

STATE OF ILLINOIS



HOUSE JOURNAL

HOUSE OF REPRESENTATIVES

NINETY-FIFTH GENERAL ASSEMBLY

51ST LEGISLATIVE DAY

REGULAR & PERFUNCTORY SESSION

THURSDAY, MAY 10, 2007

1:00 O'CLOCK P.M.

HOUSE OF REPRESENTATIVES
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51st Legislative Day

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The House met pursuant to adjournment.

Speaker of the House Madigan in the chair.

Prayer by Reverend Gregory Mayer, who is the Pastor of First Lutheran Church in Rock Island, IL.

Representative Moffitt led the House in the Pledge of Allegiance.

By direction of the Speaker, a roll call was taken to ascertain the attendance of Members, as follows:

114 present. (ROLL CALL 1)

By unanimous consent, Representatives Beaubien, Richard Bradley, Chapa LaVia and Patterson were excused from attendance.

LETTER OF TRANSMITTAL

May 10, 2007

Mark Mahoney
Chief Clerk of the House
402 State House
Springfield, IL 62706

Dear Clerk Mahoney:

Please be advised that I am extending the Third Reading/Final Action Deadline to May 18, 2007 for the following House Bills:

HOUSE BILLS 8, 14, 24, 34, 35, 115, 116, 119, 122, 123, 124, 125, 127, 128, 135, 154, 159, 185, 191, 193, 197, 200, 227, 228, 230, 231, 235, 246, 262, 283, 298, 313, 314, 317, 323, 329, 372, 380, 381, 384, 386, 390, 391, 392, 394, 396, 410, 429, 441, 471, 474, 475, 477, 480, 498, 520, 559, 658, 659, 671, 677, 683, 693, 704, 730, 731, 750, 758, 765, 780, 789, 790, 791, 796, 801, 814, 818, 829, 868, 873, 875, 880, 899, 918, 920, 922, 944, 945, 946, 980, 994, 998, 1006, 1017, 1026, 1028, 1040, 1069, 1077, 1078, 1101, 1112, 1118, 1119, 1134, 1143, 1144, 1248, 1252, 1253, 1258, 1270, 1271, 1275, 1277, 1282, 1283, 1291, 1299, 1302, 1304, 1305, 1309, 1320, 1322, 1328, 1329, 1331, 1334, 1343, 1360, 1365, 1383, 1398, 1421, 1427, 1431, 1432, 1437, 1438, 1449, 1450, 1451, 1466, 1467, 1470, 1478, 1479, 1500, 1503, 1506, 1508, 1510, 1518, 1526, 1534, 1548, 1613, 1614, 1619, 1622, 1631, 1652, 1653, 1664, 1668, 1678, 1687, 1696, 1697, 1703, 1728, 1730, 1736, 1746, 1747, 1755, 1757, 1772, 1777, 1779, 1786, 1818, 1825, 1826, 1831, 1834, 1836, 1841, 1845, 1849, 1865, 1868, 1884, 1885, 1925, 1939, 1941, 1950, 1962, 1974, 1977, 1983, 1985, 1987, 1999, 2003, 2006, 2007, 2008, 2009, 2011, 2012, 2013, 2017, 2020, 2026, 2033, 2043, 2069, 2070, 2072, 2134, 2140, 2163, 2166, 2185, 2201, 2207, 2214, 2233, 2253, 2254, 2285, 2293, 2302, 2303, 2315, 2352, 2353, 2362, 2377, 2419, 2425, 2470, 2472, 2473, 2564, 2616, 2632, 2664, 2670, 2671, 2798, 2800, 2801, 2853, 2913, 2926, 2948, 2949, 2955, 2958, 2967, 2970, 2972, 2974, 2995, 3010, 3042, 3079, 3106, 3126, 3128, 3170, 3196, 3256, 3270, 3278, 3279, 3288, 3298, 3312, 3335, 3341, 3380, 3387, 3397, 3422, 3424, 3433, 3445, 3453, 3461, 3475, 3476, 3477, 3491, 3508, 3569, 3570, 3571, 3603, 3605, 3608, 3616, 3620, 3626, 3633, 3645, 3647, 3648, 3650, 3652, 3653, 3657, 3662, 3665, 3668, 3675, 3676, 3679, 3724, 3733, 3737, 3738, 3739, 3740, 3741, 3742, 3743, 3744, 3745, 3746, 3747, 3748, 3749, 3750, 3751, 3752, 3753, 3754, 3755, 3756, 3757, 3758, 3759, 3760, 3765 and 3767.

If you have questions, please contact my Chief of Staff, Tim Mapes, at 782-6360.

With kindest personal regards, I remain

Sincerely yours,
s/Michael J. Madigan
Speaker of the House

[May 10, 2007]

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May 10, 2007

Mark Mahoney
Chief Clerk of the House
402 State House
Springfield, IL 62706

Dear Clerk Mahoney:

Please be advised that I am extending the Committee and Third Reading Deadline to May 18, 2007 for the following House Bills:

House Bills: 1451, 1500, 1884 and 3605.

If you have questions, please contact my Chief of Staff, Tim Mapes, at 782-6360.

With kindest personal regards, I remain.

Sincerely yours,
s/Michael J. Madigan
Speaker of the House

TEMPORARY COMMITTEE ASSIGNMENTS

Representative Verschoore replaced Representative Chapa LaVia in the Committee on Judiciary II - Criminal Law on May 10, 2007.

Representative Golar replaced Representative Richard Bradley in the Committee on Registration and Regulation on May 10, 2007.

Representative Smith replaced Representative Phelps in the Committee on Registration and Regulation on May 10, 2007.

Representative Hernandez replaced Representative Flider in the Committee on Local Government on May 10, 2007.

Representative Osmond replaced Representative Tracy in the Committee on Local Government on May 10, 2007.

Representative Harris replaced Representative Rita in the Committee on Environment & Energy on May 10, 2007.

Representative Washington replaced Representative Richard Bradley in the Committee on Environment & Energy on May 10, 2007.

Representative Lang replaced Representative Phelps in the Committee on Environment & Energy on May 10, 2007.

Representative Black replaced Representative Beaubien in the Committee on Revenue on May 10, 2007.

Representative Leitch replaced Representative Fortner in the Committee on Local Government on May 10, 2007.

REPORTS FROM STANDING COMMITTEES

Representative Holbrook, Chairperson, from the Committee on Environment & Energy to which the following were referred, action taken on May 10, 2007, reported the same back with the following recommendations:

That the bill be reported "do pass as amended" and be placed on the order of Second Reading-- Short Debate: SENATE BILL 1257.

That the bill be reported "do pass" and be placed on the order of Second Reading-- Short Debate: SENATE BILLS 69, 126, 154, 569, 1419 and 1663.

The committee roll call vote on Senate Bills 1257 and 1663 is as follows:
19, Yeas; 0, Nays; 0, Answering Present.

Y Holbrook(D), Chairperson	Y Nekritz(D), Vice-Chairperson
Y Durkin(R), Republican Spokesperson	Y Bradley, John(D)
Y Washington (D) (replacing Bradley, R)	Y Cole(R)
Y Flider(D)	A Fortner(R)
Y Hamos(D)	Y Joyce(D)
A Krause(R)	Y May(D)
Y Meyer(R)	Y Lang (D) (replacing Phelps)
Y Reboletti(R)	Y Reitz(D)
Y Rita(D)	Y Rose(R)
A Schock(R)	Y Smith(D)
A Tryon(R)	Y Verschoore(D)
Y Winters(R)	

The committee roll call vote on Senate Bill 69 is as follows:
15, Yeas; 0, Nays; 0, Answering Present.

Y Holbrook(D), Chairperson	Y Nekritz(D), Vice-Chairperson
Y Durkin(R), Republican Spokesperson	A Bradley, John(D)
Y Washington (D) (replacing Bradley, R)	Y Cole(R)
Y Flider(D)	A Fortner(R)
Y Hamos(D)	A Joyce(D)
A Krause(R)	Y May(D)
A Meyer(R)	Y Lang (D) (replacing Phelps)
Y Reboletti(R)	Y Reitz(D)
Y Harris (D) (replacing Rita)	A Rose(R)
A Schock(R)	Y Smith(D)
A Tryon(R)	Y Verschoore(D)
Y Winters(R)	

The committee roll call vote on Senate Bill 126 is as follows:
17, Yeas; 0, Nays; 0, Answering Present.

Y Holbrook(D), Chairperson	Y Nekritz(D), Vice-Chairperson
Y Durkin(R), Republican Spokesperson	Y Bradley, John(D)
Y Washington (D) (replacing Bradley, R)	Y Cole(R)
Y Flider(D)	A Fortner(R)
Y Hamos(D)	A Joyce(D)
A Krause(R)	Y May(D)
Y Meyer(R)	Y Lang (D) (replacing Phelps)
Y Reboletti(R)	Y Reitz(D)
Y Harris (D) (replacing Rita)	A Rose(R)
A Schock(R)	Y Smith(D)
A Tryon(R)	Y Verschoore(D)
Y Winters(R)	

The committee roll call vote on Senate Bill 154 is as follows:
18, Yeas; 0, Nays; 0, Answering Present.

Y Holbrook(D), Chairperson	Y Nekritz(D), Vice-Chairperson
Y Durkin(R), Republican Spokesperson	Y Bradley, John(D)
Y Washington (D) (replacing Bradley, R)	Y Cole(R)
Y Flider(D)	A Fortner(R)
Y Hamos(D)	A Joyce(D)
A Krause(R)	Y May(D)
Y Meyer(R)	Y Lang (D) (replacing Phelps)
Y Reboletti(R)	Y Reitz(D)
Y Harris (D) (replacing Rita)	Y Rose(R)
A Schock(R)	Y Smith(D)
A Tryon(R)	Y Verschoore(D)
Y Winters(R)	

The committee roll call vote on Senate Bill 569 is as follows:
12, Yeas; 7, Nays; 0, Answering Present.

Y Holbrook(D), Chairperson	N Nekritz(D), Vice-Chairperson
N Durkin(R), Republican Spokesperson	Y Bradley, John(D)
N Washington (D) (replacing Bradley, R)	N Cole(R)
Y Flider(D)	A Fortner(R)
N Hamos(D)	Y Joyce(D)
A Krause(R)	N May(D)
Y Meyer(R)	Y Lang (D) (replacing Phelps)
Y Reboletti(R)	Y Reitz(D)
Y Rita(D)	Y Rose(R)
A Schock(R)	Y Smith(D)
A Tryon(R)	Y Verschoore(D)
N Winters(R)	

The committee roll call vote on Senate Bill 1419 is as follows:
14, Yeas; 4, Nays; 0, Answering Present.

Y Holbrook(D), Chairperson	Y Nekritz(D), Vice-Chairperson
Y Durkin(R), Republican Spokesperson	N Bradley, John(D)
Y Washington (D) (replacing Bradley, R)	Y Cole(R)
N Flider(D)	A Fortner(R)
Y Hamos(D)	A Joyce(D)
A Krause(R)	Y May(D)
Y Meyer(R)	Y Lang (D) (replacing Phelps)
Y Reboletti(R)	Y Reitz(D)
Y Rita(D)	Y Rose(R)
A Schock(R)	N Smith(D)
A Tryon(R)	N Verschoore(D)
Y Winters(R)	

Representative Saviano, Chairperson, from the Committee on Registration and Regulation to which the following were referred, action taken on May 10, 2007, reported the same back with the following recommendations:

That the bill be reported "do pass" and be placed on the order of Second Reading-- Short Debate: SENATE BILLS 149, 360, 448, 573, 745, 867, 1174 and 1225.

The committee roll call vote on Senate Bill 149 is as follows:
18, Yeas; 0, Nays; 0, Answering Present.

Y Saviano(R), Chairperson	A Fritchey(D), Vice-Chairperson
Y Coulson(R), Republican Spokesperson	A Acevedo(D)
Y Beiser(D)	Y Bost(R)
Y Golar (D) (replacing Bradley, R)	Y Brauer(R)
Y Burke(D)	Y Coladipietro(R)
Y Holbrook(D)	Y Jefferies(D)
Y Joyce(D)	Y Kosel(R)
Y McAuliffe(R)	A Mendoza(D)
A Meyer(R)	Y Miller(D)
A Mulligan(R)	Y Smith (D) (replacing Phelps)
Y Pihos(R)	Y Reitz(D)
Y Sullivan(R)	

The committee roll call vote on Senate Bills 360, 448, 573, 745, 1174 and 1225 is as follows:
21, Yeas; 0, Nays; 0, Answering Present.

Y Saviano(R), Chairperson	A Fritchey(D), Vice-Chairperson
Y Coulson(R), Republican Spokesperson	Y Acevedo(D)
Y Beiser(D)	Y Bost(R)
Y Golar (D) (replacing Bradley, R)	Y Brauer(R)
Y Burke(D)	Y Coladipietro(R)
Y Holbrook(D)	Y Jefferies(D)
Y Joyce(D)	Y Kosel(R)
Y McAuliffe(R)	A Mendoza(D)
Y Meyer(R)	Y Miller(D)
Y Mulligan(R)	Y Smith (D) (replacing Phelps)
Y Pihos(R)	Y Reitz(D)
Y Sullivan(R)	

The committee roll call vote on Senate Bill 867 is as follows:
20, Yeas; 0, Nays; 0, Answering Present.

Y Saviano(R), Chairperson	A Fritchey(D), Vice-Chairperson
Y Coulson(R), Republican Spokesperson	Y Acevedo(D)
Y Beiser(D)	Y Bost(R)
Y Golar (D) (replacing Bradley, R)	Y Brauer(R)
Y Burke(D)	Y Coladipietro(R)
Y Holbrook(D)	Y Jefferies(D)
Y Joyce(D)	Y Kosel(R)
Y McAuliffe(R)	A Mendoza(D)
Y Meyer(R)	Y Miller(D)
A Mulligan(R)	Y Smith (D) (replacing Phelps)
Y Pihos(R)	Y Reitz(D)
Y Sullivan(R)	

Representative Chapa LaVia, Chairperson, from the Committee on Local Government to which the following were referred, action taken on May 10, 2007, reported the same back with the following recommendations:

That the bill be reported "do pass as amended" and be placed on the order of Second Reading-- Short Debate: SENATE BILLS 249, 263, 305, 684 and 1201.

That the bill be reported "do pass" and be placed on the order of Second Reading-- Short Debate: SENATE BILLS 29, 56, 152, 186, 255, 341, 343, 345, 382, 436, 438, 473, 612, 689, 744, 1261 and 1729.

The committee roll call vote on Senate Bills 29, 249, 305 and 612 is as follows:

9, Yeas; 0, Nays; 0, Answering Present.

Y Chapa LaVia(D), Chairperson	A Hernandez (D) (replacing Flider)
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Y Mathias(R), Republican Spokesperson	Y Ford(D)
Y Fortner(R)	Y Mautino(D)
Y Riley(D)	Y Ryg(D)
A Sommer(R)	Y Osmond (R) (replacing Tracy)
Y Tryon(R)	

The committee roll call vote on Senate Bills 473, 1201 and 1261 is as follows:
11, Yeas; 0, Nays; 0, Answering Present.

Y Chapa LaVia(D), Chairperson	Y Flider(D), Vice-Chairperson
Y Mathias(R), Republican Spokesperson	Y Ford(D)
Y Fortner(R)	Y Mautino(D)
Y Riley(D)	Y Ryg(D)
Y Sommer(R)	Y Tracy(R)
Y Tryon(R)	

The committee roll call vote on Senate Bills 56, 255, 345, 438 and 744 is as follows:
11, Yeas; 0, Nays; 0, Answering Present.

Y Chapa LaVia(D), Chairperson	Y Hernandez (D) (replacing Flider)
Y Mathias(R), Republican Spokesperson	Y Ford(D)
Y Fortner(R)	Y Mautino(D)
Y Riley(D)	Y Ryg(D)
Y Sommer(R)	Y Osmond (R) (replacing Tracy)
Y Tryon(R)	

The committee roll call vote on Senate Bill 263 is as follows:
9, Yeas; 2, Nays; 0, Answering Present.

N Chapa LaVia(D), Chairperson	N Hernandez (D) (replacing Flider)
Y Mathias(R), Republican Spokesperson	Y Ford(D)
Y Fortner(R)	Y Mautino(D)
Y Riley(D)	Y Ryg(D)
Y Eddy (R) (replacing Sommer)	Y Osmond (R) (replacing Tracy)
Y Tryon(R)	

The committee roll call vote on Senate Bill 684 is as follows:
6, Yeas; 3, Nays; 0, Answering Present.

N Chapa LaVia(D), Chairperson	N Hernandez (D) (replacing Flider)
A Mathias(R), Republican Spokesperson	Y Ford(D)
A Fortner(R)	Y Mautino(D)
Y Riley(D)	Y Ryg(D)
N Sommer(R)	Y Osmond (R) (replacing Tracy)
Y Tryon(R)	

The committee roll call vote on Senate Bill 1729 is as follows:
9, Yeas; 1, Nays; 0, Answering Present.

Y Chapa LaVia(D), Chairperson	N Hernandez (D) (replacing Flider)
Y Mathias(R), Republican Spokesperson	Y Ford(D)
Y Fortner(R)	Y Mautino(D)
Y Riley(D)	Y Ryg(D)
A Sommer(R)	Y Osmond (R) (replacing Tracy)
Y Tryon(R)	

The committee roll call vote on Senate Bill 689 is as follows:
6, Yeas; 0, Nays; 0, Answering Present.

Y Chapa LaVia(D), Chairperson	A Hernandez (D) (replacing Flider)
A Mathias(R), Republican Spokesperson	A Ford(D)
Y Fortner(R)	A Mautino(D)
Y Riley(D)	Y Ryg(D)
A Sommer(R)	Y Osmond (R) (replacing Tracy)
Y Tryon(R)	

The committee roll call vote on Senate Bill 382 is as follows:
7, Yeas; 0, Nays; 0, Answering Present.

Y Chapa LaVia(D), Chairperson	A Hernandez (D) (replacing Flider)
Y Mathias(R), Republican Spokesperson	A Ford(D)
A Fortner(R)	Y Mautino(D)
Y Riley(D)	Y Ryg(D)
A Sommer(R)	Y Osmond (R) (replacing Tracy)
Y Tryon(R)	

The committee roll call vote on Senate Bill 436 is as follows:
7, Yeas; 1, Nays; 0, Answering Present.

Y Chapa LaVia(D), Chairperson	N Hernandez (D) (replacing Flider)
A Mathias(R), Republican Spokesperson	Y Ford(D)
Y Fortner(R)	A Mautino(D)
Y Riley(D)	Y Ryg(D)
A Sommer(R)	Y Osmond (R) (replacing Tracy)
Y Tryon(R)	

The committee roll call vote on Senate Bill 341 is as follows:
7, Yeas; 2, Nays; 1, Answering Present.

Y Chapa LaVia(D), Chairperson	Y Hernandez (D) (replacing Flider)
P Mathias(R), Republican Spokesperson	Y Ford(D)
Y Leitch (R) (replacing Fortner)	N Mautino(D)
Y Riley(D)	Y Ryg(D)
Y Eddy (R) (replacing Sommer)	N Osmond (R) (replacing Tracy)
A Tryon(R)	

The committee roll call vote on Senate Bill 343 is as follows:
6, Yeas; 0, Nays; 0, Answering Present.

Y Chapa LaVia(D), Chairperson	A Hernandez (D) (replacing Flider)
A Mathias(R), Republican Spokesperson	A Ford(D)
A Fortner(R)	Y Mautino(D)
Y Riley(D)	Y Ryg(D)
A Sommer(R)	Y Osmond (R) (replacing Tracy)
Y Tryon(R)	

The committee roll call vote on Senate Bill 152 is as follows:
6, Yeas; 4, Nays; 0, Answering Present.

N Chapa LaVia(D), Chairperson	N Hernandez (D) (replacing Flider)
Y Mathias(R), Republican Spokesperson	Y Ford(D)
N Fortner(R)	Y Mautino(D)
Y Riley(D)	Y Ryg(D)

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A Sommer(R)
Y Tryon(R)

N Osmond (R) (replacing Tracy)

The committee roll call vote on Senate Bill 186 is as follows:
10, Yeas; 0, Nays; 0, Answering Present.

Y Chapa LaVia(D), Chairperson
Y Mathias(R), Republican Spokesperson
Y Fortner(R)
Y Riley(D)
A Sommer(R)
Y Tryon(R)

Y Hernandez (D) (replacing Flider)
Y Ford(D)
Y Mautino(D)
Y Ryg(D)
Y Osmond (R) (replacing Tracy)

Representative Molaro, Chairperson, from the Committee on Judiciary II - Criminal Law to which the following were referred, action taken on May 10, 2007, reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":
Amendments numbered 1 and 2 to HOUSE BILL 2853.

That the bill be reported "do pass as amended" and be placed on the order of Second Reading-- Short Debate: SENATE BILL 88.

That the bill be reported "do pass" and be placed on the order of Second Reading-- Short Debate: SENATE BILLS 14, 55, 75, 97, 132, 142, 265, 273, 386, 585, 594, 705, 1293 and 1358.

The committee roll call vote on Senate Bills 55, 132, 142 and 273 is as follows:
12, Yeas; 1, Nays; 0, Answering Present.

Y Molaro(D), Chairperson
Y Lindner(R), Republican Spokesperson
Y Durkin(R)
Y Gordon(D)
Y Jefferies(D)
Y Reis(R)
Y Wait(R)

N Collins(D), Vice-Chairperson
Y Verschoore (D) (replacing Chapa LaVia)
Y Golar(D)
Y Howard(D)
Y Reboletti(R)
Y Sacia(R)

The committee roll call vote on Senate Bills 88 and 386 is as follows:
12, Yeas; 0, Nays; 0, Answering Present.

Y Molaro(D), Chairperson
Y Lindner(R), Republican Spokesperson
Y Durkin(R)
Y Gordon(D)
Y Jefferies(D)
Y Reis(R)
A Wait(R)

Y Collins(D), Vice-Chairperson
Y Verschoore (D) (replacing Chapa LaVia)
Y Golar(D)
Y Howard(D)
Y Reboletti(R)
Y Sacia(R)

The committee roll call vote on Senate Bills 14, 265, 585, 594, 1358 and Amendments numbered 1 and 2 to House Bill 2853 is as follows:

13, Yeas; 0, Nays; 0, Answering Present.

Y Molaro(D), Chairperson
Y Lindner(R), Republican Spokesperson
Y Durkin(R)
Y Gordon(D)
Y Jefferies(D)
Y Reis(R)
Y Wait(R)

Y Collins(D), Vice-Chairperson
Y Verschoore (D) (replacing Chapa LaVia)
Y Golar(D)
Y Howard(D)
Y Reboletti(R)
Y Sacia(R)

The committee roll call vote on Senate Bill 75 is as follows:

11, Yeas; 1, Nays; 1, Answering Present.

Y Molaro(D), Chairperson	Y Collins(D), Vice-Chairperson
P Lindner(R), Republican Spokesperson	Y Verschoore (D) (replacing Chapa LaVia)
Y Durkin(R)	Y Golar(D)
Y Gordon(D)	Y Howard(D)
Y Jefferies(D)	Y Reboletti(R)
N Reis(R)	Y Sacia(R)
Y Wait(R)	

The committee roll call vote on Senate Bill 705 is as follows:

10, Yeas; 0, Nays; 0, Answering Present.

Y Molaro(D), Chairperson	A Collins(D), Vice-Chairperson
Y Lindner(R), Republican Spokesperson	Y Verschoore (D) (replacing Chapa LaVia)
Y Durkin(R)	Y Golar(D)
Y Gordon(D)	Y Howard(D)
A Jefferies(D)	Y Reboletti(R)
Y Reis(R)	Y Sacia(R)
A Wait(R)	

The committee roll call vote on Senate Bill 1293 is as follows:

9, Yeas; 0, Nays; 0, Answering Present.

Y Molaro(D), Chairperson	A Collins(D), Vice-Chairperson
Y Lindner(R), Republican Spokesperson	Y Verschoore (D) (replacing Chapa LaVia)
Y Durkin(R)	Y Golar(D)
Y Gordon(D)	A Howard(D)
A Jefferies(D)	Y Reboletti(R)
Y Reis(R)	Y Sacia(R)
A Wait(R)	

The committee roll call vote on Senate Bill 97 is as follows:

9, Yeas; 1, Nays; 1, Answering Present.

N Molaro(D), Chairperson	A Collins(D), Vice-Chairperson
Y Lindner(R), Republican Spokesperson	Y Verschoore (D) (replacing Chapa LaVia)
Y Durkin(R)	Y Golar(D)
Y Gordon(D)	P Howard(D)
Y Jefferies(D)	Y Reboletti(R)
Y Reis(R)	Y Sacia(R)
A Wait(R)	

Representative Franks, Chairperson, from the Committee on State Government Administration to which the following were referred, action taken on May 10, 2007, reported the same back with the following recommendations:

That the resolutions be reported "recommends be adopted" and be placed on the House Calendar: HOUSE RESOLUTIONS 256, 279, 300 and 309.

That the bill be reported "do pass as amended" and be placed on the order of Second Reading-- Short Debate: SENATE BILLS 580, 1523 and 1619.

That the bill be reported "do pass" and be placed on the order of Second Reading-- Short Debate: SENATE BILLS 116, 199, 207, 208, 321, 555, 768, 1304, 1326, 1385, 1438, 1621 and 1665.

The committee roll call vote on House Resolutions 256, 279, 300, 309 and Senate Bills 116, 199, 207, 208, 321, 555, 580, 768, 1304, 1438, 1523, 1619 and 1665 is as follows:

8, Yeas; 0, Nays; 0, Answering Present.

Y Franks(D), Chairperson	Y Dugan(D), Vice-Chairperson
Y Froehlich(R), Republican Spokesperson	Y Bradley, John(D)
A Collins(D)	A Davis, Monique(D)
Y Gordon(D)	A Krause(R)
Y Myers(R)	Y Pritchard(R)
Y Ramey(R)	

The committee roll call vote on Senate Bill 1326 is as follows:
7, Yeas; 0, Nays; 1, Answering Present.

Y Franks(D), Chairperson	Y Dugan(D), Vice-Chairperson
Y Froehlich(R), Republican Spokesperson	Y Bradley, John(D)
A Collins(D)	A Davis, Monique(D)
Y Gordon(D)	A Krause(R)
P Myers(R)	Y Pritchard(R)
Y Ramey(R)	

The committee roll call vote on Senate Bill 1385 is as follows:
7, Yeas; 0, Nays; 0, Answering Present.

Y Franks(D), Chairperson	Y Dugan(D), Vice-Chairperson
Y Froehlich(R), Republican Spokesperson	Y Bradley, John(D)
A Collins(D)	A Davis, Monique(D)
A Gordon(D)	A Krause(R)
Y Myers(R)	Y Pritchard(R)
Y Ramey(R)	

The committee roll call vote on Senate Bill 1621 is as follows:
6, Yeas; 1, Nays; 0, Answering Present.

N Franks(D), Chairperson	Y Dugan(D), Vice-Chairperson
A Froehlich(R), Republican Spokesperson	Y Bradley, John(D)
A Collins(D)	A Davis, Monique(D)
Y Gordon(D)	A Krause(R)
Y Myers(R)	Y Pritchard(R)
Y Ramey(R)	

CHANGE OF SPONSORSHIP

With the consent of the affected members, Representative Dunkin was removed as principal sponsor, and Representative Saviano became the new principal sponsor of HOUSE BILL 920.

With the consent of the affected members, Representative Ryg was removed as principal sponsor, and Representative Poe became the new principal sponsor of SENATE BILL 514.

With the consent of the affected members, Representative Molaro was removed as principal sponsor, and Representative Verschoore became the new principal sponsor of SENATE BILL 120.

With the consent of the affected members, Representative Cross was removed as principal sponsor, and Representative Tryon became the new principal sponsor of HOUSE BILL 3128.

HOUSE RESOLUTION

The following resolution was offered and placed in the Committee on Rules.

HOUSE RESOLUTION 405

Offered by Representative Hoffman:

WHEREAS, We, the members of the Illinois House of Representatives, recognize the State is in the process of crafting an annual budget; and

WHEREAS, The State of Illinois is in need of additional revenue to restore its fiscal health and improve the lives of working people across the State; and

WHEREAS, There are several options available to the Illinois House of Representatives to raise revenue that are more desirable than an increase in the income tax and an expansion of the sales tax; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we oppose, to support these priorities, a 66% increase in the income tax as well as an expansion of the State use and occupation taxes to the following services:

(A) Arts entertainment and recreation, including:

- (1) plays;
- (2) dance performances;
- (3) sporting events;
- (4) spectator events;
- (5) museums;
- (6) zoos;
- (7) racetracks;
- (8) historical sites;
- (9) concerts;
- (10) golf courses;
- (11) country clubs;
- (12) health clubs;
- (13) bowling;
- (14) skiing;
- (15) gambling facilities;
- (16) amusement parks;
- (17) botanical gardens;
- (18) dinner theater;
- (19) marinas;
- (20) arcades;
- (21) promoters of performing arts, sports, and similar events without facilities; and
- (22) agents and managers for artists, athletes, entertainers, and other public figures;

(B) Personal and Laundry Services, including:

- (1) drycleaning and laundry services;
- (2) hair, nail, and skin care services;
- (3) barber shops;
- (4) beauty salons;
- (5) nail salons;
- (6) diet and weight reducing centers;
- (7) death care services;
- (8) funeral homes and funeral services;
- (9) cemeteries and crematories;
- (9) coin-operated laundries and drycleaners;
- (10) linen and uniform supply;
- (11) industrial launderers;
- (12) pet care (except veterinary) services;
- (13) photofinishing; and
- (14) parking lots and garages;

- (C) Personal and Household Goods Repair and Maintenance, including:
 - (1) appliance repair and Maintenance;
 - (2) Reupholstery and furniture repair; and
 - (3) footwear and leather goods repair;
- (D) Travel Arrangement and Reservation Services, including:
 - (1) travel agencies;
 - (2) tour operators; and
 - (3) convention and visitors bureaus;
- (E) Investigation and Security Services, including:
 - (1) investigation services;
 - (2) security guards and patrol services;
 - (3) armored car services;
 - (4) security systems services; and
 - (5) locksmiths;
- (F) Services to Buildings and Dwellings, including:
 - (1) pest control;
 - (2) janitorial services;
 - (3) landscaping; and
 - (4) carpet cleaning;
- (G) Other Support Services, including:
 - (1) packaging and labeling; and
 - (2) convention and trade show organizing;
- (H) Employment Services, including:
 - (1) employment placement services;
 - (2) temp agencies; and
 - (3) professional employer organizations;
- (I) Car Washes;
- (J) Landscaping and Architectural Services;
- (K) Specialized design, including:
 - (1) interior design; and
 - (2) graphic design;
- (L) Lessors of Miniwarehouses and Self-Storage Units;
- (M) Rental and Leasing, including:
 - (1) consumer goods rental;
 - (2) consumer electronics and appliances rental;
 - (3) formal wear and costume rental;
 - (4) video tape and disc rental;
 - (5) home health equipment rental; and
 - (6) recreational goods rental;
- Nonscheduled Air Transportation (chartered flights), including:
 - (1) air taxi services;
 - (2) aircraft charter services, passenger;
 - (3) helicopter passenger carriers (except scenic, sightseeing), nonscheduled;
 - (4) passenger air transportation, nonscheduled;
 - (5) air cargo carriers nonscheduled;
 - (6) charter air freight services;
 - (7) helicopter carriers, freight, nonscheduled;
 - (8) transportation by spacecraft, freight; and
 - (9) aviation clubs;
- (N) Taxi and Limo, including:
 - (1) cab, taxi services;
 - (2) taxicab dispatch services;
 - (3) taxicab fleet operators;
 - (4) taxicab organizations;
 - (5) taxicab owner-operators;
 - (6) automobile rental with driver;
 - (7) hearse rental with driver;

- (8) limousine services;
- (9) luxury automobiles for hire with driver; and
- (10) passenger van rental with driver;
- (O) Scenic and Sightseeing Transportation, including:
 - (1) airboat (i.e., swamp buggy) operation;
 - (2) boat, fishing charter, operation;
 - (3) charter fishing boat operation;
 - (4) dinner cruises;
 - (5) excursion boat operation;
 - (6) fishing boat charter operation;
 - (7) harbor sightseeing tours;
 - (8) hovercraft sightseeing operation;
 - (9) scenic and sightseeing excursions, water;
 - (10) sightseeing boat operation;
 - (11) swamp buggy operation; and
 - (12) whale watching excursions;
- (P) Navigational Services to Shipping and Salvage, including:
 - (1) cargo salvaging, marine;
 - (2) docking and undocking marine vessel services;
 - (3) harbor tugboat services;
 - (4) marine salvaging services;
 - (5) marine vessel traffic reporting services;
 - (6) piloting services, water transportation;
 - (7) radio beacon (i.e., ship navigation) services; and
 - (8) tugboat services, harbor operation;
- (Q) Motor Vehicle Towing, including:
 - (1) emergency road services (i.e., tow service); and
 - (2) motor vehicle towing services;
- (R) Couriers (air and local), including:
 - (1) air courier services;
 - (2) local letter and parcel delivery services;
 - (3) alcoholic beverage delivery service;
 - (4) bicycle courier;
 - (5) delivery service;
 - (6) grocery delivery services;
 - (7) messenger service; and
 - (8) restaurant meals delivery services;
- (S) Warehousing (not including farm products), including:
 - (1) public warehousing and storage; and
 - (2) private warehousing and storage; and
- (T) Motion and Drive-In Picture Theaters, including:
 - (1) cinemas, movie theatres;
 - (2) drive-in movie theatres; and
 - (3) open-air movie theatres; and be it further

RESOLVED, That a copy of this Resolution be delivered to the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the President of the Senate, and the Minority Leader of the Senate.

SENATE RESOLUTION

The following Senate Joint Resolution, received from the Senate, were read by the Clerk and referred to the Committee on Rules: SENATE JOINT RESOLUTION 28 (Bellock).

AGREED RESOLUTIONS

The following resolutions were offered and placed on the Calendar on the order of Agreed Resolutions.

HOUSE RESOLUTION 401

Offered by Representative Crespo:
Honors Pastor Allen Eaton for his many accomplishments.

HOUSE RESOLUTION 403

Offered by Representative Black:
Congratulates Carl Alexander on his retirement as Public Safety Director for the City of Danville.

HOUSE RESOLUTION 404

Offered by Representative Sacia:
Congratulates the people of Baileyville on the sesquicentennial of the community, August 4, 2007.

RESOLUTION

Having been reported out of the Committee on Rules on May 10, 2007, HOUSE RESOLUTION 402 was taken up for consideration.

Representative Madigan moved the adoption of the resolution.
And on that motion, a vote was taken resulting as follows:
0, Yeas; 107, Nays; 7, Answering Present.
(ROLL CALL 2)
The motion lost.

HOUSE BILLS ON SECOND READING

Having been reproduced, the following bills were taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILLS 920, 2033 and 3765.

HOUSE BILL 2007. Having been reproduced, was taken up and read by title a second time.
Representative Smith offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend House Bill 2007 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Sections 21-5b, 21-5c, 21-5e, and 21-7.5 and by adding Section 21-5f as follows:

(105 ILCS 5/21-5b)

Sec. 21-5b. Alternative certification. The State Board of Education, in consultation with the State Teacher Certification Board, shall establish and implement an alternative certification program under which persons who meet the requirements of and successfully complete the program established by this Section shall be issued an alternative teaching certificate for teaching in the schools. The program shall be limited to not more than 260 new participants during each year that the program is in effect. The State Board of Education, in cooperation with a partnership formed with a university that offers 4-year baccalaureate and masters degree programs and that is a recognized institution as defined in Section 21-21 and one or more not-for-profit organizations in the State which support excellence in teaching, shall within 30 days after submission by the partnership approve a course of study developed by the partnership that persons in the program must successfully complete in order to satisfy one criterion for issuance of an alternative certificate under this Section. The Alternative Teacher Certification program course of study must include the current content and skills contained in the university's current courses for State certification which have been approved by the State Board of Education, in consultation with the State Teacher Certification Board,

as the requirement for State teacher certification.

The alternative certification program established under this Section shall be known as the Alternative Teacher Certification program. The Alternative Teacher Certification Program shall be offered by the submitting partnership and may be offered in conjunction with one or more not-for-profit organizations in the State which support excellence in teaching. The program shall be comprised of the following 3 phases: (a) the first phase is the course of study offered on an intensive basis in education theory, instructional methods, and practice teaching; (b) the second phase is the person's assignment to a full-time teaching position for one school year; and (c) the third phase is a comprehensive assessment of the person's teaching performance by school officials and the partnership participants and a recommendation by the partner institution of higher education to the State Board of Education that the person be issued a standard alternative teaching certificate. Successful completion of the Alternative Teacher Certification program shall be deemed to satisfy any other practice or student teaching and subject matter requirements established by law.

A provisional alternative teaching certificate, valid for one year of teaching in the common schools and not renewable, shall be issued under this Section 21-5b to persons who at the time of applying for the provisional alternative teaching certificate under this Section:

- (1) have graduated from an accredited college or university with a bachelor's degree;
- (2) have successfully completed the first phase of the Alternative Teacher Certification program as provided in this Section;
- (3) have passed the tests of basic skills and subject matter knowledge required by Section 21-1a; and
- (4) have been employed for a period of at least 5 years in an area requiring application of the individual's education; however, this requirement does not apply with respect to a provisional alternative teaching certificate for teaching in schools situated in a school district that is located in a city having a population in excess of 500,000 inhabitants.

A person possessing a provisional alternative certificate under this Section shall be treated as a regularly certified teacher for purposes of compensation, benefits, and other terms and conditions of employment afforded teachers in the school who are members of a bargaining unit represented by an exclusive bargaining representative, if any.

Until February 15, 2000, a standard alternative teaching certificate, valid for 4 years for teaching in the schools and renewable as provided in Section 21-14, shall be issued under this Section 21-5b to persons who first complete the requirements for the provisional alternative teaching certificate and who at the time of applying for a standard alternative teaching certificate under this Section have successfully completed the second and third phases of the Alternative Teacher Certification program as provided in this Section. Alternatively, beginning February 15, 2000, at the end of the 4-year validity period, persons who were issued a standard alternative teaching certificate shall be eligible, on the same basis as holders of an Initial Teaching Certificate issued under subsection (b) of Section 21-2 of this Code, to apply for a Standard Teaching Certificate, provided they meet the requirements of subsection (c) of Section 21-2 of this Code and further provided that a person who does not apply for and receive a Standard Teaching Certificate shall be able to teach only in schools situated in a school district that is located in a city having a population in excess of 500,000 inhabitants.

Beginning February 15, 2000, persons who have completed the requirements for a standard alternative teaching certificate under this Section shall be issued an Initial Alternative Teaching Certificate valid for 4 years of teaching and not renewable. At the end of the 4-year validity period, these persons shall be eligible, on the same basis as holders of an Initial Teaching Certificate issued under subsection (b) of Section 21-2 of this Code, to apply for a Standard Teaching Certificate, provided they meet the requirements of subsection (c) of Section 21-2.

This alternative certification program shall be implemented so that the first provisional alternative teaching certificates issued under this Section are effective upon the commencement of the 1997-1998 academic year and the first standard alternative teaching certificates issued under this Section are effective upon the commencement of the 1998-1999 academic year.

The State Board of Education, in cooperation with the partnership establishing the Alternative Teacher Certification program, shall adopt rules and regulations that are consistent with this Section and that the State Board of Education deems necessary to establish and implement the program.

On July 1, 2007, candidates completing the one-year teaching assignment under a provisional alternative teaching certificate shall receive an Initial Teaching Certificate valid for 4 years of teaching, as provided under Section 21-2 of this Code.

No new candidates may be admitted under this Section on or after the effective date of this amendatory Act of the 95th General Assembly. Beginning on July 1, 2007, all new candidates for alternative certification shall complete the program requirements under Section 21-5f of this Code.

(Source: P.A. 91-609, eff. 1-1-00.)

(105 ILCS 5/21-5c)

Sec. 21-5c. Alternative route to teacher certification. The State Board of Education, in consultation with the State Teacher Certification Board, shall establish and implement an alternative route to teacher certification program under which persons who meet the requirements of and successfully complete the program established by this Section shall be issued an initial teaching certificate for teaching in schools in this State. The State Board of Education shall approve a course of study that persons in the program must successfully complete in order to satisfy one criterion for issuance of a certificate under this Section. The Alternative Route to Teacher Certification program course of study must include the current content and skills contained in a university's current courses for State certification which have been approved by the State Board of Education, in consultation with the State Teacher Certification Board, as the requirement for State teacher certification.

The program established under this Section shall be known as the Alternative Route to Teacher Certification program. The program may be offered in conjunction with one or more not-for-profit organizations in the State. The program shall be comprised of the following 3 phases: (a) a course of study offered on an intensive basis in education theory, instructional methods, and practice teaching; (b) the person's assignment to a full-time teaching position for one school year, including the designation of a mentor teacher to advise and assist the person with that teaching assignment; and (c) a comprehensive assessment of the person's teaching performance by school officials and program participants and a recommendation by the institution of higher education to the State Board of Education that the person be issued an initial teaching certificate. Successful completion of the Alternative Route to Teacher Certification program shall be deemed to satisfy any other practice or student teaching and subject matter requirements established by law.

A provisional alternative teaching certificate, valid for one year of teaching in the common schools and not renewable, shall be issued under this Section 21-5c to persons who at the time of applying for the provisional alternative teaching certificate under this Section:

- (1) have graduated from an accredited college or university with a bachelor's degree;
- (2) have been employed for a period of at least 5 years in an area requiring application of the individual's education;
- (3) have successfully completed the first phase of the Alternative Teacher Certification program as provided in this Section; and
- (4) have passed the tests of basic skills and subject matter knowledge required by Section 21-1a.

An initial teaching certificate, valid for teaching in the common schools, shall be issued under Section 21-3 or 21-5 to persons who first complete the requirements for the provisional alternative teaching certificate and who at the time of applying for an initial teaching certificate have successfully completed the second and third phases of the Alternative Route to Teacher Certification program as provided in this Section.

A person possessing a provisional alternative certificate or an initial teaching certificate earned under this Section shall be treated as a regularly certified teacher for purposes of compensation, benefits, and other terms and conditions of employment afforded teachers in the school who are members of a bargaining unit represented by an exclusive bargaining representative, if any.

The State Board of Education may adopt rules and regulations that are consistent with this Section and that the State Board deems necessary to establish and implement the program.

No new candidates may be admitted under this Section on or after the effective date of this amendatory Act of the 95th General Assembly. Beginning on July 1, 2007, all new candidates for alternative certification shall complete the program requirements under Section 21-5f of this Code.

(Source: P.A. 90-548, eff. 1-1-98.)

(105 ILCS 5/21-5e)

Sec. 21-5e. Alternative Route to Administrative Certification for National Board Certified Teachers.

(a) It shall be the policy of the State of Illinois to improve the recruitment and preparation of instructional leaders.

(b) On or before July 1, 2007, the State Board of Education, in consultation with the State Teacher Certification Board, shall establish and implement an alternative route to administrative certification ~~for~~

~~teacher leaders~~, to be known as the Alternative Route to an Administrative Certificate for National Board Certified Teachers. ~~"Teacher leader" means a certified teacher who has already received National Board certification through the National Board for Professional Teaching Standards and who has a teacher leader endorsement under Section 21-7.5 of this Code.~~ Persons who meet the requirements of and successfully complete the program established by this Section shall be issued a standard administrative certificate for serving in schools in this State. The State Board shall approve a course of study that persons must successfully complete in order to satisfy one criterion for issuance of the administrative certificate under this Section. The Alternative Route to an Administrative Certificate for National Board Certified Teachers must include the current content and skills contained in a college's or university's courses and the Illinois Professional School Leader Standards for State certification, with the exception of courses that contain the competency areas and the Illinois Professional School Leader Standards that a candidate has already met through National Board certification or through a teacher leadership master's degree program.

(c) The Alternative Route to an Administrative Certificate for National Board Certified Teachers shall be comprised of the following ~~5 components~~ 4 phases:

(1) two years of teaching experience;

~~(2) (1) National Board certification and an endorsement in teacher leadership in accordance with Section 21-7.5 of this Code;~~

~~(3) (2) a master's degree in an education-related field a teacher leader program;~~

(4) A minimum of (3) 15 hours of coursework in which the candidate must show evidence of meeting competencies for foundations of educational administration, organizational management and development, finance, supervision and evaluation, policy and legal issues, supervision of special education programs, and leadership, as stated in the Illinois Professional School Leader Standards for principals; and

(5) passage of applicable certification tests.

~~(4) a passing score on the Illinois Administrator Assessment.~~

(d) Successful completion of the Alternative Route to an Administrative Certificate for National Board Certified Teachers shall be deemed to satisfy all requirements to receive an administrative certificate established by law. The State Board shall adopt rules that are consistent with this Section and that the State Board deems necessary for the establishment and implementation of the program.

(Source: P.A. 94-1039, eff. 7-20-06.)

(105 ILCS 5/21-5f new)

Sec. 21-5f. Alternative route to teacher certification.

(a) On July 1, 2007, the State Board of Education, in consultation with the State Teacher Certification Board, shall discontinue the programs under Sections 21-5b and 21-5c of this Code and shall establish and implement an Alternative Route to Teacher Certification pursuant to this Section. Persons who meet the requirements of and successfully complete the program established by this Section shall be issued an initial teaching certificate.

(b) The program may be offered by a recognized institution that offers 4-year baccalaureate and master's degree programs, as defined in Section 21-21 of this Code. A partnership may be formed with one or more school districts and one or more not-for-profit organizations in this State that support excellence in teaching. The program course of study must include the content and skills contained in the recognized institution's current program for State certification that has been approved by the State Board of Education, in consultation with the State Teacher Certification Board.

(c) The program must be comprised of the following 3 phases:

(1) the first phase is the course of study offered on an intensive basis in educational theory, instructional methods, and practice teaching;

(2) the second phase is the person's assignment to a full-time teaching position for one school year, including the designation of a trained mentor teacher to advise and assist the person with that teaching assignment; and

(3) the third phase is a comprehensive assessment of the person's teaching performance by school officials and program participants, including passage of the assessment of professional teaching test, and a recommendation by the institution of higher education to the State Board of Education that the person be issued an initial teaching certificate.

Successful completion of the Alternative Route to Teacher Certification program shall be deemed to satisfy any other practice or student teaching and subject matter requirements established by law.

(d) An initial teaching certificate, valid for teaching in the common schools, shall be issued under

Section 21-2 of this Code to persons who first complete the requirements for the provisional alternative teaching certificate and who at the time of applying for an initial teaching certificate have successfully completed the second and third phases of the Alternative Route to Teacher Certification program, as provided in subsection (c) of this Section.

(e) A provisional alternative teaching certificate, valid for one year of teaching in the common schools and not renewable, shall be issued under this Section to persons who have done the following:

(1) graduated from an accredited college or university with a bachelor's degree;

(2) successfully completed the first phase of the Alternative Route to Teacher Certification program, as provided in subsection (c) of this Section; and

(3) passed the tests of basic skills and subject matter knowledge required by Section 21-1a of this Code.

A person possessing a provisional alternative teaching certificate under this Section shall be treated as a regularly certified teacher for purposes of compensation, benefits, and other terms and conditions of employment afforded teachers in the school who are members of a bargaining unit represented by an exclusive bargaining representative, if any.

(f) The institution of higher education shall submit an annual report to the State Board of Education on the status of the Alternative Route to Teacher Certification program, including data on program candidates and program completers for 5 years following completion of the program and recommendation for the initial teaching certificate.

(g) Each person who was issued a standard alternative teaching certificate under Section 21-5b of this Code may apply, on the same basis as holders of an initial teaching certificate issued under subsection (b) of Section 21-2 of this Code, for a standard teaching certificate. An individual who continues to hold a standard alternative teaching certificate is eligible to teach only in schools situated in a school district that is located in a city having a population in excess of 500,000 inhabitants.

(h) The State Board of Education shall adopt rules that are consistent with this Section and that the State Board of Education deems necessary to establish and implement the Alternative Route to Teacher Certification program.

(105 ILCS 5/21-7.5)

Sec. 21-7.5. Teacher leader endorsement. It shall be the policy of the State of Illinois to improve the quality of instructional leaders by providing a career pathway for teachers interested in serving in leadership roles. Beginning on July 1, 2007, the State Board, in consultation with the State Teacher Certification Board, shall establish and implement a teacher leader endorsement, to be known as a teacher leader endorsement. Persons who meet the requirements of and successfully complete the requirements of the endorsement established under this Section shall be issued a teacher leader endorsement for serving in schools in this State. The endorsement shall be a career path endorsement but not a restrictive endorsement available to: (i) teachers who are certified through the National Board for Professional Teaching Standards and complete a specially designed strand of teacher leadership courses; (ii) teachers who have completed a master's degree program in teacher leadership; and (iii) proven teacher leaders with a master's degree who complete a specially designed strand of teacher leadership courses. Colleges and universities shall have the authority to qualify the proficiency of proven teacher leaders under clause (iii) of this Section. A teacher who meets any of clauses (i) through (iii) of this Section shall be deemed to satisfy the requirements for the teacher leader endorsement. The teacher leadership courses shall articulate to a master's degree in educational administration at the same institution of higher learning. The State Board may adopt rules that are consistent with this Section and that the State Board deems necessary to establish and implement this teacher leadership endorsement program.

(Source: P.A. 94-1039, eff. 7-20-06.)

Section 99. Effective date. This Act takes effect July 1, 2007."

The foregoing motion prevailed and Amendment No. 1 was adopted.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

Having been reproduced, the following bill was taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILL 2013.

HOUSE BILL 3010. Having been reproduced, was taken up and read by title a second time. Representative Lindner offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend House Bill 3010 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Marriage and Dissolution of Marriage Act is amended by changing Section 607 as follows:

(750 ILCS 5/607) (from Ch. 40, par. 607)

Sec. 607. Visitation.

(a) A parent not granted custody of the child is entitled to reasonable visitation rights unless the court finds, after a hearing, that visitation would endanger seriously the child's physical, mental, moral or emotional health. If the custodian's street address is not identified, pursuant to Section 708, the court shall require the parties to identify reasonable alternative arrangements for visitation by a non-custodial parent, including but not limited to visitation of the minor child at the residence of another person or at a local public or private facility.

(a-3) Grandparents, great-grandparents, and siblings of a minor child, who is one year old or older, have standing to bring an action in circuit court by petition, requesting visitation in accordance with this Section. The term "sibling" in this Section means a brother, sister, stepbrother, or stepsister of the minor child. Grandparents, great-grandparents, and siblings also have standing to file a petition for visitation rights in a pending dissolution proceeding or any other proceeding that involves custody or visitation issues, requesting visitation in accordance with this Section. A petition for visitation with a child by a person other than a parent must be filed in the county in which the child resides. Nothing in this subsection (a-3) and subsection (a-5) of this Section shall apply to a child in whose interests a petition is pending under Section 2-13 of the Juvenile Court Act of 1987 or a petition to adopt an unrelated child is pending under the Adoption Act.

(a-5)(1) Except as otherwise provided in this subsection (a-5), any grandparent, great-grandparent, or sibling may file a petition for visitation rights to a minor child if there is a ~~an unreasonable~~ denial of visitation by a parent and at least one of the following conditions exists:

(A) (Blank);

(A-5) the child's other parent is deceased or has been missing for at least 3 months.

For the purposes of this Section a parent is considered to be missing if the parent's location has not been determined and the parent has been reported as missing to a law enforcement agency;

(A-10) a parent of the child is incompetent as a matter of law;

(A-15) a parent has been incarcerated in jail or prison during the 3 month period preceding the filing of the petition;

(B) the child's mother and father are divorced or have been legally separated from each other or there is pending a dissolution proceeding involving a parent of the child or another court proceeding involving custody or visitation of the child (other than any adoption proceeding of an unrelated child) and at least one parent does not object to the grandparent, great-grandparent, or sibling having visitation with the child. The visitation of the grandparent, great-grandparent, or sibling must not diminish the visitation of the parent who is not related to the grandparent, great-grandparent, or sibling seeking visitation;

(C) (Blank);

(D) the child is born out of wedlock, the parents are not living together, and the petitioner is a maternal grandparent, great-grandparent, or sibling of the child born out of wedlock; or

(E) the child is born out of wedlock, the parents are not living together, the petitioner is a paternal grandparent, great-grandparent, or sibling, and the paternity has been established by a court of competent jurisdiction.

(2) Any visitation rights granted pursuant to this Section before the filing of a petition for adoption of a child shall automatically terminate by operation of law upon the entry of an order terminating parental rights or granting the adoption of the child, whichever is earlier. If the person or persons who adopted the child are related to the child, as defined by Section 1 of the Adoption Act, any person who was related to the child as grandparent, great-grandparent, or sibling prior to the adoption shall have standing to bring an action pursuant to this Section requesting visitation with the child.

(3) In making a determination under this subsection (a-5), there is a rebuttable presumption that a fit parent's actions and decisions regarding grandparent, great-grandparent, or sibling visitation are

not harmful to the child's mental, physical, or emotional health. The burden is on the party filing a petition under this Section to prove that the parent's actions and decisions regarding visitation times are harmful to the child's mental, physical, or emotional health.

(4) In determining whether to grant visitation, the court shall consider the following:

(A) the preference of the child if the child is determined to be of sufficient maturity to express a preference;

(B) the mental and physical health of the child;

(C) the mental and physical health of the grandparent, great-grandparent, or sibling;

(D) the length and quality of the prior relationship between the child and the grandparent, great-grandparent, or sibling;

(E) the good faith of the party in filing the petition;

(F) the good faith of the person denying visitation;

(G) the quantity of the visitation time requested and the potential adverse impact that visitation would have on the child's customary activities;

(H) whether the child resided with the petitioner for at least 6 consecutive months with or without the current custodian present;

(I) whether the petitioner had frequent or regular contact or visitation with the child for at least 12 consecutive months;

(J) any other fact that establishes that the loss of the relationship between the petitioner and the child is likely to harm the child's mental, physical, or emotional health; and

(K) whether the grandparent, great-grandparent, or sibling was a primary caretaker of the child for a period of not less than 6 consecutive months.

(5) The court may order visitation rights for the grandparent, great-grandparent, or sibling that include reasonable access without requiring overnight or possessory visitation.

(a-7)(1) Unless by stipulation of the parties, no motion to modify a grandparent, great-grandparent, or sibling visitation order may be made earlier than 2 years after the date the order was filed, unless the court permits it to be made on the basis of affidavits that there is reason to believe the child's present environment may endanger seriously the child's mental, physical, or emotional health.

(2) The court shall not modify an order that grants visitation to a grandparent, great-grandparent, or sibling unless it finds by clear and convincing evidence, upon the basis of facts that have arisen since the prior visitation order or that were unknown to the court at the time of entry of the prior visitation, that a change has occurred in the circumstances of the child or his or her custodian, and that the modification is necessary to protect the mental, physical, or emotional health of the child. The court shall state in its decision specific findings of fact in support of its modification or termination of the grandparent, great-grandparent, or sibling visitation. A child's parent may always petition to modify visitation upon changed circumstances when necessary to promote the child's best interest.

(3) Attorney fees and costs shall be assessed against a party seeking modification of the visitation order if the court finds that the modification action is vexatious and constitutes harassment.

(4) Notice under this subsection (a-7) shall be given as provided in subsections (c) and (d) of Section 601.

(b) (1) (Blank.)

(1.5) The Court may grant reasonable visitation privileges to a stepparent upon petition to the court by the stepparent, with notice to the parties required to be notified under Section 601 of this Act, if the court determines that it is in the best interests and welfare of the child, and may issue any necessary orders to enforce those visitation privileges. A petition for visitation privileges may be filed under this paragraph (1.5) whether or not a petition pursuant to this Act has been previously filed or is currently pending if the following circumstances are met:

(A) the child is at least 12 years old;

(B) the child resided continuously with the parent and stepparent for at least 5 years;

(C) the parent is deceased or is disabled and is unable to care for the child;

(D) the child wishes to have reasonable visitation with the stepparent; and

(E) the stepparent was providing for the care, control, and welfare to the child prior to the initiation of the petition for visitation.

(2)(A) A petition for visitation privileges shall not be filed pursuant to this subsection (b) by the parents or grandparents of a putative father if the paternity of the putative father has not been legally established.

(B) A petition for visitation privileges may not be filed under this subsection (b) if the child who is the subject of the grandparents' or great-grandparents' petition has been voluntarily surrendered by the parent or

parents, except for a surrender to the Illinois Department of Children and Family Services or a foster care facility, or has been previously adopted by an individual or individuals who are not related to the biological parents of the child or is the subject of a pending adoption petition by an individual or individuals who are not related to the biological parents of the child.

(3) (Blank).

(c) The court may modify an order granting or denying visitation rights of a parent whenever modification would serve the best interest of the child; but the court shall not restrict a parent's visitation rights unless it finds that the visitation would endanger seriously the child's physical, mental, moral or emotional health.

(d) If any court has entered an order prohibiting a non-custodial parent of a child from any contact with a child or restricting the non-custodial parent's contact with the child, the following provisions shall apply:

(1) If an order has been entered granting visitation privileges with the child to a grandparent or great-grandparent who is related to the child through the non-custodial parent, the visitation privileges of the grandparent or great-grandparent may be revoked if:

(i) a court has entered an order prohibiting the non-custodial parent from any contact with the child, and the grandparent or great-grandparent is found to have used his or her visitation privileges to facilitate contact between the child and the non-custodial parent; or

(ii) a court has entered an order restricting the non-custodial parent's contact with the child, and the grandparent or great-grandparent is found to have used his or her visitation privileges to facilitate contact between the child and the non-custodial parent in a manner that violates the terms of the order restricting the non-custodial parent's contact with the child.

Nothing in this subdivision (1) limits the authority of the court to enforce its orders in any manner permitted by law.

(2) Any order granting visitation privileges with the child to a grandparent or great-grandparent who is related to the child through the non-custodial parent shall contain the following provision:

"If the (grandparent or great-grandparent, whichever is applicable) who has been granted visitation privileges under this order uses the visitation privileges to facilitate contact between the child and the child's non-custodial parent, the visitation privileges granted under this order shall be permanently revoked."

(e) No parent, not granted custody of the child, or grandparent, or great-grandparent, or stepparent, or sibling of any minor child, convicted of any offense involving an illegal sex act perpetrated upon a victim less than 18 years of age including but not limited to offenses for violations of Article 12 of the Criminal Code of 1961, is entitled to visitation rights while incarcerated or while on parole, probation, conditional discharge, periodic imprisonment, or mandatory supervised release for that offense, and upon discharge from incarceration for a misdemeanor offense or upon discharge from parole, probation, conditional discharge, periodic imprisonment, or mandatory supervised release for a felony offense, visitation shall be denied until the person successfully completes a treatment program approved by the court.

(f) Unless the court determines, after considering all relevant factors, including but not limited to those set forth in Section 602(a), that it would be in the best interests of the child to allow visitation, the court shall not enter an order providing visitation rights and pursuant to a motion to modify visitation shall revoke visitation rights previously granted to any person who would otherwise be entitled to petition for visitation rights under this Section who has been convicted of first degree murder of the parent, grandparent, great-grandparent, or sibling of the child who is the subject of the order. Until an order is entered pursuant to this subsection, no person shall visit, with the child present, a person who has been convicted of first degree murder of the parent, grandparent, great-grandparent, or sibling of the child without the consent of the child's parent, other than a parent convicted of first degree murder as set forth herein, or legal guardian.

(g) (Blank).

(Source: P.A. 93-911, eff. 1-1-05; 94-229, eff. 1-1-06; 94-1026, eff. 1-1-07.)"

The foregoing motion prevailed and Amendment No. 1 was adopted.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was to the order of Third Reading.

Having been reproduced, the following bill was taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILL 3665.

HOUSE BILL 298. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on State Government Administration, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 298 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by changing Section 6-905 as follows:

(625 ILCS 5/6-905) (from Ch. 95 1/2, par. 6-905)

Sec. 6-905. Medical evaluations of individuals under review; scope of driving privileges; report to the Secretary.

(a) Within the scope of the case request, as sent by the Secretary, a function of the Board shall be to make medical evaluations of the individual under review and determine what medical conditions exist that may impair the individual's ability to operate a motor vehicle safely.

(b) Based on the medical evaluations and determination under subsection (a) and in accordance with established standards, the Board shall, among other things, indicate the scope of driving privileges that would enable the individual under review to operate a motor vehicle safely, including the extent to which compensatory aids and devices must be used and the need for ongoing review or evaluation.

(c) The findings, determination, and recommendations of the Board or its subdivisions shall be forwarded to the Secretary who, subject to subsections (d) and (e), shall then take the action in accordance with the Board's recommendation.

(d) A person who contests the findings, determination, and recommendation of the Board, if he or she has utilized all possible review by the Board under this Code or any rules adopted by the Secretary, has a right to a hearing under Section 2-118 of this Code and to be present when the hearing is conducted. The request for a hearing must be in writing.

(e) The Secretary shall prescribe by rule the procedures to be followed at the hearing under subsection (d), including procedures to be followed at a hearing in the presence of the person contesting the findings, determination, and recommendation of the Board.

(Source: P.A. 87-1249.)

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

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILL 2425. Having been reproduced, was taken up and read by title a second time.

Representative Mendoza offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend House Bill 2425 by replacing everything after the enacting clause

"Section 5. The Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois is amended by adding Section 605-513 as follows:

(20 ILCS 605/605-513 new)

Sec. 605-513. Grant program for women entrepreneurs.

(a) The Department must establish and maintain a program to make grants to women entrepreneurs. Under the program, the Department must annually collect nominations of potential grant recipients from local chambers of commerce in the State. The nominations must be submitted in the form and manner required by the Department and must contain any information reasonably required by the Department for the purpose of awarding grants. From the nominations, the Department must award a grant in the amount of \$5,000 to 10 nominated individuals.

(b) The Department must adopt any rule necessary for the administration of this Section."

The foregoing motion prevailed and Amendment No. 1 was adopted.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was to the order of Third Reading.

Having been reproduced, the following bill was taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILL 2011.

HOUSE BILL 1619. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on Elections & Campaign Reform, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 1619 on page 1, by replacing lines 4 and 5 with the following:

"Section 5. The Election Code is amended by changing Sections 16-3, 17-16.1, 18-9.1, 19-8, and 20-8 as follows:"; and

on page 15, by inserting below line 12 the following:

"(10 ILCS 5/17-16.1) (from Ch. 46, par. 17-16.1)

Sec. 17-16.1. Write-in votes shall be counted only for persons who have filed notarized declarations of intent to be write-in candidates with the proper election authority or authorities not later than 5:00 p.m. on the Tuesday immediately preceding the election.

Forms for the declaration of intent to be a write-in candidate shall be supplied by the election authorities. Such declaration shall specify the office for which the person seeks election as a write-in candidate.

The election authority or authorities shall deliver a list of all persons who have filed such declarations to the election judges in the appropriate precincts prior to the election.

A candidate for whom a nomination paper has been filed as a partisan candidate at a primary election, and who is defeated for his or her nomination at the primary election is ineligible to file a declaration of intent to be a write-in candidate for election in that general or consolidated election.

A candidate seeking election to an office for which candidates of political parties are nominated by caucus who is a participant in the caucus and who is defeated for his or her nomination at such caucus is ineligible to file a declaration of intent to be a write-in candidate for election in that general or consolidated election.

A candidate seeking election to an office for which candidates are nominated at a primary election on a nonpartisan basis and who is defeated for his or her nomination at the primary election is ineligible to file a declaration of intent to be a write-in candidate for election in that general or consolidated election.

When a ballot is otherwise validly marked for a candidate whose name is printed on the ballot, any write-in vote or votes for that or any other candidate for that office shall be void if counting the write-in vote or votes would result in the voter over-voting with respect to that office.

Nothing in this Section shall be construed to apply to votes cast under the provisions of subsection (b) of Section 16-5.01.

(Source: P.A. 89-653, eff. 8-14-96.)

(10 ILCS 5/18-9.1) (from Ch. 46, par. 18-9.1)

Sec. 18-9.1. Write-in votes shall be counted only for persons who have filed notarized declarations of intent to be write-in candidates with the proper election authority or authorities not later than 5:00 p.m. on the Tuesday immediately preceding the election.

Forms for the declaration of intent to be a write-in candidate shall be supplied by the election authorities. Such declaration shall specify the office for which the person seeks election as a write-in candidate.

The election authority or authorities shall deliver a list of all persons who have filed such declarations to the election judges in the appropriate precincts prior to the election.

A candidate for whom a nomination paper has been filed as a partisan candidate at a primary election, and who is defeated for his or her nomination at the primary election, is ineligible to file a declaration of intent to be a write-in candidate for election in that general or consolidated election.

A candidate seeking election to an office for which candidates of political parties are nominated by caucus who is a participant in the caucus and who is defeated for his or her nomination at such caucus is ineligible to file a declaration of intent to be a write-in candidate for election in that general or consolidated election.

A candidate seeking election to an office for which candidates are nominated at a primary election on a

nonpartisan basis and who is defeated for his or her nomination at the primary election is ineligible to file a declaration of intent to be a write-in candidate for election in that general or consolidated election.

When a ballot is otherwise validly marked for a candidate whose name is printed on the ballot, any write-in vote or votes for that or any other candidate for that office shall be void if counting the write-in vote or votes would result in the voter over-voting with respect to that office.

Nothing in this Section shall be construed to apply to votes cast under the provisions of subsection (b) of Section 16-5.01.

(Source: P.A. 89-653, eff. 8-14-96.)

(10 ILCS 5/19-8) (from Ch. 46, par. 19-8)

Sec. 19-8. Time and place of counting ballots.

(a) (Blank.)

(b) Each absent voter's ballot returned to an election authority, by any means authorized by this Article, and received by that election authority before the closing of the polls on election day shall be endorsed by the receiving election authority with the day and hour of receipt and shall be counted in the central ballot counting location of the election authority on the day of the election after 7:00 p.m., except as provided in subsections (g) and (g-5).

(c) Each absent voter's ballot that is mailed to an election authority and postmarked by the midnight preceding the opening of the polls on election day, but that is received by the election authority after the polls close on election day and before the close of the period for counting provisional ballots cast at that election, shall be endorsed by the receiving authority with the day and hour of receipt and shall be counted at the central ballot counting location of the election authority during the period for counting provisional ballots.

(d) Special write-in absentee voter's blank ballots returned to an election authority, by any means authorized by this Article, and received by the election authority at any time before the closing of the polls on election day shall be endorsed by the receiving election authority with the day and hour of receipt and shall be counted at the central ballot counting location of the election authority during the same period provided for counting absent voters' ballots under subsections (b), (g), and (g-5). Special write-in absentee voter's blank ballots that are mailed to an election authority and postmarked by the midnight preceding the opening of the polls on election day, but that are received by the election authority after the polls close on election day and before the closing of the period for counting provisional ballots cast at that election, shall be endorsed by the receiving authority with the day and hour of receipt and shall be counted at the central ballot counting location of the election authority during the same periods provided for counting absent voters' ballots under subsection (c).

(e) Except as otherwise provided in this Section, absent voters' ballots and special write-in absentee voter's blank ballots received by the election authority after the closing of the polls on an election day shall be endorsed by the election authority receiving them with the day and hour of receipt and shall be safely kept unopened by the election authority for the period of time required for the preservation of ballots used at the election, and shall then, without being opened, be destroyed in like manner as the used ballots of that election.

(f) Counting required under this Section to begin on election day after the closing of the polls shall commence no later than 8:00 p.m. and shall be conducted by a panel or panels of election judges appointed in the manner provided by law. The counting shall continue until all absent voters' ballots and special write-in absentee voter's blank ballots required to be counted on election day have been counted.

(g) The procedures set forth in Articles 17 and 18 of this Code shall apply to all ballots counted under this Section. In addition, within 2 days after an absentee ballot, other than an in-person absentee ballot, is received, but in all cases before the close of the period for counting provisional ballots, the election judge or official shall compare the voter's signature on the certification envelope of that absentee ballot with the signature of the voter on file in the office of the election authority. If the election judge or official determines that the 2 signatures match, and that the absentee voter is otherwise qualified to cast an absentee ballot, the election authority shall cast and count the ballot on election day or the day the ballot is determined to be valid, whichever is later, adding the results to the precinct in which the voter is registered. If the election judge or official determines that the signatures do not match, or that the absentee voter is not qualified to cast an absentee ballot, then without opening the certification envelope, the judge or official shall mark across the face of the certification envelope the word "Rejected" and shall not cast or count the ballot.

In addition to the voter's signatures not matching, an absentee ballot may be rejected by the election judge or official:

- (1) if the ballot envelope is open or has been opened and resealed;
- (2) if the voter has already cast an early or grace period ballot;
- (3) if the voter voted in person on election day or the voter is not a duly registered voter in the precinct; or
- (4) on any other basis set forth in this Code.

If the election judge or official determines that any of these reasons apply, the judge or official shall mark across the face of the certification envelope the word "Rejected" and shall not cast or count the ballot.

(g-5) If an absentee ballot, other than an in-person absentee ballot, is rejected by the election judge or official for any reason, the election authority shall, within 2 days after the rejection but in all cases before the close of the period for counting provisional ballots, notify the absentee voter that his or her ballot was rejected. The notice shall inform the voter of the reason or reasons the ballot was rejected and shall state that the voter may appear before the election authority, on or before the 14th day after the election, to show cause as to why the ballot should not be rejected. The voter may present evidence to the election authority supporting his or her contention that the ballot should be counted. The election authority shall appoint a panel of 3 election judges to review the contested ballot, application, and certification envelope, as well as any evidence submitted by the absentee voter. No more than 2 election judges on the reviewing panel shall be of the same political party. The reviewing panel of election judges shall make a final determination as to the validity of the contested absentee ballot. The judges' determination shall not be reviewable either administratively or judicially.

An absentee ballot subject to this subsection that is determined to be valid shall be counted before the close of the period for counting provisional ballots.

(g-8) When an absentee ballot is otherwise validly marked for a candidate whose name is printed on the ballot, any write-in vote or votes for that or any other candidate for that office shall be void if counting the write-in vote or votes would result in the voter over-voting with respect to that office.

(g-10) All absentee ballots determined to be valid shall be added to the vote totals for the precincts for which they were cast in the order in which the ballots were opened.

(h) Each political party, candidate, and qualified civic organization shall be entitled to have present one pollwatcher for each panel of election judges therein assigned.

(Source: P.A. 94-557, eff. 8-12-05; 94-1000, eff. 7-3-06.)

(10 ILCS 5/20-8) (from Ch. 46, par. 20-8)

Sec. 20-8. Time and place of counting ballots.

(a) (Blank.)

(b) Each absent voter's ballot returned to an election authority, by any means authorized by this Article, and received by that election authority before the closing of the polls on election day shall be endorsed by the receiving election authority with the day and hour of receipt and shall be counted in the central ballot counting location of the election authority on the day of the election after 7:00 p.m., except as provided in subsections (g) and (g-5).

(c) Each absent voter's ballot that is mailed to an election authority and postmarked by the midnight preceding the opening of the polls on election day, but that is received by the election authority after the polls close on election day and before the close of the period for counting provisional ballots cast at that election, shall be endorsed by the receiving authority with the day and hour of receipt and shall be counted at the central ballot counting location of the election authority during the period for counting provisional ballots.

(d) Special write-in absentee voter's blank ballots returned to an election authority, by any means authorized by this Article, and received by the election authority at any time before the closing of the polls on election day shall be endorsed by the receiving election authority with the day and hour of receipt and shall be counted at the central ballot counting location of the election authority during the same period provided for counting absent voters' ballots under subsections (b), (g), and (g-5). Special write-in absentee voter's blank ballot that are mailed to an election authority and postmarked by midnight preceding the opening of the polls on election day, but that are received by the election authority after the polls close on election day and before the closing of the period for counting provisional ballots cast at that election, shall be endorsed by the receiving authority with the day and hour of receipt and shall be counted at the central ballot counting location of the election authority during the same periods provided for counting absent voters' ballots under subsection (c).

(e) Except as otherwise provided in this Section, absent voters' ballots and special write-in absentee voter's blank ballots received by the election authority after the closing of the polls on the day of election

shall be endorsed by the person receiving the ballots with the day and hour of receipt and shall be safely kept unopened by the election authority for the period of time required for the preservation of ballots used at the election, and shall then, without being opened, be destroyed in like manner as the used ballots of that election.

(f) Counting required under this Section to begin on election day after the closing of the polls shall commence no later than 8:00 p.m. and shall be conducted by a panel or panels of election judges appointed in the manner provided by law. The counting shall continue until all absent voters' ballots and special write-in absentee voter's blank ballots required to be counted on election day have been counted.

(g) The procedures set forth in Articles 17 and 18 of this Code shall apply to all ballots counted under this Section. In addition, within 2 days after a ballot subject to this Article is received, but in all cases before the close of the period for counting provisional ballots, the election judge or official shall compare the voter's signature on the certification envelope of that ballot with the signature of the voter on file in the office of the election authority. If the election judge or official determines that the 2 signatures match, and that the voter is otherwise qualified to cast a ballot under this Article, the election authority shall cast and count the ballot on election day or the day the ballot is determined to be valid, whichever is later, adding the results to the precinct in which the voter is registered. If the election judge or official determines that the signatures do not match, or that the voter is not qualified to cast a ballot under this Article, then without opening the certification envelope, the judge or official shall mark across the face of the certification envelope the word "Rejected" and shall not cast or count the ballot.

In addition to the voter's signatures not matching, a ballot subject to this Article may be rejected by the election judge or official:

- (1) if the ballot envelope is open or has been opened and resealed;
- (2) if the voter has already cast an early or grace period ballot;
- (3) if the voter voted in person on election day or the voter is not a duly registered voter in the precinct; or
- (4) on any other basis set forth in this Code.

If the election judge or official determines that any of these reasons apply, the judge or official shall mark across the face of the certification envelope the word "Rejected" and shall not cast or count the ballot.

(g-5) If a ballot subject to this Article is rejected by the election judge or official for any reason, the election authority shall, within 2 days after the rejection but in all cases before the close of the period for counting provisional ballots, notify the voter that his or her ballot was rejected. The notice shall inform the voter of the reason or reasons the ballot was rejected and shall state that the voter may appear before the election authority, on or before the 14th day after the election, to show cause as to why the ballot should not be rejected. The voter may present evidence to the election authority supporting his or her contention that the ballot should be counted. The election authority shall appoint a panel of 3 election judges to review the contested ballot, application, and certification envelope, as well as any evidence submitted by the absentee voter. No more than 2 election judges on the reviewing panel shall be of the same political party. The reviewing panel of election judges shall make a final determination as to the validity of the contested ballot. The judges' determination shall not be reviewable either administratively or judicially.

A ballot subject to this subsection that is determined to be valid shall be counted before the close of the period for counting provisional ballots.

(g-8) When an absentee ballot is otherwise validly marked for a candidate whose name is printed on the ballot, any write-in vote or votes for that or any other candidate for that office shall be void if counting the write-in vote or votes would result in the voter over-voting with respect to that office.

(g-10) All ballots determined to be valid shall be added to the vote totals for the precincts for which they were cast in the order in which the ballots were opened.

(h) Each political party, candidate, and qualified civic organization shall be entitled to have present one pollwatcher for each panel of election judges therein assigned.

(Source: P.A. 94-557, eff. 8-12-05; 94-1000, eff. 7-3-06.)"

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

Having been reproduced, the following bill was taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILL 1925.

HOUSE BILL 1119. Having been recalled on April 20, 2007, and held on the order of Second Reading, the same was again taken up.

Representative Flider offered the following amendments and moved their adoption.

AMENDMENT NO. 4. Amend House Bill 1119, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Public Utilities Act is amended by changing Section 16-128 as follows:
(220 ILCS 5/16-128)

Sec. 16-128. Provisions related to utility employees ~~during the mandatory transition period.~~

(a) The General Assembly finds:

(1) The reliability and safety of the electric system has depended and depends on a workforce of skilled and dedicated employees, equipped with technical training and experience.

(2) The integrity and reliability of the system ~~has also requires depended on~~ the industry's commitment to invest in regular inspection and maintenance, to assure that it can withstand the demands of heavy service requirements and emergency situations.

(3) It is in the State's interest to protect the interests of utility employees who have and continue to dedicate ~~dedicated~~ themselves to assuring reliable service to the citizens of this State, and who might otherwise be economically displaced in a restructured industry.

The General Assembly further finds that it is necessary to assure that employees of electric utilities and employees of contractors or subcontractors performing work on behalf of an electric utility operating in the deregulated industry have the requisite skills, knowledge, training, experience, and competence to provide reliable and safe electrical service under this Act and therefore that alternative retail electric suppliers shall be required to demonstrate the competence of their employees to work in the industry.

The General Assembly also finds that it is necessary to assure that employees of alternative retail electric suppliers and employees of contractors or subcontractors performing work on behalf of an alternative retail electric suppliers operating in the deregulated industry have the requisite skills, knowledge, training, experience, and competence to provide reliable and safe electrical service under this Act.

To ensure that these findings and prerequisites for reliable and safe electrical service continue to prevail, each alternative retail electric supplier, electric utility, contractors, and subcontractors performing work on behalf of an electric utility or alternative retail electric supplier must demonstrate the competence of their respective employees to work in the electric industry.

The knowledge, skill, training, experience, and competence levels to be demonstrated shall be consistent with those ~~generally~~ required of or by the electric utilities in this State as of January 1, 2007, with respect to their employees and employees of contractors or subcontractors performing work on their behalf. Nothing in this Section shall prohibit an electric utility from establishing knowledge, skill, training, experience, and competence levels greater than those required as of January 1, 2007.

An adequate ~~Adequate~~ demonstration of requisite knowledge, skill, training, experience, and competence shall include, at a minimum, such factors as completion or current participation and ultimate completion by the employee of an accredited or otherwise recognized apprenticeship program for the particular craft, trade or skill, or specified and several years of employment performing a particular work function that is utilized by an electric utility ~~with an electric utility performing a particular work function.~~

Notwithstanding any law, tariff, Commission rule, order, or decision to the contrary, the Commission shall have an affirmative statutory obligation to ensure that an electric utility is employing employees, contractors, and subcontractors with employees who meet the requirements of subsection (a) of this Section when installing, operating, and maintaining transmission or distribution facilities and equipment within this State pursuant to any provision in this Act or any Commission order, rule, or decision.

For purposes of this Section, "distribution facilities and equipment" means any and all of the facilities and equipment, including but not limited to, substations, distribution feeder circuits, switches, protective equipment, primary circuits, distribution transformers, line extensions and service extensions both above or below ground, conduit, risers, elbows, transformer pads, junction boxes, manholes, pedestals, conductors, and all associated fittings that connect the transmission system to either the weatherhead on the retail customer's building or other structure for above ground service or to the terminals on the meter base of the retail customer's building or other structure for below ground service.

To implement this requirement for alternative retail electric suppliers, the Commission, in determining

that an applicant meets the standards for certification as an alternative retail electric supplier, shall require the applicant to demonstrate (i) that the applicant is licensed to do business, and bonded, in the State of Illinois; and (ii) that the employees of the applicant that will be installing, operating, and maintaining ~~generation, transmission, or distribution~~ facilities within this State, or any entity with which the applicant has contracted to perform those functions within this State, have the requisite knowledge, skills, training, experience, and competence to perform those functions in a safe and responsible manner in order to provide safe and reliable service, in accordance with the criteria stated above.

(b) The General Assembly finds, based on experience in other industries that have undergone similar transitions, that the introduction of competition into the State's electric utility industry may result in workforce reductions by electric utilities which may adversely affect persons who have been employed by this State's electric utilities in functions important to the public convenience and welfare. The General Assembly further finds that the impacts on employees and their communities of any necessary reductions in the utility workforce directly caused by this restructuring of the electric industry shall be mitigated to the extent practicable through such means as offers of voluntary severance, retraining, early retirement, outplacement and related benefits. Therefore, before any such reduction in the workforce ~~during the transition period~~, an electric utility shall present to its employees or their representatives a workforce reduction plan outlining the means by which the electric utility intends to mitigate the impact of such workforce reduction on its employees.

(c) In the event of a sale, purchase, or any other transfer of ownership ~~during the mandatory transition period~~ of one or more Illinois divisions or business units, and/or generating stations or generating units, of an electric utility, the electric utility's contract and/or agreements with the acquiring entity or persons shall require that the entity or persons hire a sufficient number of non-supervisory employees to operate and maintain the station, division or unit by initially making offers of employment to the non-supervisory workforce of the electric utility's division, business unit, generating station and/or generating unit at no less than the wage rates, and substantially equivalent fringe benefits and terms and conditions of employment that are in effect at the time of transfer of ownership of said division, business unit, generating station, and/or generating units; and said wage rates and substantially equivalent fringe benefits and terms and conditions of employment shall continue for at least 30 months from the time of said transfer of ownership unless the parties mutually agree to different terms and conditions of employment within that 30-month period. The utility shall offer a transition plan to those employees who are not offered jobs by the acquiring entity because that entity has a need for fewer workers. If there is litigation concerning the sale, or other transfer of ownership of the electric utility's divisions, business units, generating station, or generating units, the 30-month period will begin on the date the acquiring entity or persons take control or management of the divisions, business units, generating station or generating units of the electric utility.

(d) If a utility transfers ownership ~~during the mandatory transition period~~ of one or more Illinois divisions, business units, generating stations or generating units of an electric utility to a majority-owned subsidiary, that subsidiary shall continue to employ the utility's employees who were employed by the utility at such division, business unit or generating station at the time of the transfer under the same terms and conditions of employment as those employees enjoyed at the time of the transfer. If ownership of the subsidiary is subsequently sold or transferred to a third party ~~during the transition period~~, the transition provisions outlined in subsection (c) shall apply.

(e) The plant transfer provisions set forth above shall not apply to any generating station which was the subject of a sales agreement entered into before January 1, 1997.

(Source: P.A. 90-561, eff. 12-16-97.)

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

AMENDMENT NO. 5. Amend House Bill 1119, AS AMENDED, with reference to page and line numbers of House Amendment No. 4, on page 4, line 5, by replacing "maintaining transmission" with "maintaining generation, transmission"; and on page 5, line 1, by replacing "~~generation, transmission,~~" with "generation, transmission,".

The foregoing motions prevailed and Amendments numbered 4 and 5 were adopted.

There being no further amendments, the foregoing Amendments numbered 4 and 5 were ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILL 227. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on Judiciary I - Civil Law, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 227 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Uniform Real Property Electronic Recording Act."

Representative Currie offered the following amendments and moved their adoption:

AMENDMENT NO. 2. Amend House Bill 227, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Uniform Real Property Electronic Recording Act.

Section 2. Definitions. In this Act:

(1) "Document" means information that is:

(A) inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form; and

(B) eligible to be recorded in the land records maintained by the county recorder.

(2) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(3) "Electronic document" means a document that is received by the recorder in an electronic form.

(4) "Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a document and executed or adopted by a person with the intent to sign the document.

(5) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government, or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

(6) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(7) "Secretary" means the Secretary of State.

(8) "Commission" means the Illinois Electronic Recording Commission.

Any notifications required by this Act must be made in writing and may be communicated by certified mail, return receipt requested or electronic mail so long as receipt is verified.

Section 3. Validity of electronic documents.

(a) If a law requires, as a condition for recording, that a document be an original, be on paper or another tangible medium, or be in writing, the requirement is satisfied by an electronic document satisfying this Act.

(b) If a law requires, as a condition for recording, that a document be signed, the requirement is satisfied by an electronic signature.

(c) A requirement that a document or a signature associated with a document be notarized, acknowledged, verified, witnessed, or made under oath is satisfied if the electronic signature of the person authorized to perform that act, and all other information required to be included, is attached to or logically associated with the document or signature. A physical or electronic image of a stamp, impression, or seal need not accompany an electronic signature.

Section 4. Recording of documents.

(a) In this Section, "paper document" means a document that is received by the county recorder in a form that is not electronic.

(b) A county recorder:

(1) who implements any of the functions listed in this Section shall do so in compliance with standards established by the Illinois Electronic Recording Commission.

(2) may receive, index, store, archive, and transmit electronic documents.

(3) may provide for access to, and for search and retrieval of, documents and information by electronic means, including the Internet, and on approval by the county recorder of the form and amount, the county board may adopt a fee for document detail or image retrieval on the Internet.

(4) who accepts electronic documents for recording shall continue to accept paper documents as authorized by State law and shall place entries for both types of documents in the same index.

(5) may convert paper documents accepted for recording into electronic form.

(6) may convert into electronic form information recorded before the county recorder began to record electronic documents.

(7) may accept electronically any fee or tax that the county recorder is authorized to collect.

(8) may agree with other officials of a state or a political subdivision thereof, or of the United States, on procedures or processes to facilitate the electronic satisfaction of prior approvals and conditions precedent to recording and the electronic payment of fees and taxes.

Section 5. Administration and standards.

(a) To adopt standards to implement this Act, there is established, within the Office of the Secretary of State, the Illinois Electronic Recording Commission consisting of 15 commissioners as follows:

(1) The Secretary of State or the Secretary's designee shall be a permanent commissioner.

(2) The Secretary of State shall appoint the following additional 14 commissioners:

(A) Three who are from the land title profession.

(B) Three who are from lending institutions.

(C) One who is an attorney.

(D) Seven who are county recorders, no more than 4 of whom are from one political party, representative of counties of varying size, geography, population, and resources.

(3) On the effective date of this Act, the Secretary of State or the Secretary's designee shall become the Acting Chairperson of the Commission. The Secretary shall appoint the initial commissioners within 60 days and hold the first meeting of the Commission within 120 days, notifying commissioners of the time and place of the first meeting with at least 14 days' notice. At its first meeting the Commission shall adopt, by a majority vote, such rules and structure that it deems necessary to govern its operations, including the title, responsibilities, and election of officers. Once adopted, the rules and structure may be altered or amended by the Commission by majority vote. Upon the election of officers and adoption of rules or by-laws, the duties of the Acting Chairperson shall cease.

(4) The Commission shall meet at least once every year within the State of Illinois. The time and place of meetings to be determined by the Chairperson and approved by a majority of the Commission.

(5) Eight commissioners shall constitute a quorum.

(6) Commissioners shall receive no compensation for their services but may be reimbursed for reasonable expenses at current rates in effect at the Office of the Secretary of State, directly related to their duties as commissioners and participation at Commission meetings or while on business or at meetings which have been authorized by the Commission.

(7) Appointed commissioners shall serve terms of 3 years, which shall expire on December 1st. Five of the initially appointed commissioners, including at least 2 county recorders, shall serve terms of one year, 5 of the initially appointed commissioners, including at least 2 county recorders, shall serve terms of 2 years, and 4 of the initially appointed commissioners shall serve terms of 3 years, to be determined by lot. The calculation of the terms in office of the initially appointed commissioners shall begin on the first December 1st after the commissioners have served at least 6 months in office.

(8) The Chairperson shall declare a commissioner's office vacant immediately after receipt of a written resignation, death, a recorder commissioner no longer holding the public office, or under other circumstances specified within the rules adopted by the Commission, which shall also by rule specify how and by what deadlines a replacement is to be appointed.

(c) The Commission shall adopt and transmit to the Secretary of State standards to implement this Act and shall be the exclusive entity to set standards for counties to engage in electronic recording in the State of Illinois.

(d) To keep the standards and practices of county recorders in this State in harmony with the standards and practices of recording offices in other jurisdictions that enact substantially this Act and to keep the technology used by county recorders in this State compatible with technology used by recording offices in other jurisdictions that enact substantially this Act, the Commission, so far as is consistent with the purposes, policies, and provisions of this Act, in adopting, amending, and repealing standards shall consider:

(1) standards and practices of other jurisdictions;

- (2) the most recent standards promulgated by national standard-setting bodies, such as the Property Records Industry Association;
 - (3) the views of interested persons and governmental officials and entities;
 - (4) the needs of counties of varying size, population, and resources, and;
 - (5) standards requiring adequate information security protection to ensure that electronic documents are accurate, authentic, adequately preserved, and resistant to tampering.
- (e) The Commission shall review the statutes related to real property and the statutes related to recording real property documents and shall recommend to the General Assembly any changes in the statutes that the Commission deems necessary or advisable.
- (f) Funding. The Secretary of State may accept for the Commission, for any of its purposes and functions, donations, gifts, grants, and appropriations of money, equipment, supplies, materials, and services from the federal government, the State or any of its departments or agencies, a county or municipality, or from any institution, person, firm, or corporation. The Commission may authorize a fee payable by counties engaged in electronic recording to fund its expenses. Any fee shall be proportional based on county population or number of documents recorded annually. On approval by a county recorder of the form and amount, a county board may authorize payment of any fee out of the special fund it has created to fund document storage and electronic retrieval, as authorized in Section 3-5018 of the Counties Code. Any funds received by the Office of the Secretary of State for the Commission shall be used entirely for expenses approved by and for the use of the Commission.
- (g) The Secretary of State shall provide administrative support to the Commission, including the preparation of the agenda and minutes for Commission meetings, distribution of notices and proposed rules to commissioners, payment of bills and reimbursement for expenses of commissioners.
- (h) Standards and rules adopted by the Commission shall be delivered to the Secretary of State. Within 60 days, the Secretary shall either promulgate by rule the standards adopted, amended, or repealed or return them to the Commission, with findings, for changes. The Commission may override the Secretary by a three-fifths vote, in which case the Secretary shall publish the Commission's standards.

Section 6. (Blank).

Section 7. Relation to Electronic Signatures in Global and National Commerce Act. This Act modifies, limits, and supersedes the federal Electronic Signatures in Global and National Commerce Act (15 U.S.C. Section 7001, et seq.) but does not modify, limit, or supersede Section 101(c) of that Act (15 U.S.C. Section 7001(c)) or authorize electronic delivery of any of the notices described in Section 103(b) of that Act (15 U.S.C. Section 7003(b)).

Section 8. Effective date. This Act takes effect upon becoming law."

AMENDMENT NO. 3. Amend House Bill 227, AS AMENDED, with reference to page and line numbers of House Amendment No. 2, on page 3, by replacing line 23 with the following:
"Commission and must follow the procedures of the Local Records Act before destroying any original paper records as part of a conversion process into an electronic or other format."

The foregoing motions prevailed and Amendments numbered 2 and 3 were adopted.

There being no further amendments, the foregoing Amendments numbered 1, 2 and 3 were ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

Having been reproduced, the following bill was taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILL 1548.

HOUSE BILL 1450. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on Judiciary II - Criminal Law, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 1450 by replacing everything after the enacting clause with the following:

"Section 5. The Criminal Code of 1961 is amended by changing Sections 31-6 and 31-7 as follows:

(720 ILCS 5/31-6) (from Ch. 38, par. 31-6)

Sec. 31-6. Escape; failure to report to a penal institution or to report for periodic imprisonment.

(a) A person convicted of a felony, adjudicated a delinquent minor for the commission of a felony offense under the Juvenile Court Act of 1987, or charged with the commission of a felony who intentionally escapes from any penal institution or from the custody of an employee of that institution commits a Class 2 felony; however, a person convicted of a felony or adjudicated a delinquent minor for the commission of a felony offense under the Juvenile Court Act of 1987 who knowingly fails to report to a penal institution or to report for periodic imprisonment at any time or knowingly fails to return from furlough or from work and day release or who knowingly fails to abide by the terms of home confinement is guilty of a Class 3 felony.

(b) A person convicted of a misdemeanor, adjudicated a delinquent minor for the commission of a misdemeanor offense under the Juvenile Court Act of 1987, or charged with the commission of a misdemeanor who intentionally escapes from any penal institution or from the custody of an employee of that institution commits a Class A misdemeanor; however, a person convicted of a misdemeanor or adjudicated a delinquent minor for the commission of a misdemeanor offense under the Juvenile Court Act of 1987 who knowingly fails to report to a penal institution or to report for periodic imprisonment at any time or knowingly fails to return from furlough or from work and day release or who knowingly fails to abide by the terms of home confinement is guilty of a Class B misdemeanor.

(b-1) A person committed to the Department of Human Services under the provisions of the Sexually Violent Persons Commitment Act or in detention with the Department of Human Services awaiting such a commitment who intentionally escapes from any secure residential facility or from the custody of an employee of that facility commits a Class 2 felony.

(c) A person in the lawful custody of a peace officer for the alleged commission of a felony offense and who intentionally escapes from custody commits a Class 2 felony; however, a person in the lawful custody of a peace officer for the alleged commission of a misdemeanor offense who intentionally escapes from custody commits a Class A misdemeanor.

(c-5) A person in the lawful custody of a peace officer for an alleged violation of a term or condition of probation, conditional discharge, parole, or mandatory supervised release for a felony who intentionally escapes from custody is guilty of a Class 2 felony.

(c-6) A person in the lawful custody of a peace officer for an alleged violation of a term or condition of supervision, probation, or conditional discharge for a misdemeanor who intentionally escapes from custody is guilty of a Class A misdemeanor.

(d) A person who violates this Section while armed with a dangerous weapon commits a Class 1 felony. (Source: P.A. 89-647, eff. 1-1-97; 89-656, eff. 1-1-97; 89-689, eff. 12-31-96; 90-14, eff. 7-1-97; 90-793, eff. 8-14-98.)

(720 ILCS 5/31-7) (from Ch. 38, par. 31-7)

Sec. 31-7. Aiding escape.

(a) Whoever, with intent to aid any prisoner in escaping from any penal institution, conveys into the institution or transfers to the prisoner anything for use in escaping commits a Class A misdemeanor.

(b) Whoever knowingly aids a person convicted of a felony, adjudicated a delinquent minor for the commission of a felony offense under the Juvenile Court Act of 1987, or charged with the commission of a felony in escaping from any penal institution or from the custody of any employee of that institution commits a Class 2 felony; however, whoever knowingly aids a person convicted of a felony, adjudicated a delinquent minor for the commission of a felony offense under the Juvenile Court Act of 1987, or charged with the commission of a felony in failing to return from furlough or from work and day release is guilty of a Class 3 felony.

(c) Whoever knowingly aids a person convicted of a misdemeanor, adjudicated a delinquent minor for the commission of a misdemeanor offense under the Juvenile Court Act of 1987, or charged with the commission of a misdemeanor in escaping from any penal institution or from the custody of an employee of that institution commits a Class A misdemeanor; however, whoever knowingly aids a person convicted of a misdemeanor, adjudicated a delinquent minor for the commission of a misdemeanor offense under the Juvenile Court Act of 1987, or charged with the commission of a misdemeanor in failing to return from furlough or from work and day release is guilty of a Class B misdemeanor.

(d) Whoever knowingly aids a person in escaping from any public institution, other than a penal institution, in which he is lawfully detained, or from the custody of an employee of that institution, commits a Class A misdemeanor.

(e) Whoever knowingly aids a person in the lawful custody of a peace officer for the alleged commission

of a felony offense in escaping from custody commits a Class 2 felony; however, whoever knowingly aids a person in the lawful custody of a peace officer for the alleged commission of a misdemeanor offense in escaping from custody commits a Class A misdemeanor.

(f) An officer or employee of any penal institution who recklessly permits any prisoner in his custody to escape commits a Class A misdemeanor.

(f-5) With respect to a person in the lawful custody of a peace officer for an alleged violation of a term or condition of probation, conditional discharge, parole, or mandatory supervised release for a felony, whoever intentionally aids that person to escape from that custody is guilty of a Class 2 felony.

(f-6) With respect to a person who is in the lawful custody of a peace officer for an alleged violation of a term or condition of supervision, probation, or conditional discharge for a misdemeanor, whoever intentionally aids that person to escape from that custody is guilty of a Class A misdemeanor.

(g) A person who violates this Section while armed with a dangerous weapon commits a Class 2 felony. (Source: P.A. 89-656, eff. 1-1-97; 89-689, eff. 12-31-96.)

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

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILL 3477. Having been read by title a second time on May 2, 2007, and held on the order of Second Reading, the same was again taken up.

The following amendment was offered in the Committee on Judiciary II - Criminal Law, adopted and reproduced.

AMENDMENT NO. 1. Amend House Bill 3477 by deleting lines 4 through 23 on page 1 and lines 1 through 7 on page 2; and by replacing lines 15 through 22 on page 2 and all of pages 3, 4, and 5 with the following: "16D-5.5 and 16D-5.6 as follows:".

Representative Crespo offered the following amendment and moved its adoption.

AMENDMENT NO. 2. Amend House Bill 3477, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Criminal Code of 1961 is amended by adding Section 16D-5.5 as follows:
(720 ILCS 5/16D-5.5 new)

Sec. 16D-5.5. Unlawful use of encryption.

(a) For the purpose of this Section:

"Access" means to intercept, instruct, communicate with, store data in, retrieve from, or otherwise make use of any resources of a computer, network, or data.

"Computer" means an electronic device which performs logical, arithmetic, and memory functions by manipulations of electronic or magnetic impulses and includes all equipment related to the computer in a system or network.

"Computer contaminant" means any data, information, image, program, signal, or sound that is designated or has the capability to: (1) contaminate, corrupt, consume, damage, destroy, disrupt, modify, record, or transmit; or (2) cause to be contaminated, corrupted, consumed, damaged, destroyed, disrupted, modified, recorded, or transmitted, any other data, information, image, program, signal, or sound contained in a computer, system, or network without the knowledge or consent of the person who owns the other data, information, image, program, signal, or sound or the computer, system, or network.

"Computer contaminant" includes, without limitation: (1) a virus, worm, or Trojan horse; (2) spyware that tracks computer activity and is capable of recording and transmitting such information to third parties; or (3) any other similar data, information, image, program, signal, or sound that is designed or has the capability to prevent, impede, delay, or disrupt the normal operation or use of any component, device, equipment, system, or network.

"Data" means a representation in any form of information, knowledge, facts, concepts, or instructions which is being prepared or has been formally prepared and is intended to be processed, is being processed or has been processed in a system or network.

"Encryption" means the use of any protective or disruptive measure, including, without limitation,

cryptography, enciphering, encoding, or a computer contaminant, to: (1) prevent, impede, delay, or disrupt access to any data, information, image, program, signal, or sound; (2) cause or make any data, information, image, program, signal, or sound unintelligible or unusable; or (3) prevent, impede, delay, or disrupt the normal operation or use of any component, device, equipment, system, or network.

"Network" means a set of related, remotely connected devices and facilities, including more than one system, with the capability to transmit data among any of the devices and facilities. The term includes, without limitation, a local, regional, or global computer network.

"Program" means an ordered set of data representing coded instructions or statements which can be executed by a computer and cause the computer to perform one or more tasks.

"System" means a set of related equipment, whether or not connected, which is used with or for a computer.

(b) A person shall not knowingly use or attempt to use encryption, directly or indirectly, to:

- (1) commit, facilitate, further, or promote any criminal offense;
- (2) aid, assist, or encourage another person to commit any criminal offense;
- (3) conceal evidence of the commission of any criminal offense; or
- (4) conceal or protect the identity of a person who has committed any criminal offense.

(c) Sentence. A person who violates this Section is guilty of a Class A misdemeanor, unless the encryption was used or attempted to be used to commit an offense for which a greater penalty is provided by law. If the encryption was used or attempted to be used to commit an offense for which a greater penalty is provided by law, the person shall be punished as prescribed by law for that offense.

(d) A person who violates this Section commits a criminal offense that is separate and distinct from any other criminal offense and may be prosecuted and convicted under this Section whether or not the person or any other person is or has been prosecuted or convicted for any other criminal offense arising out of the same facts as the violation of this Section.

Section 10. The Unified Code of Corrections is amended by changing Section 5-5-3.2 as follows:

(730 ILCS 5/5-5-3.2) (from Ch. 38, par. 1005-5-3.2)

Sec. 5-5-3.2. Factors in Aggravation.

(a) The following factors shall be accorded weight in favor of imposing a term of imprisonment or may be considered by the court as reasons to impose a more severe sentence under Section 5-8-1:

- (1) the defendant's conduct caused or threatened serious harm;
- (2) the defendant received compensation for committing the offense;
- (3) the defendant has a history of prior delinquency or criminal activity;
- (4) the defendant, by the duties of his office or by his position, was obliged to prevent the particular offense committed or to bring the offenders committing it to justice;
- (5) the defendant held public office at the time of the offense, and the offense related to the conduct of that office;
- (6) the defendant utilized his professional reputation or position in the community to commit the offense, or to afford him an easier means of committing it;
- (7) the sentence is necessary to deter others from committing the same crime;
- (8) the defendant committed the offense against a person 60 years of age or older or such person's property;
- (9) the defendant committed the offense against a person who is physically handicapped or such person's property;
- (10) by reason of another individual's actual or perceived race, color, creed, religion, ancestry, gender, sexual orientation, physical or mental disability, or national origin, the defendant committed the offense against (i) the person or property of that individual; (ii) the person or property of a person who has an association with, is married to, or has a friendship with the other individual; or (iii) the person or property of a relative (by blood or marriage) of a person described in clause (i) or (ii). For the purposes of this Section, "sexual orientation" means heterosexuality, homosexuality, or bisexuality;
- (11) the offense took place in a place of worship or on the grounds of a place of worship, immediately prior to, during or immediately following worship services. For purposes of this subparagraph, "place of worship" shall mean any church, synagogue or other building, structure or place used primarily for religious worship;

(12) the defendant was convicted of a felony committed while he was released on bail or his own recognizance pending trial for a prior felony and was convicted of such prior felony, or the defendant was convicted of a felony committed while he was serving a period of probation, conditional discharge, or mandatory supervised release under subsection (d) of Section 5-8-1 for a prior felony;

(13) the defendant committed or attempted to commit a felony while he was wearing a bulletproof vest. For the purposes of this paragraph (13), a bulletproof vest is any device which is designed for the purpose of protecting the wearer from bullets, shot or other lethal projectiles;

(14) the defendant held a position of trust or supervision such as, but not limited to, family member as defined in Section 12-12 of the Criminal Code of 1961, teacher, scout leader, baby sitter, or day care worker, in relation to a victim under 18 years of age, and the defendant committed an offense in violation of Section 11-6, 11-11, 11-15.1, 11-19.1, 11-19.2, 11-20.1, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 against that victim;

(15) the defendant committed an offense related to the activities of an organized gang. For the purposes of this factor, "organized gang" has the meaning ascribed to it in Section 10 of the Streetgang Terrorism Omnibus Prevention Act;

(16) the defendant committed an offense in violation of one of the following Sections while in a school, regardless of the time of day or time of year; on any conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity; on the real property of a school; or on a public way within 1,000 feet of the real property comprising any school: Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1, 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or 33A-2 of the Criminal Code of 1961;

(16.5) the defendant committed an offense in violation of one of the following Sections while in a day care center, regardless of the time of day or time of year; on the real property of a day care center, regardless of the time of day or time of year; or on a public way within 1,000 feet of the real property comprising any day care center, regardless of the time of day or time of year: Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1, 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or 33A-2 of the Criminal Code of 1961;

(17) the defendant committed the offense by reason of any person's activity as a community policing volunteer or to prevent any person from engaging in activity as a community policing volunteer. For the purpose of this Section, "community policing volunteer" has the meaning ascribed to it in Section 2-3.5 of the Criminal Code of 1961;

(18) the defendant committed the offense in a nursing home or on the real property comprising a nursing home. For the purposes of this paragraph (18), "nursing home" means a skilled nursing or intermediate long term care facility that is subject to license by the Illinois Department of Public Health under the Nursing Home Care Act;

(19) the defendant was a federally licensed firearm dealer and was previously convicted of a violation of subsection (a) of Section 3 of the Firearm Owners Identification Card Act and has now committed either a felony violation of the Firearm Owners Identification Card Act or an act of armed violence while armed with a firearm;

(20) the defendant (i) committed the offense of reckless homicide under Section 9-3 of the Criminal Code of 1961 or the offense of driving under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof under Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance and (ii) was operating a motor vehicle in excess of 20 miles per hour over the posted speed limit as provided in Article VI of Chapter 11 of the Illinois Vehicle Code; ~~or~~

(21) the defendant (i) committed the offense of reckless driving or aggravated reckless driving under Section 11-503 of the Illinois Vehicle Code and (ii) was operating a motor vehicle in excess of 20 miles per hour over the posted speed limit as provided in Article VI of Chapter 11 of the Illinois Vehicle Code; ~~or~~ -

(22) the defendant committed any offense under Section 11-20.1 of the Criminal Code of 1961 and possessed 100 or more images.

For the purposes of this Section:

"School" is defined as a public or private elementary or secondary school, community college, college, or university.

"Day care center" means a public or private State certified and licensed day care center as defined in Section 2.09 of the Child Care Act of 1969 that displays a sign in plain view stating that the property is a day care center.

(b) The following factors may be considered by the court as reasons to impose an extended term sentence under Section 5-8-2 upon any offender:

(1) When a defendant is convicted of any felony, after having been previously convicted in Illinois or any other jurisdiction of the same or similar class felony or greater class felony, when such

conviction has occurred within 10 years after the previous conviction, excluding time spent in custody, and such charges are separately brought and tried and arise out of different series of acts; or

(2) When a defendant is convicted of any felony and the court finds that the offense was accompanied by exceptionally brutal or heinous behavior indicative of wanton cruelty; or

(3) When a defendant is convicted of voluntary manslaughter, second degree murder, involuntary manslaughter or reckless homicide in which the defendant has been convicted of causing the death of more than one individual; or

(4) When a defendant is convicted of any felony committed against:

(i) a person under 12 years of age at the time of the offense or such person's property;

(ii) a person 60 years of age or older at the time of the offense or such person's property; or

(iii) a person physically handicapped at the time of the offense or such person's property; or

(5) In the case of a defendant convicted of aggravated criminal sexual assault or criminal sexual assault, when the court finds that aggravated criminal sexual assault or criminal sexual assault was also committed on the same victim by one or more other individuals, and the defendant voluntarily participated in the crime with the knowledge of the participation of the others in the crime, and the commission of the crime was part of a single course of conduct during which there was no substantial change in the nature of the criminal objective; or

(6) When a defendant is convicted of any felony and the offense involved any of the following types of specific misconduct committed as part of a ceremony, rite, initiation, observance, performance, practice or activity of any actual or ostensible religious, fraternal, or social group:

(i) the brutalizing or torturing of humans or animals;

(ii) the theft of human corpses;

(iii) the kidnapping of humans;

(iv) the desecration of any cemetery, religious, fraternal, business, governmental, educational, or other building or property; or

(v) ritualized abuse of a child; or

(7) When a defendant is convicted of first degree murder, after having been previously convicted in Illinois of any offense listed under paragraph (c)(2) of Section 5-5-3, when such conviction has occurred within 10 years after the previous conviction, excluding time spent in custody, and such charges are separately brought and tried and arise out of different series of acts; or

(8) When a defendant is convicted of a felony other than conspiracy and the court finds that the felony was committed under an agreement with 2 or more other persons to commit that offense and the defendant, with respect to the other individuals, occupied a position of organizer, supervisor, financier, or any other position of management or leadership, and the court further finds that the felony committed was related to or in furtherance of the criminal activities of an organized gang or was motivated by the defendant's leadership in an organized gang; or

(9) When a defendant is convicted of a felony violation of Section 24-1 of the Criminal Code of 1961 and the court finds that the defendant is a member of an organized gang; or

(10) When a defendant committed the offense using a firearm with a laser sight attached to it. For purposes of this paragraph (10), "laser sight" has the meaning ascribed to it in Section 24.6-5 of the Criminal Code of 1961; or

(11) When a defendant who was at least 17 years of age at the time of the commission of the offense is convicted of a felony and has been previously adjudicated a delinquent minor under the Juvenile Court Act of 1987 for an act that if committed by an adult would be a Class X or Class 1 felony when the conviction has occurred within 10 years after the previous adjudication, excluding time spent in custody; or

(12) When a defendant commits an offense involving the illegal manufacture of a controlled substance under Section 401 of the Illinois Controlled Substances Act, the illegal manufacture of methamphetamine under Section 25 of the Methamphetamine Control and Community Protection Act, or the illegal possession of explosives and an emergency response officer in the performance of his or her duties is killed or injured at the scene of the offense while responding to the emergency caused by the commission of the offense. In this paragraph (12), "emergency" means a situation in which a person's life, health, or safety is in jeopardy; and "emergency response officer" means a peace officer, community policing volunteer, fireman, emergency medical technician-ambulance, emergency medical

technician-intermediate, emergency medical technician-paramedic, ambulance driver, other medical assistance or first aid personnel, or hospital emergency room personnel; or

(13) When a defendant commits any felony and the defendant used, possessed, exercised control over, or otherwise directed an animal to assault a law enforcement officer engaged in the execution of his or her official duties or in furtherance of the criminal activities of an organized gang in which the defendant is engaged.

(b-1) For the purposes of this Section, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(c) The court may impose an extended term sentence under Section 5-8-2 upon any offender who was convicted of aggravated criminal sexual assault or predatory criminal sexual assault of a child under subsection (a)(1) of Section 12-14.1 of the Criminal Code of 1961 where the victim was under 18 years of age at the time of the commission of the offense.

(d) The court may impose an extended term sentence under Section 5-8-2 upon any offender who was convicted of unlawful use of weapons under Section 24-1 of the Criminal Code of 1961 for possessing a weapon that is not readily distinguishable as one of the weapons enumerated in Section 24-1 of the Criminal Code of 1961.

(Source: P.A. 94-131, eff. 7-7-05; 94-375, eff. 1-1-06; 94-556, eff. 9-11-05; 94-819, eff. 5-31-06.)"

The foregoing motion prevailed and Amendment No. 2 was adopted.

There being no further amendments, the foregoing Amendments numbered 1 and 2 were ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

Having been reproduced, the following bills were taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILLS 2043 and 3626.

HOUSE BILL 2853. Having been reproduced, was taken up and read by title a second time. Representative Sullivan offered the following amendments and moved their adoption:

AMENDMENT NO. 1. Amend House Bill 2853 by replacing everything after the enacting clause with the following:

"Section 5. The Department of State Police Law of the Civil Administrative Code of Illinois is amended by adding Section 2605-580 as follows:

(20 ILCS 2605/2605-580 new)

Sec. 2605-580. Pilot program: Internet Gang Crime Units.

(a) The Department of State Police shall establish a pilot program under which Internet Gang Crime Units shall be created in the Cook County Sheriff's Office, the Vermilion County Sheriff's Office, and the Village of Round Lake Heights Police Department. Of the moneys available under the pilot program for the operation of Internet Gang Crime Units, 40% shall be allocated to the Cook County Sheriff's Office, 30% shall be allocated to the Vermilion County Sheriff's Office, and 30% shall be allocated to the Village of Round Lake Heights Police Department.

(b) Under the pilot program, the Internet Gang Crime Units shall investigate criminal activities of organized gangs that involve the use of the Internet. For the duration of the pilot program and in accordance with protocols for inter-jurisdictional cooperation established by the Department of State Police, peace officers in each Internet Gang Crime Unit shall, notwithstanding any other provision of law, have extra-jurisdictional authority to conduct investigations and make arrests anywhere in the State of Illinois regarding criminal activities of organized gangs that involve the use of the Internet.

(c) Notwithstanding any other provision of law, if any criminal statute of this State authorizes the distribution of all or a portion of the proceeds realized from property seized or forfeited under that statute to participating law enforcement agencies or the delivery of property forfeited and seized under that statute to participating law enforcement agencies, a law enforcement agency in which an Internet Gang Crime Unit has been created is eligible to receive such a distribution or delivery if that law enforcement agency participated through its Internet Gang Crime Unit, regardless of the jurisdiction in which the seizure or forfeiture occurs.

(d) The Cook County Sheriff's Office, the Vermilion County Sheriff's Office, and the Village of Round

Lake Heights Police Department shall report to the Department of State Police on a quarterly basis on the activities of their Internet Gang Crime Units in accordance with reporting guidelines established by the Department of State Police. The Department of State Police shall file a consolidated report on a quarterly basis with the General Assembly and the Governor. The Department's consolidated report may also contain any evaluations or recommendations that the Department deems appropriate.

(e) The pilot program shall terminate on July 1, 2010.

(f) As used in this Section, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

Section 10. The Code of Criminal Procedure of 1963 is amended by changing Section 107-4 as follows:
(725 ILCS 5/107-4) (from Ch. 38, par. 107-4)

Sec. 107-4. Arrest by peace officer from other jurisdiction.

(a) As used in this Section:

(1) "State" means any State of the United States and the District of Columbia.

(2) "Peace Officer" means any peace officer or member of any duly organized State, County, or Municipal peace unit, any police force of another State, or any police force whose members, by statute, are granted and authorized to exercise powers similar to those conferred upon any peace officer employed by a law enforcement agency of this State.

(3) "Fresh pursuit" means the immediate pursuit of a person who is endeavoring to avoid arrest.

(4) "Law enforcement agency" means a municipal police department or county sheriff's office of this State.

(a-3) Any peace officer employed by a law enforcement agency of this State may conduct temporary questioning pursuant to Section 107-14 of this Code and may make arrests in any jurisdiction within this State if: (1) if the officer is engaged in the investigation of an offense that occurred in the officer's primary jurisdiction and the temporary questioning is conducted or the arrest is made pursuant to that investigation; or (2) if the officer, while on duty as a peace officer, becomes personally aware of the immediate commission of a felony or misdemeanor violation of the laws of this State; or (3) if the officer, while on duty as a peace officer, is requested by an appropriate State or local law enforcement official to render aid or assistance to the requesting law enforcement agency that is outside the officer's primary jurisdiction; or (4) in accordance with Section 2605-580 of the Department of State Police Law of the Civil Administrative Code of Illinois. While acting pursuant to this subsection, an officer has the same authority as within his or her own jurisdiction.

(a-7) The law enforcement agency of the county or municipality in which any arrest is made under this Section shall be immediately notified of the arrest.

(b) Any peace officer of another State who enters this State in fresh pursuit and continues within this State in fresh pursuit of a person in order to arrest him on the ground that he has committed an offense in the other State has the same authority to arrest and hold the person in custody as peace officers of this State have to arrest and hold a person in custody on the ground that he has committed an offense in this State.

(c) If an arrest is made in this State by a peace officer of another State in accordance with the provisions of this Section he shall without unnecessary delay take the person arrested before the circuit court of the county in which the arrest was made. Such court shall conduct a hearing for the purpose of determining the lawfulness of the arrest. If the court determines that the arrest was lawful it shall commit the person arrested, to await for a reasonable time the issuance of an extradition warrant by the Governor of this State, or admit him to bail for such purpose. If the court determines that the arrest was unlawful it shall discharge the person arrested.

(Source: P.A. 93-232, eff. 1-1-04; 94-846, eff. 1-1-07.)

Section 99. Effective date. This Act takes effect July 1, 2007."

AMENDMENT NO. 2. Amend House Bill 2853, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, on page 1, line 10 by inserting "from moneys available" after "program"; and

on page 1, line 13 by changing "Of the moneys available under" to "Under".

The foregoing motions prevailed and Amendments numbered 1 and 2 were adopted.

There being no further amendments, the foregoing Amendments numbered 1 and 2 were ordered engrossed; and the bill, as amended, was to the order of Third Reading.

HOUSE BILL 1831. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on Judiciary II - Criminal Law, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 1831 by replacing everything after the enacting clause with the following:

"Section 5. The Criminal Identification Act is amended by changing Section 5 and by adding Section 6 as follows:

(20 ILCS 2630/5) (from Ch. 38, par. 206-5)

Sec. 5. Arrest reports; ~~expungement~~.

(a) All policing bodies of this State shall furnish to the Department, daily, in the form and detail the Department requires, fingerprints and descriptions of all persons who are arrested on charges of violating any penal statute of this State for offenses that are classified as felonies and Class A or B misdemeanors and of all minors of the age of 10 and over who have been arrested for an offense which would be a felony if committed by an adult, and may forward such fingerprints and descriptions for minors arrested for Class A or B misdemeanors. Moving or nonmoving traffic violations under the Illinois Vehicle Code shall not be reported except for violations of Chapter 4, Section 11-204.1, or Section 11-501 of that Code. In addition, conservation offenses, as defined in the Supreme Court Rule 501(c), that are classified as Class B misdemeanors shall not be reported.

~~Whenever an adult or minor prosecuted as an adult, not having previously been convicted of any criminal offense or municipal ordinance violation, charged with a violation of a municipal ordinance or a felony or misdemeanor, is acquitted or released without being convicted, whether the acquittal or release occurred before, on, or after the effective date of this amendatory Act of 1991, the Chief Judge of the circuit wherein the charge was brought, any judge of that circuit designated by the Chief Judge, or in counties of less than 3,000,000 inhabitants, the presiding trial judge at the defendant's trial may upon verified petition of the defendant order the record of arrest expunged from the official records of the arresting authority and the Department and order that the records of the clerk of the circuit court be sealed until further order of the court upon good cause shown and the name of the defendant obliterated on the official index required to be kept by the circuit court clerk under Section 16 of the Clerks of Courts Act, but the order shall not affect any index issued by the circuit court clerk before the entry of the order. The Department may charge the petitioner a fee equivalent to the cost of processing any order to expunge or seal the records, and the fee shall be deposited into the State Police Services Fund. The records of those arrests, however, that result in a disposition of supervision for any offense shall not be expunged from the records of the arresting authority or the Department nor impounded by the court until 2 years after discharge and dismissal of supervision. Those records that result from a supervision for a violation of Section 3-707, 3-708, 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a similar provision of a local ordinance, or for a violation of Section 12-3.2, 12-15 or 16A-3 of the Criminal Code of 1961, or probation under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, Section 70 of the Methamphetamine Control and Community Protection Act, Section 12-4.3(b)(1) and (2) of the Criminal Code of 1961 (as those provisions existed before their deletion by Public Act 89-313), Section 10-102 of the Illinois Alcoholism and Other Drug Dependency Act when the judgment of conviction has been vacated, Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act when the judgment of conviction has been vacated, or Section 10 of the Steroid Control Act shall not be expunged from the records of the arresting authority nor impounded by the court until 5 years after termination of probation or supervision. Those records that result from a supervision for a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance, shall not be expunged. All records set out above may be ordered by the court to be expunged from the records of the arresting authority and impounded by the court after 5 years, but shall not be expunged by the Department, but shall, on court order be sealed by the Department and may be disseminated by the Department only as required by law or to the arresting authority, the State's Attorney, and the court upon a later arrest for the same or a similar offense or for the purpose of sentencing for any subsequent felony. Upon conviction for any offense, the Department of Corrections shall have access to all sealed records of the Department pertaining to that individual.~~

(a-5) Those records maintained by the Department for persons arrested prior to their 17th birthday shall be expunged as provided in Section 5-915 of the Juvenile Court Act of 1987.

(b) Whenever a person has been convicted of a crime or of the violation of a municipal ordinance, in the name of a person whose identity he has stolen or otherwise come into possession of, the aggrieved person from whom the identity was stolen or otherwise obtained without authorization, upon learning of the person having been arrested using his identity, may, upon verified petition to the chief judge of the circuit wherein the arrest was made, have a court order entered nunc pro tunc by the chief judge to correct the arrest record, conviction record, if any, and all official records of the arresting authority, the Department, other criminal justice agencies, the prosecutor, and the trial court concerning such arrest, if any, by removing his name from all such records in connection with the arrest and conviction, if any, and by inserting in the records the name of the offender, if known or ascertainable, in lieu of the aggrieved's name. The records of the clerk of the circuit court shall be sealed until further order of the court upon good cause shown and the name of the aggrieved person obliterated on the official index required to be kept by the circuit court clerk under Section 16 of the Clerks of Courts Act, but the order shall not affect any index issued by the circuit court clerk before the entry of the order. Nothing in this Section shall limit the Department of State Police or other criminal justice agencies or prosecutors from listing under an offender's name the false names he or she has used. For purposes of this Section, convictions for moving and nonmoving traffic violations other than convictions for violations of Chapter 4, Section 11-204.1 or Section 11-501 of the Illinois Vehicle Code shall not be a bar to expunging the record of arrest and court records for violation of a misdemeanor or municipal ordinance.

(c) Whenever a person who has been convicted of an offense is granted a pardon by the Governor which specifically authorizes expungement, he may, upon verified petition to the chief judge of the circuit where the person had been convicted, any judge of the circuit designated by the Chief Judge, or in counties of less than 3,000,000 inhabitants, the presiding trial judge at the defendant's trial, may have a court order entered expunging the record of arrest from the official records of the arresting authority and order that the records of the clerk of the circuit court and the Department be sealed until further order of the court upon good cause shown or as otherwise provided herein, and the name of the defendant obliterated from the official index requested to be kept by the circuit court clerk under Section 16 of the Clerks of Courts Act in connection with the arrest and conviction for the offense for which he had been pardoned but the order shall not affect any index issued by the circuit court clerk before the entry of the order. All records sealed by the Department may be disseminated by the Department only as required by law or to the arresting authority, the State's Attorney, and the court upon a later arrest for the same or similar offense or for the purpose of sentencing for any subsequent felony. Upon conviction for any subsequent offense, the Department of Corrections shall have access to all sealed records of the Department pertaining to that individual. Upon entry of the order of expungement, the clerk of the circuit court shall promptly mail a copy of the order to the person who was pardoned.

(c-5) Whenever a person has been convicted of criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, criminal sexual abuse, or aggravated criminal sexual abuse, the victim of that offense may request that the State's Attorney of the county in which the conviction occurred file a verified petition with the presiding trial judge at the defendant's trial to have a court order entered to seal the records of the clerk of the circuit court in connection with the proceedings of the trial court concerning that offense. However, the records of the arresting authority and the Department of State Police concerning the offense shall not be sealed. The court, upon good cause shown, shall make the records of the clerk of the circuit court in connection with the proceedings of the trial court concerning the offense available for public inspection.

(c-6) If a conviction has been set aside on direct review or on collateral attack and the court determines by clear and convincing evidence that the defendant was factually innocent of the charge, the court shall enter an expungement order as provided in subsection (b) of Section 5-5-4 of the Unified Code of Corrections.

(d) Notice of the petition for subsections (a), (b), and (c) shall be served upon the State's Attorney or prosecutor charged with the duty of prosecuting the offense, the Department of State Police, the arresting agency and the chief legal officer of the unit of local government affecting the arrest. Unless the State's Attorney or prosecutor, the Department of State Police, the arresting agency or such chief legal officer objects to the petition within 30 days from the date of the notice, the court shall enter an order granting or denying the petition. The clerk of the court shall promptly mail a copy of the order to the person, the arresting agency, the prosecutor, the Department of State Police and such other criminal justice agencies as may be ordered by the judge.

~~(e) Nothing herein shall prevent the Department of State Police from maintaining all records of any person who is admitted to probation upon terms and conditions and who fulfills those terms and conditions pursuant to Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, Section 70 of the Methamphetamine Control and Community Protection Act, Section 12-4.3 of the Criminal Code of 1961, Section 10-102 of the Illinois Alcoholism and Other Drug Dependency Act, Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act, or Section 10 of the Steroid Control Act.~~

~~(f) No court order issued under the expungement provisions of this Section shall become final for purposes of appeal until 30 days after notice is received by the Department. Any court order contrary to the provisions of this Section is void.~~

~~(g) Except as otherwise provided in subsection (c-5) of this Section, the court shall not order the sealing or expungement of the arrest records and records of the circuit court clerk of any person granted supervision for or convicted of any sexual offense committed against a minor under 18 years of age. For the purposes of this Section, "sexual offense committed against a minor" includes but is not limited to the offenses of indecent solicitation of a child or criminal sexual abuse when the victim of such offense is under 18 years of age.~~

~~(h) (1) Applicability. Notwithstanding any other provision of this Act to the contrary and cumulative with any rights to expungement of criminal records, this subsection authorizes the sealing of criminal records of adults and of minors prosecuted as adults.~~

~~(2) Sealable offenses. The following offenses may be sealed:~~

~~(A) All municipal ordinance violations and misdemeanors, with the exception of the following:~~

~~(i) violations of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance;~~

~~(ii) violations of Article 11 of the Criminal Code of 1961 or a similar provision of a local ordinance, except Section 11-14 of the Criminal Code of 1961 as provided in clause B(i) of this subsection (h);~~

~~(iii) violations of Section 12-15, 12-30, or 26-5 of the Criminal Code of 1961 or a similar provision of a local ordinance;~~

~~(iv) violations that are a crime of violence as defined in Section 2 of the Crime Victims Compensation Act or a similar provision of a local ordinance;~~

~~(v) Class A misdemeanor violations of the Humane Care for Animals Act; and~~

~~(vi) any offense or attempted offense that would subject a person to registration under the Sex Offender Registration Act.~~

~~(B) Misdemeanor and Class 4 felony violations of:~~

~~(i) Section 11-14 of the Criminal Code of 1961;~~

~~(ii) Section 4 of the Cannabis Control Act;~~

~~(iii) Section 402 of the Illinois Controlled Substances Act; and~~

~~(iv) Section 60 of the Methamphetamine Control and Community Protection Act.~~

~~However, for purposes of this subsection (h), a sentence of first offender probation under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, or Section 70 of the Methamphetamine Control and Community Protection Act shall be treated as a Class 4 felony conviction.~~

~~(3) Requirements for sealing. Records identified as sealable under clause (h) (2) may be sealed when the individual was:~~

~~(A) Acquitted of the offense or offenses or released without being convicted.~~

~~(B) Convicted of the offense or offenses and the conviction or convictions were reversed.~~

~~(C) Placed on misdemeanor supervision for an offense or offenses; and~~

~~(i) at least 3 years have elapsed since the completion of the term of supervision, or terms of supervision, if more than one term has been ordered; and~~

~~(ii) the individual has not been convicted of a felony or misdemeanor or placed on supervision for a misdemeanor or felony during the period specified in clause (i).~~

~~(D) Convicted of an offense or offenses; and~~

~~(i) at least 4 years have elapsed since the last such conviction or term of any sentence, probation, parole, or supervision, if any, whichever is last in time; and~~

~~(ii) the individual has not been convicted of a felony or misdemeanor or placed on supervision for a misdemeanor or felony during the period specified in clause (i).~~

~~(4) Requirements for sealing of records when more than one charge and disposition have been filed. When multiple offenses are petitioned to be sealed under this subsection (h), the requirements of the relevant provisions of clauses (h)(3)(A) through (D) each apply. In instances in which more than one~~

waiting period is applicable under clauses (h)(C)(i) and (ii) and (h)(D)(i) and (ii), the longer applicable period applies, and the requirements of clause (h) (3) shall be considered met when the petition is filed after the passage of the longer applicable waiting period. That period commences on the date of the completion of the last sentence or the end of supervision, probation, or parole, whichever is last in time.

(5) ~~Subsequent convictions. A person may not have subsequent felony conviction records sealed as provided in this subsection (h) if he or she is convicted of any felony offense after the date of the sealing of prior felony records as provided in this subsection (h).~~

(6) ~~Notice of eligibility for sealing. Upon acquittal, release without conviction, or being placed on supervision for a sealable offense, or upon conviction of a sealable offense, the person shall be informed by the court of the right to have the records sealed and the procedures for the sealing of the records.~~

(7) ~~Procedure. Upon becoming eligible for the sealing of records under this subsection (h), the person who seeks the sealing of his or her records shall file a petition requesting the sealing of records with the clerk of the court where the charge or charges were brought. The records may be sealed by the Chief Judge of the circuit wherein the charge was brought, any judge of that circuit designated by the Chief Judge, or in counties of less than 3,000,000 inhabitants, the presiding trial judge at the defendant's trial, if any. If charges were brought in multiple jurisdictions, a petition must be filed in each such jurisdiction. The petitioner shall pay the applicable fee, if not waived.~~

(A) ~~Contents of petition. The petition shall contain the petitioner's name, date of birth, current address, each charge, each case number, the date of each charge, the identity of the arresting authority, and such other information as the court may require. During the pendency of the proceeding, the petitioner shall promptly notify the clerk of the court of any change of address.~~

(B) ~~Drug test. A person filing a petition to have his or her records sealed for a Class 4 felony violation of Section 4 of the Cannabis Control Act or for a Class 4 felony violation of Section 402 of the Illinois Controlled Substances Act must attach to the petition proof that the petitioner has passed a test taken within the previous 30 days before the filing of the petition showing the absence within his or her body of all illegal substances in violation of either the Illinois Controlled Substances Act or the Cannabis Control Act.~~

(C) ~~Service of petition. The clerk shall promptly serve a copy of the petition on the State's Attorney or prosecutor charged with the duty of prosecuting the offense, the Department of State Police, the arresting agency and the chief legal officer of the unit of local government effecting the arrest.~~

(D) ~~Entry of order. Unless the State's Attorney or prosecutor, the Department of State Police, the arresting agency or such chief legal officer objects to sealing of the records within 90 days of notice the court shall enter an order sealing the defendant's records.~~

(E) ~~Hearing upon objection. If an objection is filed, the court shall set a date for a hearing and notify the petitioner and the parties on whom the petition had been served, and shall hear evidence on whether the sealing of the records should or should not be granted, and shall make a determination on whether to issue an order to seal the records based on the evidence presented at the hearing.~~

(F) ~~Service of order. After entering the order to seal records, the court must provide copies of the order to the Department, in a form and manner prescribed by the Department, to the petitioner, to the State's Attorney or prosecutor charged with the duty of prosecuting the offense, to the arresting agency, to the chief legal officer of the unit of local government effecting the arrest, and to such other criminal justice agencies as may be ordered by the court.~~

(8) ~~Fees. Notwithstanding any provision of the Clerk of the Courts Act to the contrary, and subject to the approval of the county board, the clerk may charge a fee equivalent to the cost associated with the sealing of records by the clerk and the Department of State Police. The clerk shall forward the Department of State Police portion of the fee to the Department and it shall be deposited into the State Police Services Fund.~~

(i) ~~Subject to available funding, the Illinois Department of Corrections shall conduct a study of the impact of sealing, especially on employment and recidivism rates, utilizing a random sample of those who apply for the sealing of their criminal records under Public Act 93-211, in accordance to rules adopted by the Department. At the request of the Illinois Department of Corrections, records of the Illinois Department of Employment Security shall be utilized as appropriate to assist in the study. The study shall not disclose any data in a manner that would allow the identification of any particular individual or employing unit. The study shall be made available to the General Assembly no later than September 1, 2006.~~

(Source: P.A. 93-210, eff. 7-18-03; 93-211, eff. 1-1-04; 93-1084, eff. 6-1-05; 94-556, eff. 9-11-05.)

(20 ILCS 2630/6 new)

Sec. 6. Expungement and sealing.

(a) General provisions.

(1) Definitions. In this Act, words and phrases have the meanings set forth in this Section, except

when a particular context clearly requires a different meaning.

"Conviction" means a finding of guilt resulting in the entry of a judgment of conviction. A sentence of supervision successfully completed by the petitioner is not a conviction. A sentence of qualified probation successfully completed by the petitioner is not a conviction. A sentence of supervision or a sentence of qualified probation that is terminated unsatisfactorily is a conviction.

"Expunge" means to physically destroy the records or return them to the petitioner and to obliterate the petitioner's name from any official index or public record, or both.

"Last sentence" means the sentence, including a sentence of supervision or qualified probation, for a municipal ordinance violation, misdemeanor (except Class C misdemeanors as set forth in clause (a)(2)), or felony that terminates last in time in any jurisdiction, regardless of whether the petitioner has included the municipal ordinance violation, misdemeanor, or felony for which the sentence was imposed in his or her petition or petitions. If multiple sentences for municipal ordinance violations, misdemeanors, or felonies terminate on the same day and are last in time, they shall be collectively considered the "last sentence" regardless of whether the sentences were ordered to run concurrently.

"Petitioner" means an adult or a minor prosecuted as an adult.

"Qualified probation" means a sentence of probation under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, Section 70 of the Methamphetamine Control and Community Protection Act, Section 12-4.3(b)(1) and (2) of the Criminal Code of 1961 (as those provisions existed before their deletion by Public Act 89-313), Section 10-102 of the Illinois Alcoholism and Other Drug Dependency Act, Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act, or Section 10 of the Steroid Control Act. For the purpose of this Act, "successful completion" of a sentence of qualified probation under Section 10-102 of the Illinois Alcoholism and Other Drug Dependency Act and Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act means that the probation was terminated satisfactorily and the judgment of conviction was vacated.

"Records" means all documentation in the possession or control of the Department, the court, or any agency regarding any report or arrest. Such documentation includes but shall not be limited to incident reports, police reports, fingerprints, booking photos, names, addresses, the records of the circuit clerk and official indexes. Such documentation does not include orders of protection.

"Seal" means to physically and electronically maintain the records, unless the records would otherwise be destroyed due to age, but to make the records unavailable without a court order, subject to the exceptions in Sections 12 and 13 of this Act. The petitioner's name shall also be obliterated from the official index required to be kept by the circuit court clerk under Section 16 of the Clerks of Courts Act, but any index issued by the circuit court clerk before the entry of the order to seal shall not be affected.

"Sexual offense committed against a minor" includes but is not limited to the offenses of indecent solicitation of a child or criminal sexual abuse when the victim of such offense is under 18 years of age.

"Terminate" as it relates to a sentence includes either satisfactory or unsatisfactory termination of the sentence, unless otherwise specified in this Section.

(2) Effect of traffic offenses. For purposes of this Section, sentences of supervision or convictions for petty offenses, business offenses, or Class C misdemeanors under the Illinois Vehicle Code shall not affect a petitioner's eligibility to expunge or seal municipal ordinance, misdemeanor or felony records.

(3) Exclusions. Except as otherwise provided in clause (b)(5) and subsection (e) of this Section, the court shall not order the sealing or expungement of the arrest records and records of the circuit court clerk of any person granted supervision for or convicted of:

(i) any sexual offense committed against a minor; or

(ii) Section 11-501 of the Illinois Vehicle Code.

(b) Expungement.

(1) A petitioner may petition the circuit court to expunge the records of his or her arrests when:

(A) he or she has never been convicted of any municipal ordinance violation, misdemeanor or felony, except as set forth in clause (a)(2); and

(B) each arrest sought to be expunged resulted in:

(i) acquittal, dismissal, or the petitioner's release without charging; or

(ii) a sentence of supervision and such supervision was successfully completed by the petitioner;

or

(iii) a sentence of qualified probation and such probation was successfully completed by the petitioner.

(2) Time frame for filing a petition to expunge.

(A) When the arrest sought to be expunged resulted in an acquittal, dismissal, or the petitioner's

release without charging, there is no waiting period to petition for the expungement of such records.

(B) When the arrest sought to be expunged resulted in a sentence of supervision, successfully completed by the petitioner, the following time frames will apply:

(i) Those records that resulted in sentence of supervision under Section 3-707, 3-708, 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a similar provision of a local ordinance, or under Section 12-3.2, 12-15 or 16A-3 of the Criminal Code of 1961, shall not be eligible for expungement until 5 years have passed following the satisfactory termination of the supervision.

(ii) Those records that resulted in a sentence of supervision for any other offense shall not be eligible for expungement until 2 years have passed following the satisfactory termination of the supervision.

(C) When the arrest sought to be expunged resulted in a sentence of qualified probation, successfully completed by the petitioner, such records shall not be eligible for expungement until 5 years have passed following the satisfactory termination of the probation.

(3) Those records maintained by the Department for persons arrested prior to their 17th birthday shall be expunged as provided in Section 5-915 of the Juvenile Court Act of 1987.

(4) Whenever a person has been convicted of a crime or of the violation of a municipal ordinance, in the name of a person whose identity he has stolen or otherwise come into possession of, the aggrieved person from whom the identity was stolen or otherwise obtained without authorization, upon learning of the person having been arrested using his identity, may, upon verified petition to the chief judge of the circuit wherein the arrest was made, have a court order entered nunc pro tunc by the chief judge to correct the arrest record, conviction record, if any, and all official records of the arresting authority, the Department, other criminal justice agencies, the prosecutor, and the trial court concerning such arrest, if any, by removing his name from all such records in connection with the arrest and conviction, if any, and by inserting in the records the name of the offender, if known or ascertainable, in lieu of the aggrieved's name. The records of the clerk of the circuit court shall be sealed until further order of the court upon good cause shown and the name of the aggrieved person obliterated on the official index required to be kept by the circuit court clerk under Section 16 of the Clerks of Courts Act, but the order shall not affect any index issued by the circuit court clerk before the entry of the order. Nothing in this Section shall limit the Department of State Police or other criminal justice agencies or prosecutors from listing under an offender's name the false names he or she has used.

(5) Whenever a person has been convicted of criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, criminal sexual abuse, or aggravated criminal sexual abuse, the victim of that offense may request that the State's Attorney of the county in which the conviction occurred file a verified petition with the presiding trial judge at the petitioner's trial to have a court order entered to seal the records of the clerk of the circuit court in connection with the proceedings of the trial court concerning that offense. However, the records of the arresting authority and the Department of State Police concerning the offense shall not be sealed. The court, upon good cause shown, shall make the records of the clerk of the circuit court in connection with the proceedings of the trial court concerning the offense available for public inspection.

(6) If a conviction has been set aside on direct review or on collateral attack and the court determines by clear and convincing evidence that the petitioner was factually innocent of the charge, the court shall enter an expungement order as provided in subsection (b) of Section 5-5-4 of the Unified Code of Corrections.

(7) Nothing herein shall prevent the Department of State Police from maintaining all records of any person who is admitted to probation upon terms and conditions and who fulfills those terms and conditions pursuant to Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, Section 70 of the Methamphetamine Control and Community Protection Act, Section 12-4.3 of the Criminal Code of 1961, Section 10-102 of the Illinois Alcoholism and Other Drug Dependency Act, Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act, or Section 10 of the Steroid Control Act.

(c) Sealing.

(1) Applicability. Notwithstanding any other provision of this Act to the contrary, and cumulative with any rights to expungement of criminal records, this subsection authorizes the sealing of criminal records of adults and of minors prosecuted as adults.

(2) Eligible records. The following records may be sealed:

(A) All arrests resulting in acquittal, dismissal, the petitioner's release without charging, or conviction when the conviction was reversed.

(B) Municipal ordinance violations, misdemeanors or felonies resulting in sentences of supervision successfully completed by the petitioner, with the exception of the following:

- (i) Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance;
- (ii) Article 11 of the Criminal Code of 1961 or a similar provision of a local ordinance, except Section 11-14 of the Criminal Code of 1961 or a similar provision of a local ordinance;
- (iii) Section 12-15, 12-30, or 26-5 of the Criminal Code of 1961 or a similar provision of a local ordinance;
- (iv) "Crimes of violence" as defined in Section 2 of the Crime Victims Compensation Act or a similar provision of a local ordinance;
- (v) Class A misdemeanors under the Humane Care for Animals Act; or
- (vi) any offense or attempted offense that would subject a person to registration under the Sex Offender Registration Act.

(C) Municipal ordinance convictions, misdemeanor convictions, and misdemeanors or felonies of any class resulting in a sentence of qualified probation successfully completed by the petitioner, with the exception of the following:

- (i) Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance;
- (ii) Article 11 of the Criminal Code of 1961 or a similar provision of a local ordinance, except Section 11-14 of the Criminal Code of 1961 or a similar provision of a local ordinance;
- (iii) Section 12-15, 12-30, or 26-5 of the Criminal Code of 1961 or a similar provision of a local ordinance;
- (iv) "Crimes of violence" as defined in Section 2 of the Crime Victims Compensation Act;
- (v) Class A misdemeanors under the Humane Care for Animals Act; or
- (vi) any offense or attempted offense that would subject a person to registration under the Sex Offender Registration Act.

(D) Class 4 felony convictions under Section 11-14 of the Criminal Code of 1961, Section 4 of the Cannabis Control Act, Section 402 of the Illinois Controlled Substances Act, Section 60 of the Methamphetamine Control and Community Protection Act, the Methamphetamine Precursor Control Act, and the Steroid Control Act, regardless of the sentence imposed.

(3) When records are eligible to be sealed. Records identified as eligible under clause (c)(2) may be sealed as follows:

(A) Records identified as eligible under clause (c)(2)(A) may be sealed at any time, regardless of whether the petitioner has criminal records in any jurisdiction that are eligible for sealing under this subsection (c) but which have not been sealed, or criminal records in any jurisdiction that are subject to a waiting period as set forth in clauses (c)(3)(B) and (c)(3)(C), or criminal records in any jurisdiction that are ineligible for sealing.

(B) Records identified as eligible under clause (c)(2)(B) may be sealed 3 years after the termination of petitioner's last sentence, as defined in subsection (a), regardless of whether the petitioner has criminal records in any jurisdiction that are eligible for sealing under this subsection (c) but which have not been sealed, or criminal records in any jurisdiction that are subject to the waiting period as set forth in clause (c)(3)(C), or criminal records in any jurisdiction that are ineligible for sealing.

(C) Records identified as eligible under clauses (c)(2)(C) and (c)(2)(D) may be sealed 4 years after the termination of the petitioner's last sentence, as defined in subsection (a), regardless of whether the petitioner has criminal records in any jurisdiction that are eligible for sealing under this subsection (c) but which have not been sealed, or criminal records in any jurisdiction that are ineligible for sealing.

(4) Subsequent felony convictions. A person may not have subsequent felony conviction records sealed as provided in this subsection (c) if he or she is convicted of any felony offense after the date of the sealing of prior felony convictions as provided in this subsection (c).

(5) Notice of eligibility for sealing. Upon entry of a disposition for an eligible record under this subsection (c), the petitioner shall be informed by the court of the right to have the records sealed and the procedures for the sealing of the records.

(d) Procedure. The following procedures apply to expungement under subsection (b) and sealing under subsection (c).

(1) Filing the petition. Upon becoming eligible to petition for the expungement or sealing of records under this Section, petitioner shall file a petition requesting the expungement or sealing of records with the clerk of the court where the charge or charges were brought. If charges were brought in multiple jurisdictions, a petition must be filed in each such jurisdiction. The petitioner shall pay the applicable fee, if not waived.

(2) Contents of petition. The petition shall be verified and shall contain the petitioner's name, date of birth, current address and, for each arrest sought to be sealed or expunged, the case number, the date of arrest, the identity of the arresting authority, and such other information as the court may require. During the pendency of the proceeding, the petitioner shall promptly notify the clerk of the court of any change of his or her address.

(3) Drug test. A person filing a petition to have his or her records sealed for Class 4 felony violations of Section 10 of the Cannabis Control Act, the Section 402 of the Illinois Controlled Substances Act, Section 60 of the Methamphetamine Control and Community Protection Act, the Methamphetamine Precursor Control Act, or the Steroid Control Act must attach to the petition proof that the petitioner has passed a test taken within the previous 30 days before the filing of the petition showing the absence within his or her body of all illegal substances as defined by the Illinois Controlled Substances Act and the Cannabis Control Act.

(4) Service of petition. The clerk of the court shall promptly serve a copy of the petition on the State's Attorney or prosecutor charged with the duty of prosecuting the offense, the Department of State Police, the arresting agency and the chief legal officer of the unit of local government effecting the arrest.

(5) Objections.

(A) Any party entitled to notice of the petition may file an objection to the petition. All objections shall be in writing and shall state with specificity the basis of the objection.

(B) The party objecting shall serve a copy of the objection on the petitioner, or when the petitioner is represented, the petitioner's attorney, and all parties entitled to notice of the petition by first class mail or hand delivery within 4 days of filing the objection.

(C) Objections to petitions to expunge must be filed within 30 days of the date of service of the petition. Objections to petitions to seal must be filed within 90 days of the date of service of the petition. Any objection not filed within the time allowed shall be waived.

(6) Entry of order.

(A) The Chief Judge of the circuit wherein the charge was brought, any judge of that circuit designated by the Chief Judge, or in counties of less than 3,000,000 inhabitants, the presiding trial judge at the petitioner's trial, if any, shall rule on the petition or petitions to expunge or seal as set forth in this clause (d)(6).

(B) Unless the State's Attorney or prosecutor, the Department of State Police, the arresting agency, or the chief legal officer files an objection to the petition to expunge within 30 days from the date of service of the petition, the court shall enter an order granting or denying the petition.

(C) Unless the State's Attorney or prosecutor, the Department of State Police, the arresting agency, or the chief legal officer objects to a petition to seal within 90 days from the date of service of the petition, the court shall enter an order sealing the petitioner's records.

(7) Hearings. If an objection is filed, the court shall set a date for a hearing and notify the petitioner and all parties entitled to notice of the petition, and shall hear evidence on whether the petition or petitions should or should not be granted, and shall make a determination on whether to expunge or seal the records based on the evidence presented at the hearing.

(8) Service of order. After entering an order to expunge or seal records, the court must provide copies of the order to the Department, in a form and manner prescribed by the Department, to the petitioner, to the State's Attorney or prosecutor charged with the duty of prosecuting the offense, to the arresting agency, to the chief legal officer of the unit of local government effecting the arrest, and to such other criminal justice agencies as may be ordered by the court.

(9) Effect of order.

(A) Upon entry of an order to expunge records pursuant to clause (b)(2)(A) or (b)(2)(B)(ii), or both:

(i) the records shall be expunged by the arresting agency, the Department, and any other agency as ordered by the court; and

(ii) the records of the clerk of the circuit court shall be impounded until further order of the court upon good cause shown and the name of the petitioner obliterated on the official index required to be kept by the circuit court clerk under Section 16 of the Clerks of Courts Act, but the order shall not affect any index issued by the circuit court clerk before the entry of the order.

In response to an inquiry for expunged records, the court, the Department, or the agency receiving such inquiry shall reply "No records found".

(B) Upon entry of an order to expunge records pursuant to clause (b)(2)(B)(i) or (b)(2)(C), or both:

(i) the records shall be expunged by the arresting agency and any other agency as ordered by the court; and

(ii) the records of the clerk of the circuit court shall be impounded until further order of the court upon good cause shown and the name of the petitioner obliterated on the official index required to be kept by the circuit court clerk under Section 16 of the Clerks of Courts Act, but the order shall not affect any index issued by the circuit court clerk before the entry of the order; and

(iii) the records shall be impounded by the Department.

Records impounded by the Department may be disseminated by the Department only to the arresting authority, the State's Attorney, and the court upon a later arrest for the same or a similar offense or for the purpose of sentencing for any subsequent felony, and to the Department of Corrections upon conviction for any offense.

In response to an inquiry for such records from anyone not authorized by law to access such records the court, the Department, or the agency receiving such inquiry shall reply "No records found".

(C) Upon entry of an order to seal records under subsection (c), the arresting agency, any other agency as ordered by the court, the Department, and the court shall seal the records, as defined in subsection (a). In response to an inquiry for such records from anyone not authorized by law to access such records the court, the Department, or the agency receiving such inquiry shall reply "No records found".

(10) Fees. Notwithstanding any provision of the Clerks of Courts Act to the contrary, and subject to the approval of the county board, the clerk may charge a fee equivalent to the cost associated with the sealing of records by the clerk and the Department of State Police. The clerk shall forward the Department of State Police portion of the fee to the Department and it shall be deposited into the State Police Services Fund.

(11) Appeal. No court order issued under the expungement or sealing provisions of this Section shall become final for purposes of appeal until 30 days after service of the order on the petitioner and all parties entitled to notice of the petition.

(12) Motion to Vacate, Modify, or Reconsider. The petitioner or any party entitled to notice may file a motion to vacate, modify, or reconsider the order granting or denying the petition or petitions to expunge or seal within 30 days of service of the order.

(e) Expungement after pardon. Whenever a person who has been convicted of an offense is granted a pardon by the Governor which specifically authorizes expungement, he or she may, upon verified petition to the chief judge of the circuit where the he or she had been convicted, any judge of the circuit designated by the Chief Judge, or in counties of less than 3,000,000 inhabitants, the presiding trial judge at his or her trial, have an order entered expunging the record of the arrest or arrests from the official records of the arresting authority and ordering that the records of the clerk of the circuit court and the Department be impounded until further order of the court upon good cause shown or as otherwise provided in this subsection (e), and the name of the petitioner obliterated from the official index requested to be kept by the circuit court clerk under Section 16 of the Clerks of Courts Act in connection with the arrest and sentence for the offense or offenses for which he or she had been pardoned but the order shall not affect any index issued by the circuit court clerk before the entry of the order. All records impounded by the Department pursuant to this subsection (e) may be disseminated by the Department only to the arresting authority, the State's Attorney, and the court upon a later arrest for the same or similar offense or for the purpose of sentencing for any subsequent felony. Upon conviction for any subsequent offense, the Department of Corrections shall have access to all impounded records of the Department pertaining to that individual. Upon entry of the order of expungement, the clerk of the circuit court shall promptly mail a copy of the order to the person who was pardoned.

(f) Subject to available funding, the Illinois Department of Corrections shall conduct a study of the impact of sealing, especially on employment and recidivism rates, utilizing a random sample of those who apply for the sealing of their criminal records under Public Act 93-211, in accordance to rules adopted by the Department. At the request of the Illinois Department of Corrections, records of the Illinois Department of Employment Security shall be utilized as appropriate to assist in the study. The study shall not disclose any data in a manner that would allow the identification of any particular individual or employing unit. The study shall be made available to the General Assembly no later than September 1, 2008."

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

**ADJOURNMENT RESOLUTION
HOUSE JOINT RESOLUTION 59**

Representative Currie offered the following resolution:

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that when the two Houses adjourn on Thursday, May 10, 2007, they stand adjourned until Tuesday, May 15, 2007 at 12:00 o'clock noon.

HOUSE JOINT RESOLUTION 59 was taken up for immediate consideration.
Representative Currie moved the adoption of the resolution.
The motion prevailed and the resolution was adopted.
Ordered that the Clerk inform the Senate and ask their concurrence.

AGREED RESOLUTIONS

HOUSE RESOLUTIONS 401, 403 and 404 were taken up for consideration.
Representative Currie moved the adoption of the agreed resolutions.
The motion prevailed and the Agreed Resolutions were adopted.

At the hour of 2:56 o'clock p.m., Representative Currie moved that the House do now adjourn until Tuesday, May 15, 2007, at 12:00 o'clock noon, allowing perfunctory time for the Clerk.
The motion prevailed.
And the House stood adjourned.

STATE OF ILLINOIS
 NINETY-FIFTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 QUORUM ROLL CALL FOR ATTENDANCE

May 10, 2007

0 YEAS

0 NAYS

114 PRESENT

P Acevedo	P Dugan	P Krause	P Reboletti
P Arroyo	P Dunkin	P Lang	P Reis
P Bassi	P Dunn	P Leitch	P Reitz
E Beaubien	P Durkin	P Lindner	P Riley
P Beiser	P Eddy	P Lyons	P Rita
P Bellock	P Feigenholtz	P Mathias	P Rose
P Berrios	P Flider	P Mautino	P Ryg
P Biggins	P Flowers	P May	P Sacia
P Black	P Ford	P McAuliffe	P Saviano
P Boland	P Fortner	P McCarthy	P Schmitz
P Bost	P Franks	P McGuire	P Schock
P Bradley, John	P Fritchey	P Mendoza	P Scully
E Bradley, Richard	P Froehlich	P Meyer	P Smith
P Brady	P Golar	P Miller	P Sommer
P Brauer	P Gordon	P Mitchell, Bill	P Soto
P Brosnahan	P Graham	P Mitchell, Jerry	P Stephens
P Burke	P Granberg	P Moffitt	P Sullivan
E Chapa LaVia	P Hamos	P Molaro	P Tracy
P Coladipietro	P Hannig	P Mulligan	P Tryon
P Cole	P Harris	P Munson	P Turner
P Collins	P Hassert	P Myers	P Verschoore
P Colvin	P Hernandez	P Nekritz	P Wait
P Coulson	P Hoffman	P Osmond	P Washington
P Crespo	P Holbrook	P Osterman	P Watson
P Cross	P Howard	E Patterson	P Winters
P Cultra	P Jakobsson	P Phelps	P Yarbrough
P Currie	P Jefferies	P Pihos	P Younge
P D'Amico	P Jefferson	P Poe	P Mr. Speaker
P Davis, Monique	P Joyce	P Pritchard	
P Davis, William	P Kosel	P Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE RESOLUTION 402
GRT-SUPPORT/OPPOSE
FAILED

May 10, 2007

0 YEAS

107 NAYS

7 PRESENT

N Acevedo	N Dugan	N Krause	N Reboletti
N Arroyo	N Dunkin	N Lang	N Reis
N Bassi	N Dunn	N Leitch	N Reitz
E Beaubien	N Durkin	N Lindner	P Riley
N Beiser	N Eddy	N Lyons	N Rita
N Bellock	N Feigenholtz	N Mathias	N Rose
N Berrios	N Flider	N Mautino	N Ryg
N Biggins	N Flowers	N May	N Sacia
N Black	P Ford	N McAuliffe	N Saviano
N Boland	N Fortner	N McCarthy	N Schmitz
N Bost	N Franks	N McGuire	N Schock
N Bradley, John	N Fritchey	N Mendoza	N Scully
E Bradley, Richard	N Froehlich	N Meyer	N Smith
N Brady	N Golar	N Miller	N Sommer
N Brauer	N Gordon	N Mitchell, Bill	N Soto
N Brosnahan	N Graham	N Mitchell, Jerry	N Stephens
N Burke	N Granberg	N Moffitt	N Sullivan
E Chapa LaVia	N Hamos	N Molaro	N Tracy
N Coladipietro	N Hannig	N Mulligan	N Tryon
N Cole	N Harris	N Munson	N Turner
N Collins	N Hassert	N Myers	N Verschoore
P Colvin	N Hernandez	N Nekritz	N Wait
N Coulson	N Hoffman	N Osmond	P Washington
N Crespo	N Holbrook	N Osterman	N Watson
N Cross	P Howard	E Patterson	N Winters
N Cultra	N Jakobsson	N Phelps	N Yarbrough
N Currie	N Jefferies	N Pihos	N Younge
N D'Amico	P Jefferson	N Poe	N Mr. Speaker
N Davis, Monique	N Joyce	N Pritchard	
P Davis, William	N Kosel	N Ramey	

E - Denotes Excused Absence

51ST LEGISLATIVE DAY**Perfunctory Session****THURSDAY, MAY 10, 2007**

At the hour of 3:23 o'clock p.m., the House convenes perfunctory session.

SENATE BILLS ON FIRST READING

Having been reproduced, the following bills were taken up, read by title a first time and placed in the Committee on Rules: SENATE BILLS 115 (Riley), 280 (Coulson), 829 (Mendoza) and 1167 (Yarbrough).

REPORT FROM THE COMMITTEE ON RULES

Representative Currie, Chairperson, from the Committee on Rules to which the following were referred, action taken on May 10, 2007, reported the same back with the following recommendations:

LEGISLATIVE MEASURES APPROVED FOR FLOOR CONSIDERATION:

That the bill be reported "approved for consideration" and be placed on the order of Second Reading--Short Debate: HOUSE BILLS 2564, 2664 and 3106.

LEGISLATIVE MEASURES REASSIGNED TO COMMITTEE:

SENATE BILL 157 was recalled from the Committee on Executive and reassigned to the Committee on State Government Administration.

LEGISLATIVE MEASURES ASSIGNED TO COMMITTEE:

Agriculture & Conservation: SENATE BILLS 201 and 216.
 Elementary & Secondary Education: HOUSE AMENDMENT No. 3 to HOUSE BILL 1466.
 Environment & Energy: SENATE BILL 135.
 Environmental Health: HOUSE AMENDMENT No. 2 to HOUSE BILL 3424 and SENATE BILL 184.
 Executive: SENATE BILLS 113, 128, 194, 222 and 1381.
 Financial Institutions: SENATE BILL 171.
 Human Services: HOUSE AMENDMENT No. 3 to HOUSE BILL 980 and SENATE BILL 715.
 Insurance: HOUSE AMENDMENT No. 1 to HOUSE BILL 1006.
 Judiciary I - Civil Law: SENATE BILL 148.
 Judiciary II - Criminal Law: SENATE BILL 158.
 Labor: SENATE BILL 211.
 Local Government: SENATE BILL 1508.
 Public Utilities: SENATE BILL 124.
 State Government Administration: HOUSE AMENDMENT No. 1 to HOUSE BILL 2254; HOUSE JOINT RESOLUTION 46 and SENATE JOINT RESOLUTION 6.
 Juvenile Justice Reform: SENATE BILL 121.

The committee roll call vote on the foregoing Legislative Measures is as follows:

4, Yeas; 0, Nays; 0, Answering Present.

Y Currie(D), Chairperson
 Y Hannig(D)
 Y Turner(D)

Y Black(R), Republican Spokesperson
 A Hassert(R)

[May 10, 2007]

56

At the hour of 3:25 o'clock p.m., the House Perfunctory Session adjourned.