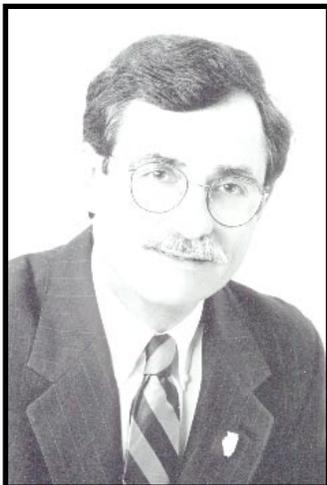


## 2000 Legislative Session Summary

This issue of *First Reading* summarizes major bills as they passed both houses of the General Assembly, and reports the Governor's actions on each of them. During the 2000 regular session which adjourned on April 19, a total of 247 bills passed both houses. As of June, the Governor had approved 112, vetoed 1 and amendatorily vetoed 1. (Public Act numbers are on page 13 of this issue.) Information on all bills of the session is available on the World Wide Web at:

[www.legis.state.il.us/legisnet/legisnet91/91gatoc.html](http://www.legis.state.il.us/legisnet/legisnet91/91gatoc.html)

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✓ = tax relief bills

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# Appropriations & State Budget

The state budget for fiscal year 2001 is nearly \$49.32 billion—12.7% over last year’s \$43.75 billion. Appropriations from the General Revenue Fund rose 5.2%, from \$21.3 billion to \$22.4 billion; appropriations from other state funds and from federal sources rose 19.7%, from \$22.4 billion to \$26.8 billion.

The largest dollar increases go to the Department of Transportation (\$1.6 billion, 25.9%); the Capital Development Board (\$870.3 million, 35.1%); and the Departments of Commerce and Community Affairs (\$598.8 million, 44.1%), Revenue (\$367.7 million, 47.5%), and Human Services (\$269.2 million, 6.0%).

The increases for the first three of those agencies reflect both new appropriations and reappropriations for the second year of the Governor’s 5-year, \$12 billion “Illinois First” program to rebuild Illinois’ infrastructure. The increases for the Department of Revenue result in large part from expansion of the “circuit breaker” and Pharmaceutical Assistance program; a new property tax rebate program; and a new earned income tax credit (see “Revenue” article on page 16).

After large increases last year to start the Illinois First Program (\$754 million), the bond authorization for Build Illinois rose only \$61 million to \$2.85 billion for educational programs and facilities; expansion of programs providing human services; and environmental and natural resources.

The authorizations for general obligation bonds were divided into refunding bonds and other bonds. The authorizations for capital facilities at state colleges and universities, state prisons, state agencies, and local

government, and for environmental and conservation purposes increased by \$840 million to \$6.1 billion.

Local public education got an increase of \$667.0 million (9.1%) from all funds, including appropriations needed for a statewide minimum spending level of \$4,425 per student (up from \$4,325 last year). Local public education got a smaller share of the total state budget than in FY 2000—16.2% versus 16.8% (see Figure 1 on next page). But its share of General Revenue Fund spending rose slightly, from 26.1% to 26.2%.

Funding for state colleges and universities rose \$164.5 million or 5.9%—from \$2.798 billion to \$2.963 billion—but the percentage of the state budget going to higher education declined from 6.4% last year to 6.0% (see Figure 1).

A new part of Illinois budgeting this year was the addition of funds from the settlement of a multistate lawsuit against major tobacco companies. Illinois is scheduled to receive about \$9.1 billion from the settlement through 2025, including an initial \$635.2 million in fiscal year 2000. The General Assembly appropriated \$461.75 million of that for fiscal 2001, mainly for these purposes: \$280 million for a property tax rebate; \$35 million to expand the “circuit breaker” and Pharmaceutical

Assistance program; \$35 million for a state earned income tax credit; \$56 million to the Capital Development Board and Department of Central Management Services for various capital projects; and \$20.2 million to the Department of Public Health.

The remaining tobacco-settlement money is to go to a new “Budget Stabilization” (rainy day) fund. It should receive about \$174.5 million in fiscal 2001.

The state’s fiscal year 2001 budget was enacted in the following Public Acts:

**Public Act 91-697**, enacted by [H.B. 1534](#) (Daniels-Ryder-Mulligan—Rauschenberger).

**Public Act 91-704**, enacted by [H.B. 4374](#) (Daniels-Ryder—Maitland-Rauschenberger-Obama).

**Public Act 91-705**, enacted by [H.B. 4435](#) (Hannig-Ryder-Younger-R.Myers-G.Mitchell—Rauschenberger)

**Public Act 91-706**, enacted by [H.B. 4437](#) (Hannig-Ryder-M.Davis-Schoenberg-Biggins—Rauschenberger)

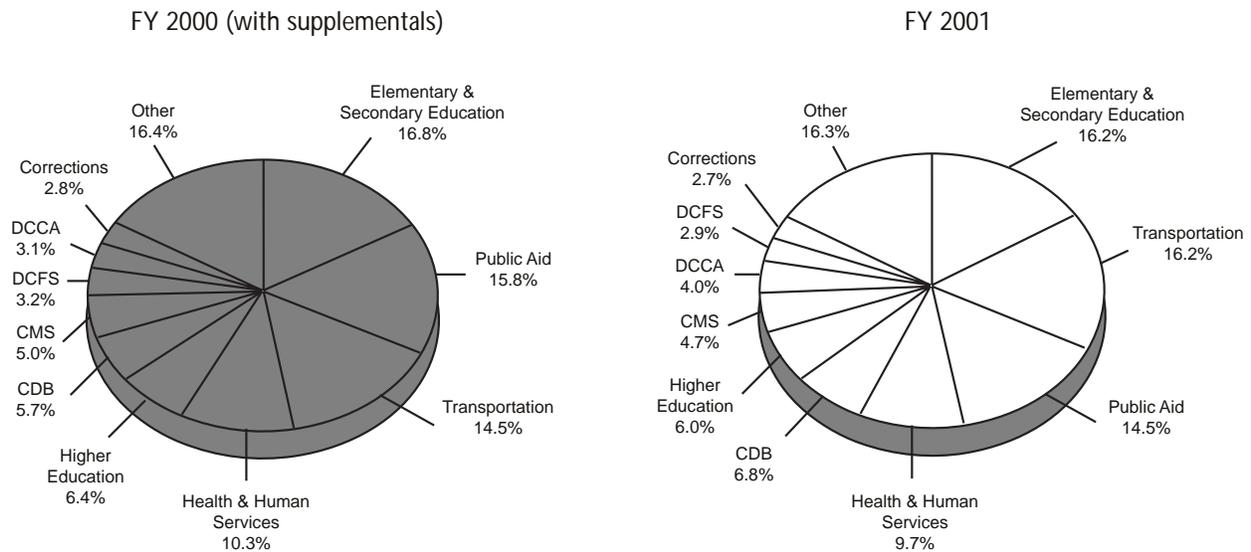
**Public Act 91-707**, enacted by [H.B. 4438](#) (Hannig-Ryder-M.Davis-Mulligan—Rauschenberger)

**Public Act 91-708**, enacted by [H.B. 4439](#) (Hannig-Ryder-Morrow-Skinner—Rauschenberger)

**Public Act 91-709**, enacted by [H.B. 4582](#) (Hannig-Schoenberg-Ryder—S.Weaver-Rauschenberger)

**Public Act 91-710**, enacted by [H.B. 4584](#) (Hannig-Schoenberg-Ryder—S.Weaver-Rauschenberger)

**Figure 1: Allocation of Appropriations by Agency or Function in FY 2000 and 2001 (all funds)**



**APPROPRIATIONS FROM ALL FUNDS (BILLIONS)**

**Public Act 91-711**, enacted by [H.B. 4587](#) (Hannig-Morrow-M.Davis—Maitland-Rauschenberger)

**Public Act 91-712**, enacted by [H.B. 4588](#) (Hannig-Schoenberg-Silva-M.Davis—Rauschenberger-Maitland)

**Public Act 91-687**, enacted by [S.B. 618](#) (Rauschenberger-Lauzen—Hannig-Ryder)

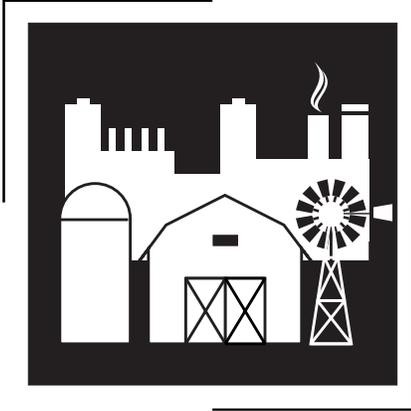
**Public Act 91-700**, enacted by [H.B. 3939](#) (B.F.Currie-Daniels-A.Turner-E.Lyons-Hamos—Peterson-Sullivan-O'Malley-Geo-Karis-Lauzen) □

*Gerald L. Gherardini*  
Associate Director

	FY 2000		FY 2001	
	\$43.745		\$49.317	
				100.0%
Education (elementary & secondary)	7.340		8.008	16.2%
Public Aid	6.932		7.167	14.5%
Transportation	6.327		7.966	16.2%
Human Services	4.524		4.793	9.7%
Higher Education	2.798		2.963	6.0%
CDB	2.482		3.353	6.8%
CMS	2.177		2.298	4.7%
DCFS	1.403		1.412	2.9%
DCCA	1.359		1.958	4.0%
Corrections	1.244		1.349	2.7%
Others	7.158		8.051	16.3%

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## Business & Economic Development



**Car Dealers.** A vehicle manufacturer needs permission to allow relocation of a dealer to a place within 7 miles (in a county of over 300,000) or 12 miles (in a smaller county) from a dealer in the same line—even if the new location will be farther from the *nearest* dealer in the same product line than the old location. But a dealer that will be farther from the new location than from the old location cannot protest the relocation (H.B. 3037, Hartke-Black—T.Walsh).

**Consumer Protection.** *Bank report of exploitation.* A bank or other financial institution can disclose to public authorities financial information on an elderly or disabled customer whom it believes to be a victim of financial exploitation (H.B. 3838, Bugielski-Capparelli-Meyer-Mulligan-Hultgren et al.—O'Malley).

*Misrepresenting business location.* Advertising or listing an assumed business name that intentionally misrepresents the location of one's business is prohibited. Companies incorporated outside Illinois with annual revenues over \$100 million are partially exempted (H.B. 2991, Meyer-Winkel-Kosel-Cross-Mathias—Dillard).

*Telephone fraud.* A solicitor who obtains or submits for payment a check

or other negotiable paper drawn on a person's checking, savings, or other account without written consent will violate the Telephone Solicitations Act—which authorizes triple damages in civil suits, in addition to other enforcement (S.B. 1875, Geo-Karis-Viverito-Shadid-Hawkinson-Parker et al.—Zickus-Black-Hoffman-Wojcik-Lang).

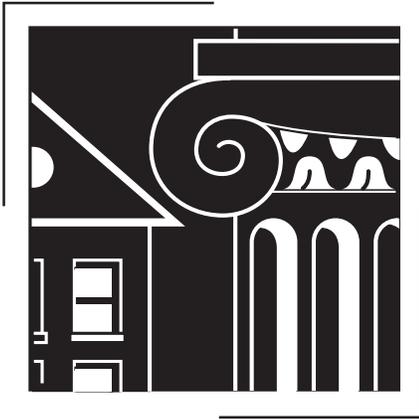
**Electricity Excise Tax.** A user of electricity that self-assesses the Electricity Excise Tax—if certified as a high-impact business by the Department of Commerce and Community Affairs (DCCA)—is exempted from paying that tax and can be exempted by DCCA from paying part of any charges added to its other utility bills as pass-throughs of state utility taxes. Each exemption can last up to 20 years as determined by DCCA (S.B. 334, Burzynski—Hultgren-Rutherford-Brunsvold-Franks-A.Moore).

**Employee Leasing.** Employees leased to a company (even to serve as corporate officers) can be treated as employees of the leasing company for unemployment insurance purposes if the leasing company has at least partial control over them and some other requirements are met (H.B. 3260, Burke-Poe-Saviano-M.Davis et al.—Radogno).

**Insurance Exchange.** Existing provisions authorizing the state to create an exchange for reinsurance and for insurance of risks are amended to authorize instead a privately owned exchange separate from state government. Similarly, a privately owned nonprofit entity to manage liquidations of insurance syndicates is authorized in place of provisions establishing such an entity operated by the state (S.B. 1701, R.Madigan—R.Myers).

**Securities Laws.** The Illinois Securities Act is clarified to apply to both oral and published offers to sell securities (including offers in printed and electronic media). The value of a person's principal residence will not count for purposes of an exemption allowing unregistered securities to be offered to persons with net worths over \$1 million. The Business Opportunity Sales Law is amended by deleting the exemption of businesses with federally registered trade or service marks, and allowing the Secretary of State to make binding settlements of cases against alleged violators (H.B. 3944, McCarthy-J.Lyons-M.Davis—O'Malley-Silverstein-Lightford).

**Workers' Compensation.** Illinois businesses that have similar risk characteristics or are members of a bona fide association can pool their



## Civil Law

The General Assembly voted to rewrite Article 9 of the Uniform Commercial Code on pledging business assets to protect creditors; authorize court appointment of independent professionals to evaluate children's best interests in divorce cases; increase oversight of persons with powers of attorney for incapacitated principals; and authorize civil filing fees to fund child custody-exchange programs in mid-sized counties. Other bills address the rights of general and limited partners in limited partnerships.

## Business & Economic Development

(continued from p. 4)

workers' compensation and workers' occupational disease risks, operating much like an assessable mutual insurance company, under regulation by the Illinois Department of Insurance (in lieu of somewhat similar provisions being deleted from the Workers' Compensation Act and Workers' Occupational Diseases Act). In cases of permanent disability, the parties with approval of an arbitrator or the Industrial Commission can agree on an amount to be paid over the worker's life expectancy in lieu of statutory disability payments (S.B. 1658, R.Madigan-Philip et al.—Osmond-Brady-Mautino-Parke-Beaubien). □

C.C. Tietjen Wright  
Research Assistant

✓ Bills that  
provide tax relief are  
shown with a  
check mark

**Children. Adoption.** A court may appoint any person deemed competent (as an alternative to a child welfare agency) to do the required investigation of prospective adoptive parents (S.B. 1388, Dillard—Bellock-M.Davis-Flowers).

**Best-interest evaluations.** In a proceeding for custody, visitation, or removal from the state, any adult involved can ask the court to order a professional evaluation of the child's best interest (S.B. 1533, Parker-L.Madigan-Link—Coulson-Bellock).

**Custody exchange sites.** The county board in any county of 100,000 to 1 million can impose a fee of \$1 to \$8 on each civil filing. Proceeds would go for grants to nonprofit organizations that host neutral-site child custody exchanges at no charge (H.B. 4300, Hoffman-M.Davis—Luechtefeld-Clayborne).

**Evidence of finances.** If a parent or relative is properly served with a request for financial information on ability to pay child support; fails to comply; and is absent at a hearing to set support, any financial information properly obtained will be admitted

into evidence (H.B. 2979, Bellock-Hultgren-E.Lyons-Lindner-J.Lyons et al.—Karpriel-Dillard-Obama).

**Donation Immunity.** Donors of day-old bread to charitable organizations get immunity from liability (H.B. 3119, Coulson-Mathias-Holbrook-Durkin-Pankau et al.—Parker).

**Limited Partnerships. Assignments.** Assigning a limited partnership interest entitles the assignee to share partnership profits and losses, but not powers or liabilities. Encumbering an interest will not reduce its owner's rights. A limited partnership can buy out and cancel a partner's interest (H.B. 478, Cross—Radogno).

**Withdrawals.** For partnerships filed with the Secretary of State after this bill takes effect, the time when a general partner can withdraw will be governed by rules in the bill; but unless the partnership agreement allows it, a limited partner cannot withdraw until the partnership is dissolved (H.B. 477, Cross—Radogno).

**Powers of Attorney.** The agent for an incapacitated principal can be required by a provider agency or the

(continued on p. 6)



## Criminal Law

The General Assembly voted to make exceptions to prohibitions on transporting or carrying firearms, and re-enact the other parts of the Safe Neighborhoods Law; allow gang-owned real estate to be forfeited, and allow persons harmed by gangs to get triple and punitive damages; bar persons convicted of crimes against children from living within 500 feet of schools and playgrounds; ban payments to jurors by parties to lawsuits; and prevent the shipment into Illinois of cigarettes made for sale in other countries. Other bills will require counsel during the custodial interrogation of persons under 13 for some major crimes, and require Illinois authorities to enforce other states' orders of protection.

**Burglary and Domestic Crimes.** A person committing aggravated battery; felony or aggravated domestic battery; unlawful restraint; or aggravated unlawful restraint of a family or household member, in the presence of

a member of the household who is under 16, must serve at least 10 days in jail and/or do 300 hours of community service. A person who enters or remains in a dwelling without authority, and commits a nonconsensual sex

crime there, commits home invasion. Residential burglary is expanded to include knowingly and without authority remaining in a home with intent to commit a theft or felony (H.B. 861, Winkel-O'Connor-Poe-Mathias—Philip).

Under another bill, unauthorized entry to or remaining in a residence (normally a Class A misdemeanor) becomes a Class 4 felony if done with knowledge of the presence of a person there (S.B. 1268, Hawkinson—Mathias-Acevedo-O'Connor-Schoenberg-Moffitt).

**Cigarette Trafficking.** Importing, distributing, or selling cigarettes that were not made for sale in the U.S.; that lack U.S. health warnings; or whose labels or trademarks are confusingly similar to those made for sale in the U.S. is prohibited, and they can be seized (H.B. 3995, Beaubien-Fritchey-Osmond-Mathias-Brunsvold—Peterson-Geo-Karis-Clayborne). (See also H.B. 4369 in the “Health” article on “bidi” cigarettes.)

**Community Service Programs.** Existing immunity from liability for injury or loss caused by court-ordered community service is expanded to community service ordered in a station adjustment, teen court, community mediation, or other administrative diversion program; this immunity is also to protect volunteers in such programs. Minors assigned to public or community service are not employees of the programs for any purpose (S.B. 1387, Hawkinson—Moffitt).

**Crime Victim Compensation** cannot be paid to felons until they are discharged from correctional custody (H.B. 4097, Wait-Scott-Durkin-Dart-J.Turner et al.—Sullivan).

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## Civil Law *(continued from p. 5)*

office of state long-term care ombudsman to give a record of all receipts, spending, and significant acts for the principal. A witness in addition to a notary public must sign any statutory short-form power of attorney for property executed after the effective date of the bill (S.B. 1567, Silverstein—Lang).

**Trust Income.** Interest on estate, inheritance, and generation-skipping transfer taxes, and on their penalties,

is to be charged equally to trust principal and income. Costs and disbursements for environmental matters are to be charged to principal (S.B. 1690, Cullerton—Feigenholtz-Dart).

**Uniform Commercial Code.** A revised version of Article 9 on Secured Transactions is enacted, adding and deleting many existing provisions (S.B. 1231, Dillard—Durkin-Lang-Hoffman-J.Turner-Cross). □

*Heather A. Kirby  
Research Associate*

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**Drivers. *DUI fines.*** The mandatory \$100 fine on anyone found guilty of driving under the influence is extended to persons who plead guilty or are put on supervision. These DUI fine proceeds will be used to buy equipment to help prevent alcohol-related criminal violence (S.B. 1498, Burzynski—G.Mitchell-McCarthy-Winters-Acevedo-Wirsing).

*Pupillometer study.* The Department of State Police will study the value of devices measuring the reaction of drivers' pupils to light for enforcing DUI and driver-rest laws (S.B. 1626, Parker-Syverson-Dudycz—Winters-Hoffman-Scott-Hamos-Wait).

*Supervision.* Court clerks must send the Secretary of State records of court supervision imposed on a driver (except for minor vehicle offenses). This information is declared legally privileged, but can be used by police, prosecutors, the Secretary of State, and courts (H.B. 2883, M.Madigan-Hoffman-O'Connor-S.Davis-Beaubien et al.—Dudycz-Shaw).

**Drug Crimes. *Ammonia.*** Transporting anhydrous ammonia (usable in making methamphetamine) in a portable container, not authorized for such use under the Illinois Hazardous Materials Transportation Act, becomes a Class 4 felony (H.B. 3082, Reitz-J.Jones-Fowler-Bost-Woolard et al.—Bomke).

*Methamphetamine.* Manufacturing this drug is added to a prohibition on making a controlled substance by chemically deriving it from one or more other controlled substances, closing a loophole in a 1999 act (S.B. 1695, Bowles—Schoenberg-Feigenholtz-Gash-Garrett).

**Firearms. *Carrying.*** The part of the Safe Neighborhoods Law (invalidated for covering more than one subject) on carrying weapons has been re-enacted with changes. Carrying a firearm in a vehicle; concealed; or on one's person on public land within a municipality becomes legal if it is broken down and non-functioning, or is not immediately accessible, or the carrier has a firearm owner's ("FOID") card and the firearm is in a container and unloaded. If no such exception applies, carrying is a Class A misdemeanor—unless it constitutes the new Class 4 felony of aggravated unlawful use of a weapon. That crime consists of carrying, in a place described above, a firearm if it is uncased, loaded, and accessible or has ammunition immediately accessible; or if the carrier lacks a FOID card, has a juvenile record for a felony, is committing a misdemeanor drug crime, is a member of a street gang or engaging in gang activity, was the subject of an order of protection in the last 2 years, is committing or attempting a violent misdemeanor, or is under 21 and carrying a handgun (unless for lawful hunting or target practice). Carrying a firearm (even unloaded) into a bar, other licensed place, or gathering where admission is charged (except a gun show or class) also becomes a Class 4 felony (H.B. 739, Cross-Hassert-Acevedo-Coulson-Osterman et al.—Philip).

*Unclaimed.* The Treasurer and State Police must have a procedure to determine whether a firearm turned in as unclaimed property is stolen or was used to commit a crime. If so, the State Police can keep it for use in its crime lab or training, give it to the State Museum if it has historical value, or destroy it. If it was not involved in a crime, the Treasurer will try to return it to its owner if that

person can lawfully possess it; or if not, give it to the State Police (S.B. 1586, Sullivan-Parker-Radogno-Bomke-Karpiel et al.—Coulson-E.Lyons-Schoenberg-Osmond-Holbrook).

**Gang Forfeitures; 'Little RICO' Suits.** Any real property owned or used by a streetgang for its activities can be abated as a nuisance and, along with property bought with gang profits, forfeited. A person injured by gang activity can get triple damages, and punitive damages if appropriate. But such suits cannot be based on otherwise legal transactions involving sales of goods, services, or securities (H.B. 4231, Brady et al.—Maitland-J.Myers-Clayborne-Molaro).

**Harassing Messages.** A person 16 or older who calls or sends e-mail to harass a person under 13 commits a Class 4 felony—even if the younger person consented (S.B. 1273, Halvorson-Hendon-Link—Scully-McGuire-Flowers-Feigenholtz-M.Davis).

**Insanity—Release.** If a defendant, after acquittal due to insanity, was sent to a mental facility, but its director seeks transfer to a less secure setting or discharge, the burden of proof and of going forth with evidence in a hearing on that decision will fall on the defendant, not the state (H.B. 3180, Durkin-B.Mitchell-O'Connor-Bost-J.Jones et al.—Roskam-Dudycz-O'Malley).

**Juror Payments.** Offering or receiving a payment from a party to a juror after a verdict becomes a Class A misdemeanor, unless the payment is for a reason unrelated to the trial (S.B. 1319, Silverstein—M.Davis-Mathias-Flowers-Acevedo-Scott).

(continued on p. 23)



# Education

## Elementary & Secondary

Bills passed by both houses will transfer control of adult education and literacy programs for dropouts from the State Board of Education to the Illinois Community College Board; extend and

strengthen background checks for persons chosen for Chicago school councils; expand school breakfast programs; clarify the law on suspensions and expulsions; and reduce the powers of regional superintendents of schools.

**Adult Education and Literacy.** Control of adult education and literacy programs for dropouts will go from the State Board of Education to the Illinois Community College Board on July 1, 2001. The State Board, and then the Community College Board, must contract with public or private agencies to offer classes for these purposes. The Community College Board must set up a council to advise it in fulfilling these responsibilities (H.B. 4266, Ryder-Erwin-Wirsing-Black-Woolard et al.—Cronin-Sieben-Parker-Klemm-Molaro).

**Alternative Education Aid.** General state aid claims for alternative education in fiscal years 1999-2002 will not be adjusted for failure to provide at least 5 hours of class daily, or for teaching nonresidents who had enrolled by April 1, 2000 (H.B. 2917, Holbrook-Scott-Hoffman-Scully-Woolard et al.—Burzynski-Watson-Halvorson-Clayborne-Silverstein).

**Breakfasts.** Subject to appropriation, the State Board of Education can offer financial incentives to schools to have free and reduced-price breakfast programs. The State Board must report annually to the Governor and General Assembly on school breakfast programs (H.B. 2379, Silva-Woolard-Hoffman-Mulligan-Giles et al.—Cronin-O'Malley-Lightford-Molaro-del Valle).

**Dissection Alternatives.** As proposed in last year's H.B. 811 (amendatorily vetoed and neither accepted nor overridden), a student objecting to dissection cannot be penalized and may be allowed to do an alternative project. But this bill applies only to elementary or high schools; H.B. 811 also applied to colleges (H.B. 3254, Gash-Cowlishaw-Delgado-Winkel-Zickus et al.—Cronin-Klemm-Parker-Ronen-Link).

**Medicating Students.** Registered professional nurses (in addition to certified school nurses as under current law) can be required to administer medicines to students (H.B. 2977, Bassi-Woolard-Bellock—Karpriel).

**Regional School Superintendents** cannot hire their relatives as assistant regional superintendents. The state school superintendent, not regional superintendents, will process reimbursement claims for special, gifted, and transitional bilingual education; children from orphanages and children's homes; and summer schools (H.B. 2904, Hoefl-Mike Smith—R.Madigan).

**School Councils; Principals.** The disqualification from serving due to a drug conviction in the last 10 years is extended to all Chicago school council positions (now only teacher and student members). The Department of State Police will take over from the Chicago Police Department the job of doing criminal background checks on council members. A principal retained by a hearing officer after arbitration will get only a 2-year extension, not a new 4-year contract (H.B. 3840, B.F.Currie—Cronin-L.Madigan-Molaro-Lightford).

**Special Education.** Foster parents of children are to be treated as their parents for purposes of special education. A minor ward of the state in a residential facility is to have a surrogate parent appointed—who can be an employee of a private agency providing only non-educational care (S.B. 1447, Cronin—M.Madigan-Crotty-McAuliffe-Garrett).

**Suspensions and Expulsions.** A school district's policy may require all suspended or expelled students to serve their suspensions or expulsions



## Elementary & Secondary

(continued from p. 8)

before re-admission. Such a policy may allow students to attend an alternative school. When a court continues the hearing of a student alleged to have committed violent crimes at or near a school, it may, with the superintendent's consent, order that the student attend an alternative educational program (S.B. 1426, Dillard—Meyer-O'Connor-G.Mitchell).

**Tax-Equivalent Grants** to districts in which the state owns at least 45% of the land area become permanent instead of ending in 2001 (H.B. 3406, Hassert-Persico et al.—Petka-L.Walsh).

## Higher Education

The General Assembly voted to let one student on each public university governing board remain a voting member; allow public comments and questions at board meetings; and raise the limits on Monetary Award Program scholarships.

**Scholarships.** The maximum annual Monetary Award Program grant is raised from \$4,530 to \$4,740 for full-time, and from \$2,265 to \$2,370 for part-time undergraduates (S.B. 1538, Watson-Lightford-Demuzio et al.—Lang-Erwin-M.Davis-Feigenholtz-Giles).

**Sports Gender Equity.** The Board of Higher Education must continue reporting on each public university's plan for gender equity in intercollegiate sports, but only every 3 years instead of 2 starting in 2002 (S.B. 1589, Geo-Karis-Karpiel-Donahue-Cullerton-L.Madigan et al.—Wirsing-Erwin-A.Moore-Howard-Righter).

**University Boards.** *Public comments.* At all open meetings, university boards must allow time for comments

and questions by the public and university employees (H.B. 2580, Ryder—Burzynski-Luechtefeld-J.Myers-Donahue-Bomke).

*Student trustees.* One University of Illinois student trustee will continue being elected from each campus. The Governor will designate one to have a binding vote; the others will have advisory votes. Other public universities will continue having one voting student board member each (current law would take away their votes next year) (H.B. 4182, Winkel-Erwin-Wirsing-Novak-Tim Johnson et al.—Weaver-O'Malley). □

Lillian Kinnel  
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## Environment & Conservation

Bills that passed both houses will require pumps dispensing gasoline containing MTBE to be so labeled, and restrict clear-cutting of trees near navigable waters. Other bills will authorize spot testing of diesel truck emissions in addition to annual tests, and create new penalties for violating plant quarantines.

(continued on p. 10)



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## Environment & Conservation *(continued from p. 9)*

**“Brownfield” Restrictions.** The Illinois EPA and Pollution Control Board are to adopt rules for legal instruments to be called “Environmental Land Use Controls.” These instruments (apparently to be filed with county recorders of deeds) will impose limitations and obligations on uses of land that has been partly decontaminated (H.B. 3457, Hassert-Persico—Sullivan-Jacobs).

**Clear-Cutting** of 400 or more square yards of mature trees within 15 yards of navigable water, except to address needs specific to the site, is prohibited unless done by a unit of local government with over 500,000 population or by a business regulated by the Coast Guard or Army Corps of

Engineers. The Department of Natural Resources can issue permits to municipalities of up to 500,000 to clear-cut for development projects. A tax break is offered for land that has not been clear-cut and is within 15 yards of navigable water and not within a unit of government of at least 500,000 (H.B. 3093, Granberg-Novak—R.Madigan-Welch).

**MTBE Labeling.** Pumps dispensing motor fuel with at least 2% methyl tertiary butyl ether (an anti-pollution gasoline additive that can contaminate groundwater due to fuel leaks) must be so labeled (H.B. 2909, J.Curry-O’Brien-Black-Scott-B.Mitchell et al.—Noland-Klemm-Bomke-J.Myers-L.Walsh).

**Nuclear Waste Shipment.** A surcharge of \$25 per mile over 250 miles will apply to the first truck in any single-cask truck shipment of high-level waste (H.B. 4482, Osmond-Novak-Hassert-Meyer—Geo-Karis-Dillard).

**Plant Quarantines.** New fines of \$500 to \$5,000 are authorized for violating a quarantine against a devastating insect or plant disease (H.B. 1822, McKeon-Fritchey-E.Lyons—Sieben-L.Madigan-Ronen).

**Sesquicentennial Farms.** The Department of Agriculture can sell “Sesquicentennial Farms” signs to farms that have stayed in a family for 150 years (H.B. 2885, Poe-Bost-J.Jones-B.Mitchell et al.—Noland-Bomke-Bowles-J.Myers).

**Tree Trimming.** Public utilities must give municipal or county officials 21 days’ notice, and customers 7 days’ notice, of non-emergency vegetation management, and follow International Society of Arboriculture guidelines. The Commerce Commission will investigate complaints (S.B. 1541, Maitland—Rutherford-Coulson-Giles).

**Truck Emissions Testing.** In addition to the annual testing of diesel trucks in populous counties authorized last year, the Departments of Transportation and State Police can do unscheduled testing for cause of trucks there. The class of trucks affected is expanded to include any with gross vehicle weight rating over 8 tons (now, only those with registered weight over 8 tons) (S.B. 1503, Radogno—Bradley-Capparelli). □

*Sarah C. Greene*  
Science Research Assistant



## Health

Bills passed by both houses will help organ transplant recipients buy immunosuppressive drugs; authorize a new center for Alzheimer’s disease management; and loosen restrictions on the

construction and expansion of health facilities. Other bills call for spending on research into brain and spinal injury, a study of Lyme disease, and early diagnosis and treatment of arthritis. Legislators also voted to improve treatment of mental illness in nursing homes, and change some restrictions on prescriptions for patients in such facilities. A bill proposing a moratorium on human cloning passed the Senate and got to Third Reading in the House.

*(continued on p. 11)*

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## Health *(continued from p. 10)*

**Advance Directive Forms.** The Illinois Department of Public Health (IDPH) must prepare and publish, at least on the Internet, a summary of Illinois advance directive laws. It must also offer Spanish editions of major Illinois advance directive forms, such as the Living Will (S.B. 1555, Munoz-del Valle-N.Mitchell-Obama-Margaret Smith et al.—Lopez).

**Alzheimer's.** An Alzheimer's disease management center model for up to 100 patients can be established in Will County with not-for-profit ownership and county board endorsement, but without Health Facilities Planning Board approval. It would treat behavioral and mood problems using nondrug approaches; assess each patient every 6 months; and provide education and support to caregivers (S.B. 1613, Petka—Hassert-Bassi-McGuire-Bellock-Kosel).

**Arthritis.** Using appropriations and donations, IDPH is to promote (1) public awareness about arthritis, (2) prevention options, (3) early diagnosis and treatment, and (4) ways to improve patients' quality of life. This will include developing a list of providers of specialized arthritis services and a public information campaign (S.B. 1642, Margaret Smith-Obama-Munoz-N.Mitchell-Ronen et al.—Flowers-McGuire-L.Jones-Feigenholtz-Boland).

**Cigarettes. Sale or delivery of bidi cigarettes (tobacco wrapped in "temburni or tendu leaf" or materials found similar by IDPH) becomes a petty offense, punishable by a fine of \$100 to as much as \$1,000 for a third or later offense (H.B. 4369, Osterman-Garrett-Gash-Flowers-Harris et al.—Parker-Radogno-Geo-Karis-Sullivan-W.Jones).**

**Health Facilities Permits.** Expansions or equipment costing up to \$6 million (now \$1 or \$2 million as adjusted for inflation) will not need Health Facilities Planning Board approval—nor will construction or modification of "non-clinical" components, including most areas and components of buildings not used directly for clinical purposes. A location used by an out-of-state entity for outpatient surgery in Illinois must have Board approval to build or expand. The Open Meetings Act and State Gift Ban Act are explicitly applied to the Board. Its members and employees may not engage in *ex parte* communications on matters of substance with permit applicants. The Auditor General is to audit the Board's performance and its success in limiting health-care costs (S.B. 807, Karpziel-Rauschenberger et al.—Mike Smith-J.Turner-Klingler-Boland-Tom Johnson).

**Hospital License.** IDPH may license as a hospital one establishment in a municipality under 60,000 that is run by a licensed hospital and meets other requirements (S.B. 563, Jacobs et al.—Brunsvold-E.Lyons-Klingler-Howard).

**Lyme Disease.** IDPH is to study the prevalence, identification, and evaluation and treatment of this disease, and report to the General Assembly and Governor by January 2002 (S.B. 1510, Parker—McKeon-Coulson-Feigenholtz-Garrett-Sharp).

**Mentally Ill in Nursing Homes. IDPH must issue regulations on services in nursing homes to residents with serious mental illness, and train its inspectors to assess their compliance with legal requirements for such care (H.B. 182, Lang-Scott-Bellock-Schoenberg-McKeon et al.—Radogno-L.Madigan-Link).**

**Prescription Drugs. Benefit cards.** Health insurance cards showing coverage for prescription drugs must contain several kinds of information to speed up filing for reimbursement (H.B. 4176, Hultgren-Hoffman-Mulligan-Flowers-Coulson et al.—T.Walsh).

**Generic substitution.** If the prescriber does not forbid it, a generic drug can be substituted for a branded drug only if the FDA lists it as therapeutically equivalent; the drugmaker filed technical information on bioequivalence at least 60 days before the substitution; IDPH's Technical Advisory Council is not investigating questions about that substitution; and IDPH's drug formulary does not specifically prohibit it. (Substitution now depends only on IDPH's formulary, if the prescriber does not forbid it.) Drugs already approved by the Council can continue being substituted (H.B. 2965, O'Brien-Feigenholtz-Crotty-Klingler-J.Curry et al.—Syverson-Parker-Molaro-Lightford-Munoz).

**Monitoring of prescriptions.** Prescriptions for patients in nursing homes—exempted last year from being in writing—can still be sent orally except that those for Schedule II drugs (legitimate drugs with the highest potential for abuse) must be sent on paper or faxed. Prescriptions for Schedule II drugs to be administered other than by mouth can be faxed to a pharmacy for professional infusion in a private home, nursing home, or hospice. IDPH will no longer "designate" some Schedule II drugs for monitoring; pharmacists must send to its central repository reports on *all* Schedule II prescriptions except those in hospitals and drug treatment programs. Some changes are made in the scheduling of specific drugs (H.B. 2574, Bradley-B.F.Currie—Syverson).

*(continued on p. 12)*

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## Health *(continued from p. 11)*

**Transplant drugs.** IDPH will establish a program to pay for immunosuppressive drugs and other costs of transplant maintenance, not otherwise reimbursed, for Illinois residents with household incomes up to 4 times the federal poverty level. Funding is to come from appropriations and donations (H.B. 486, Wirsing-Feigenholtz-Erwin-Moffitt-Black—Noland-Mahar-Syverson-Obama-Munoz).

**Reptile Handling.** Pet shops must post, and distribute with all reptiles sold or given away, a notice on safe handling and salmonella infection risks (S.B. 1398, Radogno-Trotter—J.Lyons-Bellock-Feigenholtz-Coulson-Parke).

**Research Consents.** Consent documents for medical research at the University of Illinois and Southern Illinois University must be in a language the subject understands, and must be read to subjects with reading problems (S.B. 1329, del Valle-Margaret Smith-Obama-Munoz-N.Mitchell et al.—Silva-Garrett-Boland-Delgado).

### Spinal Cord and Brain Injury

**Funds.** New funds are created in the state treasury to support research and rehabilitation for victims of these injuries, to be funded from donations and appropriations (S.B. 742, Karpel-Halvorson-Roskam et al.—Tom Johnson-Lindner-Coulson-Bellock-Flowers).

### Unsuccessful Bill

A bill proposing a moratorium on human cloning until 2005 passed the Senate 57-1 and is on the order of Third Reading in the House, where its deadline for passage was extended to December 1 (S.B. 649, Burzynski—Stephens-Bellock-E.Lyons-Meyer). □

*Robert L. Bayless, Senior Staff Scientist*



## Local Government

The General Assembly voted to create a Local Government Taxpayers' Bill of Rights; allow some school districts to raise tax levies due to changes in county multipliers; allow public bodies to hold closed meetings to discuss potential (in addition

to actual) dangers; require park districts to get criminal background checks on employment applicants; and authorize higher fines for repeat liquor violators. Other bills will exempt veterans' benefits from the income limit for the senior citizens' homestead assessment freeze; postpone property tax obligations of reservists on active duty; and authorize payment of fines by debit card.

A bill that passed the House would authorize the Attorney General to review denials of Freedom of Information Act requests.

**Bonds.** A standardized referendum format is authorized for any bond issue under the Local Government Debt Reform Act. Local governments can buy investments and related services by installment contract, enforceable without appropriation (S.B. 1627, T.Walsh—A.Moore-Black).

**Commission Counties** by referendum can change from electing 3 commissioners at large, to electing either 3 or 5 commissioners from single-member districts with staggered terms (H.B. 3132, Poe—Bomke).

**County Boards and Boards of Review.** In a commission county, a commissioner can become an appointed member of the county board of review (H.B. 4092, R.Myers-Ryder-Woolard-Reitz-Poe—Demuzio).

**Fines by Debit Card.** Circuit clerks can accept debit-card payment of fines, penalties, and costs (H.B. 4138, McAuliffe-Mathias-Saviano—Dudycz).

**Fire Protection Districts.** A referendum proposition on consolidating adjoining fire protection districts must also propose a maximum tax rate as a percentage of all taxable property in the consolidated district. A fire protection district that petitions against automatic disconnection of its territory due to municipal annexation cannot get payments of property tax money from the annexing municipality (S.B. 1377, O'Malley-Link—Hannig-Ryder).

*(continued on p. 14)*

# Bills With Governor's Action

Following is a list of bills summarized in this issue of *First Reading*, with the action taken by the Governor as of June 15, 2000. Information on all bills of the session is available on the World Wide Web at: [www.legis.state.il.us/legisnet/legisnet91/91gatoc.html](http://www.legis.state.il.us/legisnet/legisnet91/91gatoc.html)

## HOUSE BILLS

Bill No.	Action
182	P.A. 91-799
390	Sent to Governor
477	Sent to Governor
478	P.A. 91-762
486	Sent to Governor
709	Total Veto
739	P.A. 91-690
840	Sent to Governor
861	Sent to Governor
1324	Sent to Governor
1534	P.A. 91-697
1583	Sent to Governor
1785	Sent to Governor
1822	P.A. 91-713
2379	Sent to Governor
2574	P.A. 91-714
2580	P.A. 91-715
2870	Sent to Governor
2883	P.A. 91-716
2885	P.A. 91-717
2888	P.A. 91-801
2899	Sent to Governor
2904	P.A. 91-764
2909	P.A. 91-718
2917	Sent to Governor
2965	P.A. 91-766
2977	P.A. 91-719
2979	P.A. 91-767
2991	Sent to Governor
3037	P.A. 91-701
3046	P.A. 91-768
3073	P.A. 91-802
3082	Sent to Governor
3093	Sent to Governor
3119	P.A. 91-720
3131	P.A. 91-721
3132	Sent to Governor
✓3169	Sent to Governor
3176	P.A. 91-769
3180	P.A. 91-770
3188	Sent to Governor
3240	P.A. 91-803
3254	P.A. 91-771
3260	Sent to Governor
3312	P.A. 91-805
3406	P.A. 91-723
3428	P.A. 91-806

Bill No.	Action
3435	Sent to Governor
3457	Sent to Governor
3465	Sent to Governor
3476	P.A. 91-725
3548	P.A. 91-726
3756	Sent to Governor
3838	Sent to Governor
3840	P.A. 91-728
✓3872	P.A. 91-699
✓3876	P.A. 91-703
3881	P.A. 91-730
3926	P.A. 91-808
3936	Sent to Governor
✓3939	P.A. 91-700
3944	P.A. 91-809
3995	P.A. 91-810
4021	P.A.91- 831
4022	Sent to Governor
4043	Sent to Governor
4045	Sent to Governor
4092	P.A. 91-732
4097	Sent to Governor
4116	Sent to Governor
4124	Sent to Governor
4138	P.A. 91-733
4176	P.A. 91-777
4182	P.A. 91-778
4231	Sent to Governor
4266	P.A. 91-830
4280	P.A. 91-779
4300	P.A. 91-811
4348	P.A. 91-812
4352	P.A. 91-780
4369	P.A. 91-734
4374	P.A. 91-704
4431	Sent to Governor
4433	P.A. 91-735
4435	P.A. 91-705
4437	P.A. 91-706
4438	P.A. 91-707
4439	P.A. 91-708
4450	P.A. 91-813
4482	Sent to Governor
4582	P.A. 91-709
4584	P.A. 91-710
4587	P.A. 91-711
4588	P.A. 91-712

Bill No.	Action
4593	Sent to Governor
4698	Sent to Governor

## SENATE BILLS

Bill No.	Action
239	P.A. 91-702
334	Sent to Governor
452	P.A. 91-815
563	P.A. 91-736
618	P.A. 91-687
730	Sent to Governor
742	P.A. 91-737
807	P.A. 91-782
✓810	Amendatory veto
906	P.A. 91-738
1231	Sent to Governor
1241	Sent to Governor
1248	Sent to Governor
1268	Sent to Governor
1273	Sent to Governor
1277	Sent to Governor
1291	P.A. 91-783
1297	P.A. 91-818
1298	Sent to Governor
✓1304	Sent to Governor
✓1307	P.A. 91-819
1319	Sent to Governor
1323	P.A. 91-689
1329	Sent to Governor
1332	Sent to Governor
1339	Sent to Governor
1353	Sent to Governor
1359	P.A. 91-691
1361	P.A. 91-692
1362	P.A. 91-693
1363	P.A. 91-694
1364	P.A. 91-695
1365	P.A. 91-696
1377	Sent to Governor
1382	Sent to Governor
1387	P.A. 91-820
1388	P.A. 91-740
1398	P.A. 91-741
1404	Sent to Governor
1426	Sent to Governor
1428	Sent to Governor

Bill No.	Action
1434	P.A. 91-744
1440	Sent to Governor
1447	P.A. 91-784
1451	Sent to Governor
1453	Sent to Governor
1498	P.A. 91-822
1503	Sent to Governor
1508	P.A. 91-787
1510	P.A. 91-745
1533	P.A. 91-746
1538	P.A. 91-747
1541	Sent to Governor
1550	Sent to Governor
1555	P.A. 91-789
1567	P.A. 91-790
1582	P.A. 91-791
1586	P.A. 91-748
1589	P.A. 91-792
1599	Sent to Governor
1613	Sent to Governor
1626	Sent to Governor
1627	Sent to Governor
1638	P.A. 91-793
1642	P.A. 91-750
1655	Sent to Governor
1658	P.A. 91-755
1674	Sent to Governor
1682	Sent to Governor
1690	Sent to Governor
1695	P.A. 91-825
1701	P.A. 91-796
1704	P.A. 91-758
1712	P.A. 91-759
1734	P.A. 91-826
1735	P.A. 91-827
1841	P.A. 91-760
1860	P.A. 91-798
1862	P.A. 91-829
1871	Sent to Governor
1874	Sent to Governor
1875	P.A. 91-761
1881	Sent to Governor

✓ = tax relief

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## Local Government

(continued from p. 12)

**Liquor. Fines.** Maximum locally imposed fines are raised from \$1,000 per violation to \$1,000 for a first, \$1,500 for a second, and \$2,500 for each additional violation—in each case within 12 months (H.B. 4043, Osmond-Beaubien-A.Moore-Mathias-Garrett—Parker-Link).

**Sales.** Authority to license programs that train alcoholic beverage sellers and servers is moved from the Department of Human Services to the Liquor Control Commission. Liquor can be sold in a building owned by a mass transit district; or on the grounds within 500 feet of a building owned by a forest preserve district if food is also served (S.B. 1550, T.Walsh—Sharp-Saviano-Bellock).

**Municipal Audits** under the Industrial Jobs Recovery Law must be separate from other annual reports filed with the state Comptroller, and in a format prescribed by the Comptroller (S.B. 1451, Radogno—Sommer).

**Open Meetings Act.** Public bodies can close meetings to discuss security procedures for reasonably potential (instead of only actual) dangers, and need not describe such dangers in motions to close meetings (H.B. 3881, Kosel-O'Connor-E.Lyons-Bost-R.Myers—Sieben).

**Park Districts.** If both a municipality and a park district tax the same territory for park or recreation purposes, the municipality can pay some or all of the district's tax on that territory for up to 10 years. Park districts must get criminal background checks on applicants for employment, and cannot employ those with major convic-

tions (H.B. 390, Skinner-Lindner-Cross—Rauschenberger).

**Records Destruction; Geographic Information Systems.** A local public agency can copy a public record on microfilm as an alternative to digitized form. It can also dispose of any copied record if the copy (in addition to being unchangeable as under current law) will be usable for as long as the record is needed; but it must give notice to the local records commission when doing so. A county board that establishes a countywide map using a Geographic Information System (GIS) may charge \$3 for each filing with the county clerk to fund it (H.B. 840, Meyer-R.Myers-Bellock—J.Myers). The provision on fees to fund GIS systems is also in S.B. 1582, J.Myers-Jacobs—Moffitt-Giles-Mike Smith-Brunsvold-Biggins.

**Sanitary Districts.** Two unincorporated areas in a county, not contiguous but less than a mile apart, can be organized as a district under the Sanitary District Act of 1936. The Administrative Review Law will apply to judicial review of proceedings by the Metropolitan Water Reclamation District (S.B. 1881, Mahar—Kosel-Rutherford).

**School District Levy Changes.** A school district can amend its property tax levy if a change in its assessed value due to a change in the county property tax multiplier reduces its tax extensions to less than would be collected at the maximum tax rate allowed by law or as limited by the Property Tax Extension Limitation Law (PTELL). Previously, a levy could be amended only if an assessed-value change reduced a district's operating tax rate below the level required to qualify for state aid. (Under the current state aid formula, a district's

operating tax rate is not an element in its state aid calculation) (H.B. 3435, Moffitt-Woolard-Cowlishaw-J.Mitchell-Mike Smith—Sieben).

✓ **Senior Citizen Assessment Freeze Homestead Exemption.** Starting in assessment year 2001, veterans' benefits will not count toward the income limit for this exemption (S.B. 1307, O'Malley-Halvorson-Viverito-Lauzen—O'Connor-B.Mitchell-Bost-J.Jones-A.Moore).

**State Property Leases.** In counties of 500,000 to 800,000 (currently consisting of Lake and DuPage), the Department of Transportation can lease property to another government for up to 25 years instead of the usual 5 years (S.B. 1291, Geo-Karis-Link-Peterson—Garrett).

✓ **Tax Postponement for Reservists.** If property tax bills come due while a military reservist is on active duty outside the continental U.S., the reservist's taxes will not be due until 30 days after return to civilian status (S.B. 1304, Lauzen—Bost-Lindner-M.Davis-Delgado-Black).

**Taxpayers' Bill of Rights.** Under a proposed new act on non-property taxes of local governments (except Chicago and Cook County), governments must (1) examine tax returns expeditiously and establish appropriate time limits for issuing notices of tax due (normally no more than 4 years); (2) inform taxpayers in writing of proposed audits, schedule them at times convenient to the taxpayer if possible, and notify the taxpayer of any overpayment found by audit; (3) notify taxpayers of appeal rights and allow at least 45 days to appeal; (4) provide for any interest to be assessed on late payments, underpayments, and nonpayments in an ordinance;

(5) limit late-filing and late-payment penalties to 5% of the tax due; (6) limit penalties for failure to file to 25% of tax due; (7) have procedures for taxpayers to seek refunds of payments in error (but no tax paid “voluntarily” and not “under duress” need be refunded if later held unconstitutional); (8) set an interest rate on tax overpayments; (9) give amnesty from penalties to a taxpayer who, without having received a notice of audit or other action, voluntarily discloses and pays a tax liability; (10) not impose criminal penalties for non-compliance with local taxes except for willful or fraudulent disregard of them; (11) establish an internal review process for tax liens; and (12) publish all local tax ordinances (which can be done on the Internet) (S.B. 1440, Lauzen-Klemm—Granberg-Winters-Lindner-Rutherford-B.F.Currie).

**Township Bond** referenda for open-space plans must propose specific dollar amounts as bonding limits (H.B. 3188, A.Moore-Slone—Geo-Karis).

**Township Planning Commissions.** Cook County townships of over 500 can form planning commissions (S.B. 906, W.Jones-Viverito—Bassi-E.Lyons-Granberg), as can townships with populations up to 500 (in addition to larger townships as under current law) in counties of under 600,000 (H.B. 3131, Lawfer-Moffitt—Sieben).

#### Unsuccessful Bill

A bill to authorize review by the Attorney General of denials of Freedom of Information Act requests passed the House but was not assigned to a substantive Senate committee (H.B. 3469, Rutherford-Bellock-J.Turner-Dart-Righter—Roskam-Demuzio-Dillard-Hawkinson-Cronin). □

Charles L. Minert  
Senior Research Associate

## Professions & Occupations

The General Assembly voted to allow trained dental hygienists to use local anesthetics; replace an expired act on fire equipment distributors; tighten provisions on licensing nonresident accountants and real estate sellers; and require home repairers to have liability insurance unless they have high net worth.

**Accountants.** Applicants licensed as public accountants in other states must become *certified* public accountants in Illinois before being licensed as public accountants “by endorsement” (without taking an Illinois exam) (H.B. 4280, Tenhouse-Hannig-Ryder-Kenner-Rutherford et al.—R.Madigan-Donahue-DeLeo).

**Audiologists** are exempted from compliance with the Hearing Instrument Consumer Protection Act. Graduate audiology students can dispense hearing aids under supervision of an audiologist. Minor changes are made in the Hearing Instrument Consumer Protection Board’s membership (S.B. 1404, W.Jones—Burke-Capparelli).

**Collection Fees.** A collection agency can receive a contingent or hourly fee from a debtor if the debt agreement authorizes it and it is reasonable (H.B. 3046, Saviano—R.Madigan).

**Cosmetologists.** The practice of cosmetology is expanded to include braiding hair; cutting facial hair; exfoliating skin; making body wraps; and



massaging arms and lower legs for nonmedical purposes. The practice of nail technology is expanded to include the last of those items. Persons applying for cosmetology licenses on September 1 or 2, 2000 can seek to have 10 years of cosmetology experience substituted for required training and exams (S.B. 1339, Burzynski—Saviano-Parke-Bugielski).

**Dentistry.** Dental hygienists who have completed training approved by the Department of Professional Regulation (DPR) can administer local anesthetics under a dentist’s supervision. DPR can require a mental or physical exam of a dentist or hygienist under procedures set forth in this act (S.B. 1323, Burzynski-Munoz—Bradley-Saviano-Boland).

**Fire Equipment Distributors.** A Fire Equipment Distributor and Employee Regulation Act of 2000 is enacted in place of a similarly-named act that sunsetted last December 31, with some provisions moved but almost no substantive change. The State Fire

(continued on p. 16)

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## Professions & Occupations *(continued from p. 15)*

Marshal's regulations under the old act are revived until new ones are issued under this act. Anyone licensed under the old act can be relicensed during a 90-day period without an exam. The new act is effective upon signing (S.B. 1248, Shadid—Bost-Schmitz).

**Home Repairers** must have \$10,000 of insurance against claims for improper repairs starting next January 1, unless their net worth is at least \$1 million (H.B. 3926, Osmond-Hultgren-Mathias—Syverson).

**Notaries Public.** The Secretary of State may commission as notaries public for 1-year terms residents of a bordering state who work in Illinois, if their states allow Illinois residents to become notaries public (S.B. 1297, Jacobs-Hawkinson et al.—McGuire-Brunsvold-Holbrook-S.Davis).

**Private Detectives.** Employment as a full-time investigator for a lawyer, state's attorney, or public defender can provide the 3 years' experience needed for private detective or security contractor licensing. The Department of Professional Regulation can take administrative action against alleged violators only of the licensing requirement (not of all parts of the act) (S.B. 452, Burzynski—Capparelli-Beaubien-Hassert-Bost-Saviano).

**Real Estate Appraisal.** A criminal penalty (Class A misdemeanor) is added to a possible civil fine up to \$5,000 for improperly using a "State Certified" or "State Licensed" appraiser title. The amounts of classroom study required to take appraiser exams are increased by 15 hours, and continuing education requirements increased somewhat. Entry-level appraiser licenses cannot be renewed more than twice after this bill becomes law (S.B. 1704, R.Madigan—Pankau-Giles).

**Real Estate Sales.** Nonresidents can be licensed as Illinois brokers or sellers only if their state has a reciprocal agreement with Illinois that meets standards for nonresident licensing in Illinois' act (S.B. 239, Burzynski—Bradley-Black-Saviano-Boland-Crotty).

**Reports on Licensing.** Annual reports to the Director of Professional Regulation no longer need be made by the boards that supervise regulation of athletic trainers, funeral directors and embalmers, pharmacists, veterinarians, certified shorthand reporters, and public accountants. DPR need not report annually to the General Assembly on unlicensed trade or business schools. The physician assistant advisory committee need not continue reporting quarterly to the Medical Licensing Board (S.B. 1735, Burzynski—Zickus-Black). □

*Neal H. Getz  
Research Associate*



## Revenue

Bills that passed both houses will liberalize the "circuit breaker" and Pharmaceutical Assistance programs; offer corporations tax credits to establish and operate facilities caring for employees' children; offer an earned income

credit based on the federal credit; soften penalties for underpayment of taxes; and promote simplification of the collection of sales, use, and occupation taxes, both in Illinois and along with other states.

✓ **Income Tax. Child-care credits.** A corporation can get an income tax credit of 30% of startup costs in tax years 2000 through 2004 to provide child care for employees (either singly or jointly with other corporations), and 5% of annual operating costs of such child care starting in tax year 2000. A taxpayer claiming the 5% credit is ineligible for the existing 5% dependent-care credit (S.B. 810, Karpel-L.Madigan-Parker-W.Jones-Clayborne et al.—Pankau-O'Brien-Coulson-Feigenholtz-Granberg).

✓ **Earned income credit.** For tax years 2000 through 2002, taxpayers getting the federal earned income tax credit can get a state earned income tax credit of 5% of the federal credit

**(H.B. 3939, B.F. Currie-Daniels-A. Turner-E. Lyons-Hamos et al.—Peterson-Sullivan-O'Malley-Geo-Karis-Lauzen).**

*Investment tax credits; estimated tax payments; "Lloyd's" plans.* A partner or a shareholder in an "S" corporation can deduct from income that person's share of the investment tax credit accruing to the partnership or "S" corporation. The income tax liability above which individuals must make estimated income tax payments is raised from \$250 to \$500 effective in tax year 2001. The Department of Insurance can allow members of an insurance business organized under a "Lloyd's" plan of operation to file composite returns showing their income allocable to Illinois (H.B. 4431, B.F. Currie-A. Moore-Murphy—Rauschenberger).

*W-2 form information.* An employer must report to the employee any tax-exempt contributions to a medical savings account (H.B. 1324, Skinner—Lauzen).

✓ **Property Taxation.** *"Circuit breaker" and pharmaceutical assistance; aid to aged, blind, and disabled.* Beginning next year, the annual household income limit for "circuit breaker" and pharmaceutical assistance will rise from \$16,000 to the following: \$21,218 for a household of one, \$28,480 for a household of two, or \$35,740 for a household of three or more. Annual fees for pharmaceutical cards will fall; monthly deductibles will fall from \$15 to \$0 for persons below the federal poverty line and from \$25 to \$3 for others. The annual amount of benefits up to which no copayment is required will rise from \$800 to \$2,000. The types of prescription drugs covered will expand to include those for cancer,

Alzheimer's disease, Parkinson's disease, glaucoma, and lung disease and smoking-related illness (H.B. 3872, Daniels-M. Madigan-A. Moore-McGuire-Coulson et al.—Radogno-O'Malley-Syverson-Noland-Petka).

*Historic residences.* The market value of certified historic residences is clarified as being their value *before* rehabilitation began (H.B. 3428, Biggins-B.F. Currie-Holbrook et al.—Rauschenberger).

✓ *Masonic assessment reduction.* Beginning in tax year 2001, property owned by entities meeting criteria that apply to Masonic lodges will be assessed at 15% of assessed value in the 2000 assessment year (H.B. 3169, Black-J. Lyons-Reitz-B. Mitchell-Poe et al.—S. Weaver-E. Jones-DeLeo-Geo-Karis-Bomke).

✓ *Rebate.* Homeowners will receive, in 2000 only, a rebate on their Illinois income tax, equal to their Illinois tax credit on 1999 income (5% of property tax paid), up to \$300 (H.B. 3876, Daniels-M. Madigan-O'Connor-Capparelli-Winkel et al.—O'Malley-Radogno-Noland-Donahue-Lauzen).

**Sales and Excise Taxes.** *Collection (multistate).* The Department of Revenue is to enter discussions with other states aimed at developing a voluntary multistate system for collecting sales and use taxes. It may operate a pilot project with other states to test such a system, and must report to the General Assembly by March 1, 2001. A Legislative Oversight Committee on Sales Taxes is also created (S.B. 1682, Rauschenberger-Philip-Maitland-Radogno-Lauzen—McCarthy-Wojcik-Black-McGuire-Lindner).

*Miscellaneous.* The Department of Revenue will convene an occupation and use tax simplification committee,

to report to the General Assembly by January 2001. Food and medicine for use by a person on medicaid living in a nursing home is exempted from use tax. Procedures are established for protests of Department of Revenue decisions under the Cigarette Tax (S.B. 1453, Radogno-Parker-Klemm-J. Myers—Beaubien-B.F. Currie).

*Telephone cards.* Starting next year, prepaid telephone calling arrangements (such as prepaid calling cards) will be taxed under the sales tax rather than state and local telecommunications taxes (S.B. 1674, Peterson—Mautino-Rutherford-Black).

**Tax Penalties.** Starting in 2001, interest will accrue only on state taxes due—not also on penalties. Penalties for failure to file will not apply to the extent the tax is paid on time or a credit applies. Penalties for underpayments will fall from 20% of the tax due to the following percentages: 2% if up to 30 days late, 5% if 31-90 days late, 10% if 91-180 days late, or 15% if more than 180 days late. But if the Department of Revenue notifies a taxpayer of an additional amount due and it is not paid within 30 days as extended by a tax protest and hearings, a penalty of 20% of that additional amount will apply. A \$25 bad-check penalty is added (H.B. 3240, Beaubien-Wait-Garrett-B.F. Currie-Lindner et al.—Lauzen-Cullerton).

#### Unsuccessful Bills

S.B. 1439 (Watson—Stephens-Hoffman-Holbrook) would extend the life of the research and development credit against income tax from the end of 2004 to the end of 2010. It passed the Senate 59-0 but has not been reported out of the House Rules Committee.

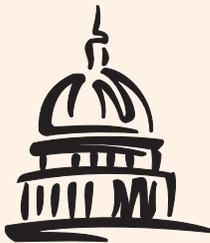
(continued on p. 18)

## Revenue *(continued from p. 17)*

S.B. 1929 (Peterson-Dillard—Pugh-A.Moore-M.Davis) would impose a tax of 6.25% on leases of computer and high-tech medical equipment, and a separate use tax of 6.25% on lessees of such equipment, in lieu of sales tax on the equipment. It passed the Senate 57-0 and was recommended “do pass” by the House Revenue Committee, but was amended at Second Reading to delete all substantive provisions. □

*Charles L. Minert*  
Senior Research Associate

The Veto Session  
begins for the  
Illinois Senate  
on Thursday,  
November 9, 2000



The Veto Session  
begins for the  
Illinois House of  
Representatives  
on Thursday,  
November 14, 2000



## Social Services

The General Assembly voted to allow increased scrutiny of child-abuse investigations; authorize pay supplements to child-care workers; require reporting of minors illegally given drugs at home; increase

protections for persons sought to be involuntarily taken for mental examinations; and pay for abortions under medicaid in cases of rape or incest, if necessary for federal funding.

A bill as passed by the Senate would prohibit Department of Human Services mental facilities from hiring anyone listed on a nurse aide registry as abusing or neglecting a mental patient.

**Abortion Funding.** The General Assembly reaffirms opposition to funding abortions not needed to preserve the mother’s life; but if a court holds that federal law so requires under the medicaid program, state medicaid funds can be used to abort a pregnancy resulting from rape or incest. This bill is intended to restrict public funding of abortions by ending a court injunction against the state’s current restrictions (H.B. 709, Cowlshaw-Hannig-Hartke-Zickus-Tom Johnson et al.—Cronin-O’Malley-Syverson-Roskam-Mahar).

**Child-Care Pay Supplements.** Subject to specific appropriation, the Department of Human Services starting October 1 will pay semiannual bonuses, based on longevity and educational attainment, to child-care workers with the same employer for at least 6 months. It may pay one-time signing bonuses or other incentives to

help providers attract staff, or one-time longevity bonuses or other incentives to staff staying with their employer (H.B. 4021, Coulson-Wirsing-Mulligan-Howard-Garrett et al.—Donahue-Dillard-Obama-Parker-Trotter).

**Child Support Delays.** On request by a support recipient whose credit record was harmed by a delayed or missed payment from the Central State Disbursement Unit, the Department of Public Aid must send an explanatory letter that can be forwarded to credit reporting agencies (S.B. 1638, Noland—Brosnahan-Mathias-Garrett-McGuire-B.Mitchell).

**Child Welfare Records and Abuse Investigations.** The confidentiality of child welfare records need not prevent disclosure of information on malfeasance or nonfeasance by DCFS

*(continued on p. 21)*



## State Government & Pensions

Legislators voted to change or abolish many state boards, and abolish the Office of Public Counsel and the Department of Revenue's Taxpayer Ombudsman; allow survivors of annuitants in several public pension systems to remarry at any age without losing benefits; require information on each grant made by an agency in the executive branch to be filed with the Comptroller; and create a World War II Memorial Fund checkoff.

**Badges.** Each state officer, agency, or university employing investigators or other peace officers must authorize a distinct badge for each, showing a unique number and clearly naming the entity authorizing it (S.B. 1874, Dudycz-Shadid-Munoz—Acevedo-Black).

**Beautification Program.** The Lieutenant Governor's duties in the Keep Illinois Beautiful program are transferred to the Department of Commerce and Community Affairs. Its Director will appoint the program's Advisory Board, which need meet only annually. There will no longer be a statewide coordinator (H.B. 4022, Bassi-Bellock-Mathias-Boland et al.—W.Jones).

**Boards, Commissions, and Officers.** The Illinois State Labor Relations Board and Illinois Local Labor Relations Board are replaced by the 5-member "State Panel" and the 3-member "Local Panel" of a newly created Illinois Labor Relations Board. Members are added to several state bodies, including the Civil Service Commission, Educational Labor Relations Board, Prisoner Review Board, and Liquor Control Commission. The Office of Public Counsel for the Illinois Commerce Commis-

sion is abolished, as is the position of Taxpayer Ombudsman in the Department of Revenue. Many task forces, boards, and committees are abolished, including the Alzheimer's Task Force, High Blood Pressure Advisory Board, Solid Waste Advisory Council, Task Force on Foster Parents' Bill of Rights, Advisory Committee on the Tourism Promotion Fund, Mass Transit Employee Anti-Crime Training Program Review Committee, Automotive Engineering Advisory Panel, Alternate Fuels Advisory Board, and Safety Inspection and Education Advisory Committee among others. All public university trustees appointed by the Governor must be Illinois residents (S.B. 1860, Philip—Daniels-Tenhouse).

**College Savings Pool.** The Pool's assets and income are exempted from state taxation—as are its earnings after disbursement, if used for qualified expenses of beneficiaries (S.B. 1862, Watson-Lightford—Wirsing-Bost-Richter-G.Mitchell-Winkel).

**Fire Fighters' Memorial Fund.** The Fund's purposes are expanded to include holding an annual commemoration and giving scholarships to children of firefighters killed on duty (S.B. 1241, Dudycz-Demuzio-Link—

Capparelli-McAuliffe-Schoenberg-Hoffman-Bugielski; H.B. 2870, Capparelli-Saviano-Bost-Zickus-Bugielski et al.—Dudycz-Demuzio).

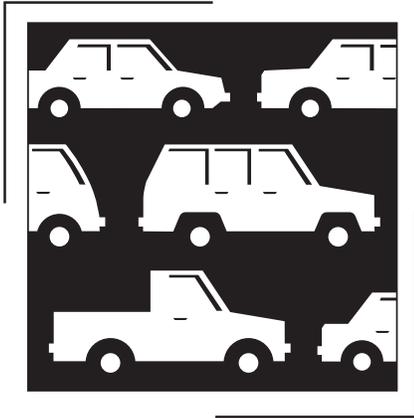
**Identification Cards** issued to persons 65 or older will last indefinitely rather than needing renewal every 10 years (S.B. 1353, Demuzio-Link et al.—Giglio-M.Davis-Flowers-Holbrook-Delgado).

**Military Flag Loans.** The Governor no longer need approve the loan of military flags and such items. The Adjutant General must report annually to the Governor on loans, loan recipients, and terms of loans (S.B. 1734, Burzynski—Schmitz-Bugielski-Black).

**Military Flags Commission.** This new commission is established to advise the Adjutant General on the best ways to collect, preserve, and display military flags and other military symbols and memorabilia (H.B. 4450, Winkel-Holbrook-Stephens-Poe-Bost et al.—S.Weaver).

**Pensions. General.** Surviving spouses of members of the General Assembly, Illinois Municipal, Chicago municipal employees', Cook County employees' and officers', Cook County laborers',

*(continued on p. 20)*



## Transportation

The General Assembly voted to help fund pedestrian overpasses or underpasses across railroad tracks, and to prevent large trucks from letting gravel escape. Other bills will authorize license plates for war

veterans and to promote organ donation.

**License Plates.** *Commemorative plates* can be issued to World War II and Vietnam veterans, and to promote organ donation (H.B. 3312, Stephens-S.Davis-Currie-Bost-J.Jones et al.—Dudycz-DeLeo-Geo-Karis).

*Disabled plates and decals* for persons with disabilities can be issued to government agencies or nursing homes transporting people with disabilities (H.B. 3176, McGuire-Silva-Holbrook-Boland et al.—Walsh-Link).

**Railroad Walkways.** Pedestrian walkways over or under railroad tracks can be funded with up to \$2 million per year from the Grade Crossing Protection Fund (H.B. 3476, J.Curry-Brosnahan-Crotty-Dart—Noland-O'Malley).

**Sound Trucks** lose their exemption from the prohibition on automobile sound systems that can be heard 75 feet away (S.B. 1428, del Valle-Hendon—Silva-Harris).

**Trucks.** *Spillage.* In a truck of over 8,000 pounds, a load such as gravel must be stored in the cargo area with the tailgate securely closed. A police officer can order the stopping of a

truck whose load seems at risk of escaping (S.B. 1298, Lauzen-Klemm—Lindner-E.Lyons-Gash-Cross-Scully).

*Wide loads.* Trucks whose loads block the view of amber lights on their cabs must have such lights behind their loads (H.B. 4352, Black-Bugielski-Burke—J.Myers). □

Andrea L. Sweet  
Research Assistant

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## State Government & Pensions

*(continued from p. 19)*  
state employees', teachers', and judges' retirement systems can re-marry at any age (now, only after turning 55) without losing survivors' benefits; this change takes effect at different times in different systems. Chicago public school annuitants can teach outside Chicago without having their pension benefits suspended. The 10% of assets that Downstate police and firefighter pension funds can invest in equities can include mutual funds that invest in stocks and/or bonds. The investments authorized for the Cook County employees' and

officers' retirement fund are changed from a list of investment classes to broader descriptions based on fiduciary principles (H.B. 1583, Murphy-Hoeft-Hartke-Leitch-McCarthy et al.—Maitland).

*Teacher health insurance.* The limit on annual payments to reimburse Chicago teacher annuitants for health insurance is raised from \$25 million to \$40 million (H.B. 3756, M.Madigan-McCarthy-Brosnahan-McGuire-Crotty et al.—O'Malley-Cullerton).

**State Grants.** Information on each grant by a state agency in the executive branch, including universities, must be filed with the Comptroller—as information on contracts, purchase orders, and leases already is (S.B. 1871, Viverito-Demuzio—Kenner).

**World War II Memorial.** The Women in Military Service Memorial Fund checkoff is replaced with a World War II Memorial Fund checkoff (H.B. 2899, Bellock-Bost-J.Jones-O'Connor-Boland et al.—Geo-Karis-Klemm; S.B. 1277, Philip-Maitland-Jacobs-Geo-Karis-E.Jones et al.—Bellock-Stephens-Bost-J.Jones-Black). □

Rebekah L. Stiles  
Research Assistant

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## Abstracts of Reports Required To Be Filed With General Assembly

The Legislative Research Unit staff is required to prepare abstracts of reports required to be filed with the General Assembly. Legislators may receive copies of entire reports by sending the enclosed form to the State Government Report Distribution Center at the Illinois State Library.

### **Aging Department**

#### *Guidelines for volunteer service*

#### *credit system for senior volunteers*

Recommends that communities work with nonprofit groups, schools, religious communities, and other local groups to coordinate volunteer efforts. Each nonprofit should establish a credit use policy; consult a lawyer on liability; establish an advisory committee; identify community needs; recruit volunteers; create a database to match them to needs; address transfer of credits; seek support from donors; and educate participants. (20 ILCS 105/4.01(23); Dec. 1998, 11 pp.)

### **Agriculture Department**

#### *Annual report on agricultural areas, 1998*

Six new agricultural areas totaling 12,712 acres were created under the Agricultural Areas Conservation and Protection Act. A 589-acre area was added in 1997. Illinois has 50 agricultural areas in 21 counties, covering 113,362 acres. (505 ILCS 5/20.1; Dec. 1998, 2 pp. + 8 maps.)

### **Central Management Services Department**

#### *Bilingual needs and pay survey, 1998*

CMS surveyed state agency personnel offices on need for bilingual employees; 25 reported a need. Agencies listing bilingual skills in many job descriptions included the Departments of Human Services (578), Children and Family Services (179),

and Employment Security (108).

Supplemental pay for foreign language skills went to 917 Hispanic and 211 other employees. (20 ILCS 415/9(6); Dec. 1998, 9 pp.)

### **Corrections Department**

#### *Quarterly report on prisons, April-June 1999*

The 44,100 residents in adult institutions were 498 below the population projected from FY 1998 data; rated capacity had grown to 32,255. Adult population is projected at 46,606 by June 2000. Educational or vocational programs enrolled 11,775 adults. Juvenile institutions had 2,219 residents, versus rated capacity of 1,366 in April 2000. (730 ILCS 5/3-5-3.1; July 1999, 24 pp.)

### **Council on Aging**

#### *Annual report FY 1999*

Council considered topics including assisted living, financial screening of nursing home applicants, grandparents raising grandchildren, and women's issues. Three committees report at the Council's quarterly meetings: Community Care Advisory Committee evaluates and recommends changes to the Community Care program; Task Force on Advocacy promotes senior activities; and Legislative Committee tracks and formulates positions on state and federal bills. Bills considered in 1999 addressed housing, elder fraud, grandparent visitation, patient rights, quality of care, and tax relief. (20 ILCS 105/7.09(2); Sept. 1999, 13 pp.)

### **Transportation Department**

Annual report on rented parcels, 1999  
Bureau of Land Acquisition rented out 390 parcels along highways (including 104 containing structures), getting over \$1.3 million in rent. (605 ILCS 5/4-201.16; July 1999, 4 pp.) □

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## Social Services

(continued from p. 18)

personnel; or prevent DCFS or a party to a juvenile proceeding from sharing those records with other parties. If DCFS finds a report of abuse of a minor "unfounded," the minor's guardian *ad litem* can request a review by the Regional Child Protection Manager. DCFS must report annually to the General Assembly on investigations reviewed by multidisciplinary review committees; how many they found inadequate; and committees' comments (H.B. 4348, Dart-J. Turner-Franks-Brosnahan-Flowers et al.—Silverstein).

**CHIP Coverage.** The Comprehensive Health Insurance Plan will add coverage for these services: post-mastectomy reconstruction; and oral surgery to remove impacted teeth, tumors, or cysts, or correct cleft lip or other birth defects. The 6-month "pre-existing conditions" exclusion is narrowed, from conditions for which an ordinarily prudent person would have sought care to conditions for which the insured actually sought or was advised to get care. But a requirement is added that applicants have been state residents for at least 180 days (H.B. 4433, Sommer-Mautino-Leitch-Coulson et al.—O'Malley-R.Madigan).

(continued on p. 22)

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## Social Services

(continued from p. 21)

**Dementia Care Certification.** The Department of Public Health must develop criteria for the training and experience needed by persons caring for victims of Alzheimer's and other dementing disorders, and report by March 1, 2001 on the effectiveness of using those criteria to certify such providers (S.B. 1434, Margaret Smith-Trotter-del Valle-Obama-Munoz et al.—Feigenholtz-L.Jones-Garrett-Bellock-Lindner).

**Domestic Violence Training.** The Department of Human Services must develop and use a domestic violence training curriculum for employees working with public aid recipients (S.B. 1712, Obama-del Valle-Margaret Smith-Trotter-N.Mitchell et al.—McKeon-Osterman-Feigenholtz-Flowers-Boland).

**Drugged Children.** Persons required to report child abuse must report anyone under 18 to whom a relative, parent's paramour, or person living in the same home illegally delivered a controlled substance (H.B. 3073, Stephens-S.Davis-E.Lyons-Holbrook et al.—Demuzio-J.Myers-Lightford-Molaro).

**Medicaid. Aid to the aged, blind, and disabled, and temporary assistance for needy families, are extended to persons otherwise eligible who do not qualify based on need but whose income (before or after medical costs) is no more than 70% of the federal poverty level in FY 2001, 85% in FY 2002, or 100% in FY 2003 or later (H.B. 3872, Daniels-M.Madigan-A.Moore-McGuire-Coulson et al.—Radogno-O'Malley-Syverson-Noland-Petka).**

**Mental Exams.** No one may be involuntarily taken to and held at a mental health center unless there has been a diligent attempt to convince the person to appear voluntarily for examination—unless the moving party reasonably believes that would risk harm to the person or others. A court may hear an involuntary admission petition without notice to the person who is its subject only if the moving party testifies to the facts on which the petition is based. If a person is taken to a mental health center for a court-ordered exam, the center must try to inform up to two persons whom the examinee asks to be notified. The Law Enforcement Training Standards Board will convene a task force to develop a model protocol for involvement of mental health professionals when police transport a person for mental examination. The Board must report to the General Assembly on any adopted protocol by March 2001 (S.B. 1599, Parker-Margaret Smith-Obama-Munoz-N.Mitchell et al.—E.Lyons-Lindner-Coulson-Kosel-Bellock).

**Mental Treatment** can be ordered for 180-day periods after two (currently authorized) 90-day orders (S.B. 1508, Parker—Lindner-McCarthy-Bellock-Black-Coulson). Another bill proposes similar changes; and adds that a mental patient's substitute decision-maker (if any) under other laws must get the same information as must go to the patient; a patient cannot be involuntarily given a psychotropic drug lasting 48 or more hours without a court order; each patient must be told of kinds of situations in which the law allows emergency forced medication, restraints, or seclusion, and allowed to state a preference among them if they ever become necessary; persons subject to involuntary admission by court order must be examined at

home if possible; and police officers are protected for good-faith acts in giving emergency aid or enforcing the mental health code (H.B. 3548, Lindner-Bellock-Lang-E.Lyons-Crotty et al.—Parker-Lightford-Obama-Munoz-Margaret Smith).

**Paternity Data.** The Department of Public Aid can use the Department of State Police computer data system to help find fathers and establish child support orders (S.B. 1841, T.Walsh—J.Curry).

### Unsuccessful Bill

A House bill as amended and passed by the Senate would prohibit mental facilities licensed or funded by the Department of Human Services from hiring persons listed on a Department of Public Health nurse aide registry as quitting or being fired after substantiated abuse or neglect of a mental patient. The bill is in the House for concurrence (H.B. 4396, Bellock-Lang-Lindner-E.Lyons-Hultgren et al.—Dillard-Parker). □

*Lillian Kimmel*  
*Senior Research Associate*

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# Criminal Law

(continued from p. 7)

**Juvenile Interrogation.** A person under 13 charged with homicide or a nonconsensual sex crime must have counsel during the entire custodial interrogation (S.B. 730, Hawkinson et al.—M.Davis-Scott-Flowers-Harris-Silva).

**Limitations—Attempted Murder.** A prosecution for attempted first-degree murder can be brought at any time, instead of for 7 years after commission (H.B. 2888, B.Mitchell-Brosnahan et al.—Noland-L.Madigan-Obama).

**Prison Operations.** Contact visits are forbidden to prisoners in a super-maximum security prison, or on disciplinary segregation in any prison. Prisoners who have illegal drugs, fail a drug test, are involved in gang activity, or assault a guard cannot have contact visits for at least 6 months. The Corrections Department will create a gang intelligence unit to collect intelligence on gang activity in state prisons, and annually send the General Assembly a profile of gang-affiliated prisoners and gang activity. An existing \$2 copayment for medical visits outside prisons is extended to medical visits inside prisons; but a prisoner with a chronic illness or ordered by a physician for followup visits will not be charged copayments (H.B. 4124, Reitz-Fowler-Bost-J.Jones-Woolard et al.—Luechtefeld-J.Myers-Sieben).

**Privacy Violations.** The prohibition on videotaping or filming persons in some locations without consent (a Class A misdemeanor) is expanded to include doing so in a locker room, changing room, or hotel bedroom; or secretly doing so in the person’s

home. Distributing images so obtained becomes a Class 4 felony (H.B. 3465, McAuliffe-E.Lyons-Righter-Gash-Acevedo et al.—Dudycz-Dillard-DeLeo).

**Protection Orders** issued by courts of other states, tribes, and U.S. territories may be filed with an Illinois court clerk. They are to be enforced by Illinois courts and police, whether or not so filed (S.B. 1655, Parker-Philip-Silverstein-L.Madigan-Link et al.—Kosel-Lindner-Coulson-O’Connor-Gash).

**Public Defender Immunity.** Public defenders, appellate defenders, their assistants, and their employers and supervisors get immunity from legal malpractice suits, absent willful and wanton misconduct (H.B. 4698, Bradley-Hamos—Molaro).

**Rebuilt Vehicle Fraud.** The prohibition on selling a rebuilt vehicle without disclosure is limited by adding a requirement that violation be knowing and with intent to defraud or deceive. A first offense remains a Class A misdemeanor, but repeat offenses become Class 4 felonies (H.B. 3936, Mike Smith-J.Jones-Black-Moffitt-Holbrook et al.—Shadid).

**Safe Neighborhoods Law Re-enactments.** Portions of the Safe Neighborhoods Law (P.A. 88-680 of 1994, struck down for covering more than one subject) on the following subjects are re-enacted as they existed before invalidation (subject to any recent amendatory laws): *WIC vendors* (S.B. 1359, Dillard-Philip—Fritchey); *DUI sentencing* (S.B. 1361, Dillard-Philip-Bomke-O’Malley-Radogno et al.—Brosnahan-Persico-J.Lyons-McAuliffe-Giles); *victim rights* (S.B. 1362, Dillard-Philip-Noland-Bomke-Parker et al.—Dart-Lindner-Delgado-

Mathias-Silva); *FOID cards* (S.B. 1363, Dillard-Philip-Radogno-Sullivan-Parker et al.—J.Turner-Brosnahan-E.Lyons-Schoenberg-Schmitz); *Corrections Code changes* (S.B. 1364, Dillard-Philip-W.Jones-O’Malley-Radogno et al.—Righter-Hoffman-Winters-Wait-Gash); and *various criminal provisions* (0, Dillard-Philip-W.Jones-Radogno-O’Malley et al.—Cross-Dart-Parke-Lang-Bassi).

**Sex Crimes.** *Child sex offenders* cannot reside within 500 feet of a school, playground, or facility offering programs or services for persons under 18, except in a home bought by the sex offender before the effective date of this bill. For purposes of that prohibition only, the list of “child sex offenses” is broadened to include many nonsexual crimes against children (H.B. 4045, Scully-Flowers-Crotty-Garrett-Schoenberg et al.—O’Malley).

*Evidence custody.* Police and state’s attorneys must preserve evidence in homicide and nonconsensual sex cases for specified numbers of years, keeping a continuous chain of custody and enough documentation to find the evidence. A court order will be required to dispose of it; the order can allow the defendant to remove some of the evidence for later testing. Police or prosecutorial personnel who intentionally fail to comply will commit a Class 4 felony (H.B. 4593, Giles-B.F.Currie-L.Jones-Gash et al.—Petka-Lightford).

*Rape evidence.* Victims 13 or older can authorize release of sexual assault evidence to police. Parents, guardians, investigating police officers, or the Department of Children and Family Services can authorize release of such

(continued on p. 24)

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## Criminal Law

(continued from p. 23)

evidence for those under 13. Medical providers get immunity from liability for providing related evidence to police in good faith (H.B. 1785, Beaubien-Mathias-Osmond-Durkin-Bassi—Geo-Karis-Petka-Lightford).

*Sexually violent persons.* Evidence of other crimes and punishments can be introduced at a trial on a petition to declare a person sexually violent. The term “sexually violent offense” is expanded to include the former crimes

of rape, deviate sexual assault, and indecent liberties with a child. A court can order a sexually violent person moved to a less restrictive place for treatment only if the Department of Human Services presents a specific treatment course, promises to report periodically on progress, and offers secure housing for the person, who agrees to comply with treatment requirements. A court order releasing a sexually violent person to the Department must impose a list of 28 conditions on the person. The Attorney General or state’s attorney can seek revocation of conditional release for a violation (H.B. 4116, J.Turner-Righter-O’Connor-Granberg-Klingler et al.—Cronin-Parker).

for those crimes at such places. Those persons can also give victim impact statements before sentencing, except in death-penalty cases (S.B. 1332, DeLeo-del Valle-Trotter—Bugielski-A.Turner-L.Jones-Acevedo-Capparelli).

**Vandalism.** A person convicted of criminal defacement of property constituting a Class 3 or 4 felony must pay a mandatory \$500 fine and the cost of repairing or removing the defacement (S.B. 1382, Silverstein—Schoenberg-Acevedo-Scully-Delgado-Silva). □

*George F. Rishel*  
Staff Attorney

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## FIRST READING

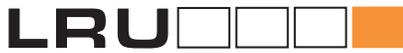
A publication of the Legislative Research Unit

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Executive Director

**David R. Miller**  
Editor

**Marilyn Flynn**  
Composition & Layout

**Testimony.** Police or others living or working in the locality can testify that a violent crime or drug dealing was committed at or near a truck or safety rest stop, school, school bus, public housing, park, church, synagogue, nursing home, or senior center, under provisions imposing a higher penalty



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