



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB5293

Introduced 2/8/2012, by Rep. Mary E. Flowers

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Public Utilities Act, Pharmacy Practice Act, Public Aid Code, Illinois Marriage and Dissolution of Marriage Act, Non-Support Punishment Act, and Income Withholding for Support Act. Provides that notwithstanding any other provision, if a person is either an unemployed individual who is eligible for unemployment benefits under the Unemployment Insurance Act or an unemployed individual who is no longer eligible for extended benefits because the individual has exhausted his or her extended benefits under that Act, then (i) a public utility company that receives any federal or State funds shall not terminate or cut off the gas or electrical services, (ii) a pharmacy or pharmacist who receives any federal or State funds shall not refuse to dispense prescription medication, or (iii) the unemployed individual shall not be sentenced to any period of imprisonment for failure to make child support payments. Amends the Code of Civil Procedure. Provides that notwithstanding any other provision, no person may bring a forcible entry or detainer action for the possession of lands or leased premises against any person who is an unemployed individual who is eligible for unemployment benefits or who is no longer eligible for extended unemployment benefits. Provides that notwithstanding any other provision, no mortgagee who receives any federal or State funds may institute foreclosure proceedings against any mortgagor who is an unemployed individual who is eligible for unemployment benefits or who is no longer eligible for extended unemployment benefits. Defines "receives any federal or State funds". Effective immediately.

LRB097 13888 CEL 58461 b

1 AN ACT concerning regulation.

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

4 Section 1. Legislative findings and purpose. The General  
5 Assembly finds that as of October 2011 the national  
6 unemployment rate is 9% and the State unemployment rate is  
7 10.1%. It is the intent of the General Assembly to assist those  
8 struggling with unemployment and long-term unemployment by  
9 ensuring that basic, but vital, goods and services, such as  
10 housing, medication, and public utility services are not  
11 terminated due to an individual's inability to pay for those  
12 services.

13 Section 5. The Public Utilities Act is amended by adding  
14 Section 8-206.5 as follows:

15 (220 ILCS 5/8-206.5 new)

16 Sec. 8-206.5. Unemployed individual. Notwithstanding any  
17 other provision of this Act, a public utility company that  
18 receives any federal or State funds shall not terminate or cut  
19 off the gas or electrical services at the residence of an  
20 unemployed individual who is eligible for unemployment  
21 benefits under Section 500 of the Unemployment Insurance Act or  
22 an unemployed individual who is no longer eligible for extended

1 benefits because the individual has exhausted his or her  
2 extended benefits under Section 409 of that Act.

3 Section 10. The Pharmacy Practice Act is amended by adding  
4 Section 26.5 as follows:

5 (225 ILCS 85/26.5 new)

6 Sec. 26.5. Unemployed individual. Notwithstanding any  
7 other provision of this Act, a pharmacy or pharmacist who  
8 receives any federal or State funds shall not refuse to  
9 dispense prescription medication to an unemployed individual  
10 who is eligible for unemployment benefits under Section 500 of  
11 the Unemployment Insurance Act or an unemployed individual who  
12 is no longer eligible for extended benefits because the  
13 individual has exhausted his or her extended benefits under  
14 Section 409 of that Act.

15 Section 15. The Illinois Public Aid Code is amended by  
16 adding Sections 5-2.5 and 10-29 as follows:

17 (305 ILCS 5/5-2.5 new)

18 Sec. 5-2.5. Unemployed individual. Notwithstanding any  
19 other provision of this Act, an unemployed individual who is  
20 eligible for unemployment benefits under Section 500 of the  
21 Unemployment Insurance Act or an unemployed individual who is  
22 no longer eligible for extended benefits because the individual

1 has exhausted his or her extended benefits under Section 409 of  
2 that Act shall not be sentenced to any period of imprisonment  
3 for failure to make child support payments under this Act.

4 (305 ILCS 5/10-29 new)

5 Sec. 10-29. Unemployed individual. Notwithstanding any  
6 other provision of this Act, an unemployed individual who is  
7 eligible for unemployment benefits under Section 500 of the  
8 Unemployment Insurance Act or an unemployed individual who is  
9 no longer eligible for extended benefits because the individual  
10 has exhausted his or her extended benefits under Section 409 of  
11 that Act shall not be sentenced to any period of imprisonment  
12 for failure to make child support payments under this Act.

13 Section 20. The Code of Civil Procedure is amended by  
14 adding Sections 9-107.11 and 15-1108 as follows:

15 (735 ILCS 5/9-107.11 new)

16 Sec. 9-107.11. Unemployed defendant. Notwithstanding any  
17 other provision of this Article, no person who receives federal  
18 or State funds and is entitled to the possession of lands or  
19 tenements may be restored thereto against any person who is an  
20 unemployed individual who is eligible for unemployment  
21 benefits under Section 500 of the Unemployment Insurance Act or  
22 who is an unemployed individual who is no longer eligible for  
23 extended benefits because the individual has exhausted his or

1 her extended benefits under Section 409 of that Act.

2 (735 ILCS 5/15-1108 new)

3 Sec. 15-1108. Unemployed mortgagor. Notwithstanding any  
4 other provision of this Article, no mortgagee who receives any  
5 federal or State funds may institute proceedings under this  
6 Article against any mortgagor who is an unemployed individual  
7 who is eligible for unemployment benefits under Section 500 of  
8 the Unemployment Insurance Act or who is an unemployed  
9 individual who is no longer eligible for extended benefits  
10 because the individual has exhausted his or her extended  
11 benefits under Section 409 of that Act. For purposes of this  
12 Section, "receives any federal or State funds" includes, but is  
13 not limited to, the following: maintains any type of bank  
14 account or deposit for a federal or State agency or entity;  
15 receives funds from a federal or State agency or entity for  
16 deposit or investment into an interest-bearing account,  
17 security, or investment offered by the mortgagee; participates  
18 in any type of program in which the federal or State government  
19 or any federal or State agency or entity provides any benefit,  
20 financing, guaranty, or other financial benefit to the  
21 mortgagee or a client or customer of the mortgagee; or offers  
22 for purchase or investment to clients or customers of the  
23 mortgagee any federal bond or treasury bill or State bond or  
24 investment program.

1           Section 25. The Illinois Marriage and Dissolution of  
2 Marriage Act is amended by adding Section 505.1-5 as follows:

3           (750 ILCS 5/505.1-5 new)

4           Sec. 505.1-5. Unemployed individual. Notwithstanding any  
5 other provision of this Act, an unemployed individual who is  
6 eligible for unemployment benefits under Section 500 of the  
7 Unemployment Insurance Act or an unemployed individual who is  
8 no longer eligible for extended benefits because the individual  
9 has exhausted his or her extended benefits under Section 409 of  
10 that Act shall not be sentenced to any period of imprisonment,  
11 including periodic imprisonment, for failure to make child  
12 support payments under this Act.

13           Section 30. The Non-Support Punishment Act is amended by  
14 adding Section 17 as follows:

15           (750 ILCS 16/17 new)

16           Sec. 17. Unemployed individual. Notwithstanding any other  
17 provision of this Act, an unemployed individual who is eligible  
18 for unemployment benefits under Section 500 of the Unemployment  
19 Insurance Act or an unemployed individual who is no longer  
20 eligible for extended benefits because the individual has  
21 exhausted his or her extended benefits under Section 409 of  
22 that Act shall not be sentenced to any period of imprisonment  
23 for failure to make child support payments under this Act.

1 Section 35. The Income Withholding for Support Act is  
2 amended by adding Section 65 as follows:

3 (750 ILCS 28/65 new)

4 Sec. 65. Unemployed individual. Notwithstanding any other  
5 provision of this Act, an unemployed individual who is eligible  
6 for unemployment benefits under Section 500 of the Unemployment  
7 Insurance Act or an unemployed individual who is no longer  
8 eligible for extended benefits because the individual has  
9 exhausted his or her extended benefits under Section 409 of  
10 that Act shall not be sentenced to any period of imprisonment  
11 for failure to make child support payments under this Act.

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

1 INDEX

2 Statutes amended in order of appearance

3 220 ILCS 5/8-206.5 new

4 225 ILCS 85/26.5 new

5 305 ILCS 5/5-2.5 new

6 305 ILCS 5/10-29 new

7 735 ILCS 5/9-107.11 new

8 735 ILCS 5/15-1108 new

9 750 ILCS 5/505.1-5 new

10 750 ILCS 16/17 new

11 750 ILCS 28/65 new