has not been properly notarized in accordance with the Illinois Notary Public Act, if applicable;

(3) the document submitted to the Secretary of State is not an original document;

(4) the document is intended for use in the United States or in a country not party to the Hague Legalization Convention, if applicable;

(5) the document makes a claim regarding or purports to affect citizenship, immunity, allegiance to a government or jurisdiction, sovereignty, or any similar or related matter; or

(6) the Secretary of State has reasonable cause to believe the document may be used to accomplish any fraudulent, criminal, or unlawful purpose.

(c) A person may not remove an apostille, certification, any part of the apostille or certification, or the "great seal of the State of Illinois" from any document to which the Secretary of State has affixed it. This act or any attempt to do so shall render the apostille or certification invalid.

(d) The Secretary of State shall have the power and authority reasonably necessary to administer this Section efficiently, to perform the duties imposed by this Section, and to adopt rules relating to those duties, in accordance with the Illinois Administrative Procedure Act.

Section 10. The Criminal Code of 2012 is amended by adding Section 32-8.1 as follows:

(720 ILCS 5/32-8.1 new)

Sec. 32-8.1. Tampering with a certification by a public official.

(a) A person commits tampering with a certification by a public official when he or she knowingly, without lawful

authority, and with the intent to defraud any individual, entity, public officer, or governmental unit, uses a certification or part of a certification by a public official, including but not limited to an apostille, the "great seal of the State of Illinois", or other similar certification, in connection with any document he or she knows or reasonably should know is not the original document for which the public official originally issued the certification.

(b) Sentence. Tampering with a certification by a public official is a Class A misdemeanor for a first offense and a Class 4 felony for a second or subsequent offense.

Section 99. Effective date. This Act takes effect July 1, 2013.