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33rd Legislative Day

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PRESIDING OFFICER: (SENATOR HENDON)

The regular Session of the 95th General Assembly will please come to order. Will the Members please be at their desks? Will our guests in the galleries please rise? The invocation today will be given by Reverend Debra Avery, Hope Presbyterian Church, Springfield, Illinois. Reverend Avery.

THE REVEREND DEBRA AVERY:

(Prayer by the Reverend Debra Avery)

PRESIDING OFFICER: (SENATOR HENDON)

Please remain standing for the Pledge of Allegiance. Senator Maloney.

SENATOR MALONEY:

(Pledge of Allegiance, led by Senator Maloney)

PRESIDING OFFICER: (SENATOR HENDON)

Madam Secretary, Reading and Approval of the Journal.

SECRETARY SHIPLEY:

Senate Journal of Thursday, April 26, 2007.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Hunter.

SENATOR HUNTER:

Mr. President, I move that the Journal just read by the Secretary be approved, unless some Senators has additions or corrections to offer.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Hunter moves to approve the Journals just read by the Secretary. There being no objection, so ordered. Will all the Members under the sound of my voice please come to the Senate Floor? Will all the Members under the sound of my voice please come to the Senate Floor? Madam Secretary, Resolutions.

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SECRETARY SHIPLEY:

Senate Resolution 159, offered by Senator Clayborne and all Members.

Senate Resolution 160, offered by Senator Collins and all Members.

And Senate Resolution 161, offered by Senator Holmes and all Members.

They're all death resolutions, Mr. President.

PRESIDING OFFICER: (SENATOR HENDON)

Resolutions Consent Calendar. Madam Secretary, Messages.

SECRETARY SHIPLEY:

A Message from the House by Mr. Mahoney, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has passed the bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to wit:

House Bill 232.

We have received like Messages on House Bills 472, 656, 699, 1231, 1319, 1346, 1406, 1434, 1662, 1875, 1878, 1958, 2036, 2044, 2179, 2307, 3091, 3165, 3218, 3434, 3666 and 3728.

All passed the House, April 26, 2007. Mark Mahoney, Clerk of the House.

Another Message from the House by Mr. Mahoney, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has passed the bills of the following title, in the passage of which I am instructed to ask the concurrence of the Senate, to wit:

House Bill 147.

We've received like Messages on House Bills 448, 754, 825,

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876, 928, 1141, 1263, 1347, 1453, 1557, 1638, 1723, 1798, 1847, 2808, 3131, 3649 and 3764.

All passed the House, April 27th, 2007. Mark Mahoney, Clerk of the House.

PRESIDING OFFICER: (SENATOR HENDON)

House Bills 1st Reading.

SECRETARY SHIPLEY:

House Bill 147, offered by Senator Koehler.

(Secretary reads title of bill)

House Bill 448, offered by Senator Silverstein.

(Secretary reads title of bill)

House Bill 586, offered by Senator Frerichs.

(Secretary reads title of bill)

House Bill 699, offered by Senator Koehler.

(Secretary reads title of bill)

House Bill -- I'm sorry, House Bill 742, offered by Senator Frerichs.

(Secretary reads title of bill)

House Bill 754, offered by Senator Forby.

(Secretary reads title of bill)

House Bill 825, offered by Senator Clayborne.

(Secretary reads title of bill)

House Bill 876, offered by Senator Noland.

(Secretary reads title of bill)

House Bill 928, offered by Senator Link.

(Secretary reads title of bill)

House Bill 951, offered by Senator Hunter.

(Secretary reads title of bill)

House Bill 982, offered by Senator Maloney.

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(Secretary reads title of bill)

House Bill 1116, offered by Senator Frerichs.

(Secretary reads title of bill)

House Bill 1259, offered by Senator Delgado.

(Secretary reads title of bill)

House Bill 1279, offered by Senator Sandoval.

(Secretary reads title of bill)

House Bill 1284, offered by Senator Ronen.

(Secretary reads title of bill)

House Bill 1347, offered by Senator Harmon.

(Secretary reads title of bill)

House Bill 1359, offered by Senator Cullerton.

(Secretary reads title of bill)

House Bill 1406, offered by Senator Harmon.

(Secretary reads title of bill)

House Bill 1434, offered by Senator Sieben.

(Secretary reads title of bill)

House Bill 1557, offered by Senator Haine.

(Secretary reads title of bill)

House Bill 1638, offered by Senator Frerichs.

(Secretary reads title of bill)

House Bill 1656, offered by Senator Watson.

(Secretary reads title of bill)

House Bill 1662, offered by Senator Collins.

(Secretary reads title of bill)

House Bill 1685, offered by Senator Link.

(Secretary reads title of bill)

House Bill 1752, offered by Senator Link.

(Secretary reads title of bill)

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House Bill 1753, offered by Senator Link.

(Secretary reads title of bill)

House Bill 1775, offered by Senator Crotty.

(Secretary reads title of bill)

House Bill 798 {sic} (1798), offered by Senator Raoul.

(Secretary reads title of bill)

House Bill 1847, offered by Senator Demuzio.

(Secretary reads title of bill)

House Bill 1872, offered by Senator Crotty.

(Secretary reads title of bill)

House Bill 1876, offered by Senator Link.

(Secretary reads title of bill)

House Bill 1888, offered by Senator Clayborne.

(Secretary reads title of bill)

House Bill 1917, offered by Senator Link.

(Secretary reads title of bill)

House Bill 1958, offered by Senator Jacobs.

(Secretary reads title of bill)

House Bill 1960, offered by Senator Bomke.

(Secretary reads title of bill)

House Bill 1963, offered by Senator Watson.

(Secretary reads title of bill)

House Bill 2036, offered by Senator Righter.

(Secretary reads title of bill)

House Bill -- 2179, offered by Senator Demuzio.

(Secretary reads title of bill)

House Bill 2304, offered by Senator DeLeo.

(Secretary reads title of bill)

House Bill 2307, offered by Senator Meeks.

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(Secretary reads title of bill)

House Bill 2808, offered by Senator Delgado.

(Secretary reads title of bill)

House Bill 3091, offered by Senator Hultgren.

(Secretary reads title of bill)

House Bill 3131, offered by Senator Holmes.

(Secretary reads title of bill)

House Bill 3463, offered by Senator Garrett.

(Secretary reads title of bill)

House Bill 3490, offered by Senator Harmon.

(Secretary reads title of bill)

House Bill 3621, offered by Senator Maloney.

(Secretary reads title of bill)

House Bill 3649, offered by Senator Link.

(Secretary reads title of bill)

House Bill 3678, offered by Senator Althoff.

(Secretary reads title of bill)

And House Bill 3728, offered by Senator Althoff.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDING OFFICER: (SENATOR HENDON)

Would all Members under the sound of my voice please come to the Senate Floor? We're about to go to 3rd Readings. We are going to 3rd Readings. Please come to the Senate Floor. If your bill is on the Order of 3rd Reading, you really need to be here. Senator Crotty, for what purpose do you seek recognition?

SENATOR CROTTY:

For a point of personal privilege.

PRESIDING OFFICER: (SENATOR HENDON)

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State your point.

SENATOR CROTTY:

Up in the gallery directly behind the Democratic area, we have two good friends from back home, Evelyn and Jerry Gleason. Evelyn is the Executive Director of the Markham Park District, and of course all of our park districts are down here today. But she's also President of my High School District 228. So, if everybody would welcome them to Springfield.

PRESIDING OFFICER: (SENATOR HENDON)

Will our guests please rise and be welcomed to the Senate? Welcome to the Illinois Senate, from the Park District. Senator Righter, for what purpose do you seek recognition, sir?

SENATOR RIGHTER:

For purposes of an announcement, Mr. President.

PRESIDING OFFICER: (SENATOR HENDON)

State your point, Senator.

SENATOR RIGHTER:

Thank you, Mr. President. I rise simply to announce Senator Lauzen is ill today and he will not be joining us in Springfield. I ask the record reflect that, please.

PRESIDING OFFICER: (SENATOR HENDON)

The record shall so reflect. Senator Collins, for what purpose do you rise?

SENATOR COLLINS:

Thank you, Mr. President. A point of personal privilege.

PRESIDING OFFICER: (SENATOR HENDON)

State your point.

SENATOR COLLINS:

I would like for my colleagues to join with me today to wish

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a happy birthday to my wonderful, talented young Communications staffer, Jessica Handy, who happens to be on the Floor now. I think she's making a -- a wonderful twenty-fifth birthday, if I'm not mistaken. So, I would just like for everyone to wish her a wonderful birthday today.

PRESIDING OFFICER: (SENATOR HENDON)

Happy birthday. One year younger than me. Senator Althoff, for what purpose do you seek recognition?

SENATOR ALTHOFF:

Thank you, Mr. President. Purpose of announcement.

PRESIDING OFFICER: (SENATOR HENDON)

...right ahead, Senator.

SENATOR ALTHOFF:

Thank you. I would just like to remind the Body that tomorrow the Illinois Municipal League Board of Directors is hosting a reception. Many of our mayors will be down tomorrow addressing legislative issues. So, you are welcome to attend. It's at 6 p.m. at the State Library. Thank you.

PRESIDING OFFICER: (SENATOR HENDON)

...6 p.m. at the State Library. Senator Koehler, for what purpose do you seek recognition, sir?

SENATOR KOEHLER:

Mr. President, point of personal privilege.

PRESIDING OFFICER: (SENATOR HENDON)

State -- state your point.

SENATOR KOEHLER:

I'd like to introduce to the Senate a new member of my staff that joins me on June 1st. He is graduating with his master's degree from University of Illinois at Springfield. Kyle Dooley.

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PRESIDING OFFICER: (SENATOR HENDON)

Welcome to Springfield, Kyle. Welcome. Welcome on board. We're about to go to 3rd Readings. Bottom of -- top of page 4. Madam Secretary, ring the bell. Top of page 4 on your Senate Calendar is Senate Bill 113. Senator Syverson. Senator Syverson seeks leave of the Body to return Senate Bill 113 to the Order of 2nd Reading for the purpose of amendment. Hearing no objection, leave is granted. Now on the Order of 2nd Reading is Senate Bill 113. Madam Secretary, are there amendments approved for consideration?

SECRETARY SHIPLEY:

Yes, Mr. President. Floor Amendment No. 3, offered by Senator Syverson.

PRESIDING OFFICER: (SENATOR HENDON)

For the record, Members of the Senate, we're picking up exactly where we left off. Senator Syverson.

SENATOR SYVERSON:

Thank you, Mr. President. Amendment No. 3 is some language that was requested by the Department of Revenue. Know of no opposition.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Seeing none, Senator Syverson moves the adoption of Amendment No. 3 to Senate Bill 113. All those in favor will say Aye. Opposed will say Nay. The Ayes have it, and the amendment is adopted. Are there any further Floor amendments approved for consideration?

SECRETARY SHIPLEY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR HENDON)

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3rd Reading. Now on the Order of 3rd Reading is Senate Bill 113. Madam Secretary, read the bill.

SECRETARY SHIPLEY:

Senate Bill 113.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Syverson.

SENATOR SYVERSON:

Thank you, Mr. President. This legislation basically just says that for non-home rule communities that pass referendums in the spring that they'll be allowed to collect their sales tax beginning in July, as opposed to January of the following year. This is supported by the Municipal League and know of no opposition, and would ask for your support on this legislation.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Seeing none, the question is, shall Senate Bill 113 pass. Those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 voting Aye, none voting Nay, none voting Present. Senate Bill 113, having received the required constitutional majority, is declared passed. Senate Bill 115. Senator Collins. Madam Secretary, read the bill.

SECRETARY SHIPLEY:

Senate Bill 115.

(Secretary reads title of bill)

3rd Reading of the bill.

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PRESIDING OFFICER: (SENATOR HENDON)

Senator Collins.

SENATOR COLLINS:

Thank you, Mr. President. As amended, Senate Bill 115 expands the list of factors in aggravation to include the victim's identity as an active duty member of the Armed Forces of the United States. I know of no opposition, and I would appreciate an affirmative vote.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President. I simply rise in support of the bill. It's my recollection the Senator brought a bill before the Judiciary-Criminal Law Committee that some of the Members had some -- some reservations about. The -- the sponsor was very amenable to addressing those concerns, and I urge this bill's passage. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR HENDON)

There any further discussion? Seeing none, the question is, shall Senate Bill 115 pass. Those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 voting Aye, none voting Nay, none voting Present. Senate Bill 115, having received the required constitutional majority, is declared passed. There will be a Rules Committee meeting immediately in the President's Antechamber. Rules Committee immediately. Terry Link in the Chair.

PRESIDING OFFICER: (SENATOR LINK)

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Madam Secretary, Committee Reports.

SECRETARY SHIPLEY:

Senator Halvorson, Chairman of the Committee on Rules, reports the following Legislative Measures have been assigned: Refer to Human Services Committee - Committee Amendment No. 1 to House Bill 616 and Committee Amendment No. 1 to House Bill 625; refer to Judiciary-Criminal Law Committee - Committee Amendment No. 1 to House Bill 236, Committee Amendment No. 1 to House Bill 508 and Committee Amendment No. 1 to House Bill 977; and refer to Public Health Committee - Floor Amendment No. 1 to Senate Bill 1007 and Committee Amendment No. 1 to House Bill 1611.

Senator Debbie Halvorson, Chairman. May 1st, 2007.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Susan Garrett. Senator Garrett.

SENATOR GARRETT:

Excuse me. I've lost my voice. But, Public Health will meet today at 1:30 in -- 400 to consider an amendment. Thank you.

PRESIDING OFFICER: (SENATOR HENDON)

Public Health will meet today at 1:30 to consider an amendment. It will be the shortest Public Health meeting in history. Susan Garrett has lost her voice. We will now resume to Senate Bills 3rd Reading. Senate Bill 121. Senate Bill 121. Senator Raoul. Madam -- Madam Secretary, read the bill. Senator Raoul seeks leave of the Body to return Senate Bill 121 to the Order of 2nd Reading for the purpose of amendment. Hearing no objection, leave is granted. Now on the Order of 2nd Reading is Senate Bill 121. Madam Secretary, are there any amendments approved for consideration?

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SECRETARY SHIPLEY:

Floor Amendment No. 1, offered by Senator Raoul.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Raoul, to explain your amendment.

SENATOR RAOUL:

Floor Amendment No. 1 deletes the bill -- deletes all and becomes the bill. I'll explain it on 3rd.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Senator -- Senator Righter.

SENATOR RIGHTER:

Are we -- okay. We're on Recall. I'm sorry. The board just switched. So, the -- the bill is on the Order of Recall right now?

PRESIDING OFFICER: (SENATOR HENDON)

That is correct.

SENATOR RIGHTER:

Okay.

PRESIDING OFFICER: (SENATOR HENDON)

We returned it to 2nd.

SENATOR RIGHTER:

Thank you.

PRESIDING OFFICER: (SENATOR HENDON)

Any further discussion? Seeing none, Senator Raoul moves adoption of Senate -- Amendment No. 1 to Senate Bill 121. All those in favor will say Aye. Opposed, say Nay. The Ayes have it, and the amendment is adopted. Are there any further Floor amendments approved for consideration?

SECRETARY SHIPLEY:

No further amendments reported.

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PRESIDING OFFICER: (SENATOR HENDON)

3rd Reading. Now on the Order of 3rd Reading is Senate Bill 121. Madam Secretary, read the bill.

SECRETARY SHIPLEY:

Senate Bill 121.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Raoul.

SENATOR RAOUL:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, last week I provided each one of you with two articles, one from the Chicago Tribune Editorial Board and another article from the Daily Herald Editorial Columnist Chris Bailey. Both called upon us to correct a...

PRESIDING OFFICER: (SENATOR HENDON)

Sorry. Excuse me, Senator. Could we get a little order?  
Senator Raoul.

SENATOR RAOUL:

Both articles called upon us to correct a mistake we made in our zeal to prevent -- protect victims of sex offenders. Both recognized that we were a bit overzealous when we passed a law requiring juvenile sex offenders, no matter the nature of the offense, to register as adult sex offenders when they turn the age of majority. The worst potential situation would be one that would involve consensual sex - the Romeo and Juliet scenario involving a sixteen- and a fourteen-year-old. In such a case a minor would have to spend all of his adult life registered as a sex offender. But I will step away from such a case, because I -

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- I believe that prosecutors would exercise their discretion to keep such a case out of court. But I want to talk to you about a real case, the case of a thirteen-year-old Kane County boy. This boy went to his neighbor's house, rang the doorbell. When a thirteen-year-old girl answered the door, he grabbed her breasts and he ran. That boy was charged and found delinquent of home invasion and misdemeanor criminal sexual abuse. He pled guilty. He was a model -- probationer. He complied with all his services. Now that thirteen-year-old boy is seventeen and he has to be registered as an adult sex offender for that mistake that he made when he was thirteen. So he's an adult sex offender when he applies to college. And he's an adult sex offender when he goes for his first job application. The underlying bill that was deleted was identical to a bill that was passed out of this General Assembly last year - House Bill 2067, which was vetoed by the Governor. I went to the State's Attorney's Office and the State's Attorneys Association to ask for a more acceptable bill. They were neutral on last year's bill. The State's Attorney's Office, the State's Attorneys Association, the State Appellate Prosecutor are all proponents on Senate Bill 121. Senate Bill -- 121 provides for judicial discretion. It provides that, after five years of registration, a juvenile sex offender convicted of a felony may petition the court for the end of registration. And in the case of a misdemeanor, after two years of mandatory registration, they may petition the court to be removed from registration. This bill is brought not only in response to the editorials, but in response to our Supreme Court. Justice -- former Supreme Court Justice McMorro called for the Legislature to correct its mistake. She indicated in dicta in the case of In

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re J.W.: The public safety concerns which animate the registration and notification laws should be harmonized with our traditional understanding of the need to protect and rehabilitate the young citizens of this State. I invite the Legislature to reconsider the wisdom of imposing such a burden on juveniles. I urge you to use common sense, my colleagues, and return discretion to the courts. I urge your support.

PRESIDING OFFICER: (SENATOR HENDON)

Any discussion? Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President. Would the sponsor yield for a couple of questions so that we're all clear - and I'm trying to help the gentleman here; I'm trying to help the sponsor - so we're all clear as to what the process is here.

PRESIDING OFFICER: (SENATOR HENDON)

He indicates he will yield. Senator Dillard.

SENATOR DILLARD:

Thank you. So, Senator Raoul, it's not us that's going to make a determination - meaning we, the Legislature - that after a tour - a five-year period - a juvenile sex offender can get off of this list? It's -- it's -- it's -- it's a judge that makes this determination?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Raoul.

SENATOR RAOUL:

Yes, it's a judge. And it would be the same judge that would have found the minor delinquent in the first place.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Dillard.

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SENATOR DILLARD:

Thank you, Mr. President. I just want to be clear. What's the position of the State's attorneys in Illinois on your legislation?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Raoul.

SENATOR RAOUL:

The State's attorneys are proponents. In fact, this is language specifically brought to me by the State's Attorney's Office.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Dillard.

SENATOR DILLARD:

Thank you, then, Mr. President. And -- and to the bill: A warning to my colleagues, at least those on this side of the aisle, this bill is somewhat controversial and you need to take a look at it and make your own determination on this bill like you do on every other piece of legislation. But to me, Senator Raoul has worked well with the State's attorneys and there are circumstances where we can ruin a juvenile's life if we don't allow in some circumstances the judge, who initially heard his or her case, to remove this from this person's record, which will impact every other thing in their life, including employment history and their overall reputation as a citizen. We have always treated juveniles, rightfully so, differently than we have treated adults. Not every juvenile will get off of this list, but there are some circumstances, as Senator Raoul has said, where the right thing to do is to remove these people from the list. The burden's not on us. It is on the court which

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initially heard the case and knows much more about it than we can in a blanket way know. And I rise in support of this bill. It makes common sense, but it's not an easy vote. Take a look at it carefully. But if the State's attorneys are comfortable with it, this particular Senator is comfortable with it. And I thank Senator Raoul for working on this bill as diligently as he has to improve the fairness of our criminal justice system, especially with respect to juveniles. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President. Will the sponsor yield, please?

PRESIDING OFFICER: (SENATOR HENDON)

He indicates he will. Senator Righter.

SENATOR RIGHTER:

Thank you. Senator Raoul, I notice in the language of the amendment that's been put on that the court may terminate the registration requirement if it finds that the registrant poses no risk to the community by a preponderance of the evidence. I'm curious about why you chose a preponderance of the evidence, which is typically a standard we find in civil court, as opposed to clear and convincing evidence, which would be the standard we typically find in juvenile court, or even beyond a reasonable doubt, which would be the appropriate standard typically found in criminal courts.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Raoul.

SENATOR RAOUL:

Thank you for the question, Senator. First of all, this is

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-- this is not a criminal court. This is not a criminal proceeding. This is a juvenile proceeding, and it's not a proceeding in order to find guilt or innocence. It's a -- it's a matter that reviews a minor's compliance with services and his likelihood of re-offending and -- and things of that nature after he has been -- he or she has been in services. Finally, the question presumed -- presumed that I chose the language. It wasn't I that chose the language. It was the prosecutors - the prosecutors who bring the case in the first place, the prosecutors who are charged with making sure these cases are brought in protecting victims.

PRESIDING OFFICER: (SENATOR HENDON)

We need a little order, a little decorum. Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President. To the bill, please.

PRESIDING OFFICER: (SENATOR HENDON)

To the bill, sir.

SENATOR RIGHTER:

Thank you. Ladies and Gentlemen of the Senate, first I want to thank Senator Raoul for his forthrightness and his work on this bill, as Senator Dillard has already mentioned, because he certainly deserves credit for that. Senator Raoul mentioned that a -- the -- the worst-case scenario, and he outlined a case from Kane County with regards to a thirteen-year-old who committed some kind of offense - perhaps the State's attorney went too far in what he did - but committed some kind of offense. But let me suggest to you that there is a far worst-case scenario than that. And that's the person who's the victim - not the person who perpetrated the offense, but the person who is the victim. We

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have in -- throughout Illinois law all kinds of provisions where we've decided that as policymakers we're going to make the decision. We're not going to give it to the courts to make every decision on every issue. We're going to make the decision. And I think that, at least for the most part, we do that because there's a question of which way it could fall. There's a question of which side the court or we may err on. And when we do that, particularly when we are talking about victims who are children, we should always err on the side of caution and public safety. This bill takes us a step backwards from that. I appreciate very much the expressions of tolerance and fairness that are being mentioned here, but let's remember that the criminal justice system first and foremost owes tolerance and concern for the victims of crime. There is the thirteen-year-old that Senator Raoul talked about, Mr. President, but how many potential victims are not victims because this has been in place? And let me suggest to you and to the rest of the Body that the worst-case scenario is not the thirteen-year-old that Senator Raoul talked about, but rather the victim, the person who perpetrated no wrong and perhaps now has been saved because this is in place. I would urge a No vote. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Noland.

SENATOR NOLAND:

Thank you, Mr. President and Members of the -- the Senate. I'm rising here in support of this bill. Having been a -- a public defender and having tried some of these cases in our criminal justice system and having tried juvenile cases, to answer Senator Righter's question with respect to the

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preponderance of the evidence standard on cases like this, preponderance of the evidence takes into account that which is most likely than not. And the juvenile justice system is a quasi-criminal and civil venue in jurisdiction. And that is the reason why we use this particular standard and why the State's attorneys are comfortable with this. And as to the victims, I would also urge and suggest that judges, when they are presiding over these cases, they certainly do take into account the questions and concerns and the admonitions of victims. And that is not lost upon our judiciary. And they make a very informed decision when they are going to be -- when they're going to pass on this very critical and important decision. I certainly urge a Yes vote on this measure. It will bring rationale to -- to our judicial system with respect to the sex offender statute as it has been formerly written. Thank you very much.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Syverson.

SENATOR SYVERSON:

Thank you. Question of the sponsor.

PRESIDING OFFICER: (SENATOR HENDON)

He indicates he will yield. Senator Syverson.

SENATOR SYVERSON:

Thank you. Senator, help me just try to understand this. I think I know what you're -- where you're going at, and I -- I think I support that. I guess my concern is, if we have a -- a person who commits a heinous crime - one who would be more like a predator versus an offender - if you're -- if you're committing a crime as a predator and you are sixteen years old, under this scenario, then the judge doesn't have any discretion to keep that

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person on a -- on that public list, as opposed to the sex offender, which I'm certainly -- I agree with you. No sex offender, as a youthful issue, ought to be dragged into their adulthood. But what happens if it's a -- if it's a predator or a more serious type of a crime and they're fifteen or sixteen? There's no way to keep them on any kind of a public list?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Raoul.

SENATOR RAOUL:

First of all, as -- as a former juvenile prosecutor, I can tell you a fifteen- or sixteen-year-old who commits a heinous crime will be transferred to adult court and that -- and will be immediately treated as an adult. Secondly, this does not remove discretion from -- from the judge. What this does is creates an opportunity for the initial decision that's made at the time of adjudicatory hearing and a disposition hearing to be reviewed five years down the line. So they would remain on the -- on the registry for -- for at minimum that five years, and after it's reviewed, the judge can make a decision at that point as to whether or not they remove them or they keep them on, depending on the circumstances of individual case, treated on a case-by-case basis, as opposed to the blanket that we put -- that we mistakenly put -- put on things a couple years ago.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Syverson.

SENATOR SYVERSON:

So in this case, if a -- if a person, as you said, from a prosecuting standpoint, if they're sixteen and it's a -- it's a heinous crime that would be more under the predator -- status, if

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they're charged as an adult, even though they're underage, they would stay on that adult list -- that public list after that point. Now, those that are under that, though, you're saying it's the discretion of the judge, but they still don't show up on any public list under this scenario. If they are charged as a youth, there's no -- they stay for five years, but they don't stay on any public list here. It's only a private list. Is that correct?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Raoul.

SENATOR RAOUL:

It's the same juvenile list that under current law they -- they would be under. What -- what -- what happens under current law is, once they've turned the age of majority, they get transferred to an adult registry.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Haine.

SENATOR HAINE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. To the bill: The State's attorneys are for the bill precisely because the way it was crafted by Senator Raoul with the State's attorney's good counsel is -- is the fact that the bill's based upon the totality of the circumstances. These are misdemeanors. Serious sexual predators who are under the age of seventeen are certified by the State's attorney and tried as adults. And they are -- they wear the mark of Cain as a result of that prosecution process. There isn't any victim contemplated in this statute that would not be well-served. The judge is to consider the offense, which is a delinquent act which would

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otherwise be a misdemeanor, and consider that the -- the -- the counsel of the State's attorney as well as the family. Quite often these are -- intra-family events that are being brought forward. This bill would actually encourage the reporting of these events so that the juvenile court judge and the State's attorney can deal with them in a strong and firm fashion in the juvenile court. I want to emphasize again, there isn't any victim contemplated by this statute that would be left unserved or that would be left without the complete remedy available in the juvenile court and by the prosecution of -- of authorities. This is a balanced bill. It brings reasonableness to the juvenile court. Senator Raoul relied upon the State's attorneys to craft this bill. The benefit of the doubt is with those who are sworn before God to implement the administration of justice in the interest of the people and in the interest of those juveniles that are entitled to the protections of the juvenile court, both those who are charged with delinquent acts as well as victims and their families. Thank you. I would ask for an...

PRESIDING OFFICER: (SENATOR HENDON)

Senator Raoul, to close.

SENATOR RAOUL:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, we're often called upon, as -- as -- as Senator spoke to, to -- to impose a policy of the State. And oftentimes we consider what's in the best interest of the State. But, quite frankly, oftentimes we consider what's in our best interests politically. And I think sometimes we have to set that aside to do what is right, and certainly set it aside to do what -- what is right with regards to minors and giving them an opportunity to

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thrive in life, particularly in cases like the case of the thirteen-year-old boy who had never been involved in -- with the criminal justice system prior to that one offense and never afterwards. He took advantage of what we're given as -- what we're given as young people, what is a greater likelihood of being rehabilitated. And that's why we separate juvenile justice from criminal justice. I think I said to all of you all last year that as a thirteen-, fourteen-, fifteen-year-old boy, I made a lot of mistakes, some of which I'd admit to you today and some of which I wouldn't admit to you. And I assume that many of you all made mistakes when you were youngsters as well. And if you didn't, if you were such innocent people that you made no mistakes, some of you may have children or grandchildren that made mistake -- may make mistakes. And God forbid that any of your children or your grandchildren be labeled for the next ten years of their life or, worst-case scenario, for the rest of their life as a result of a mistake that they made because we, in the interest of being politically expedient and not reasonable, did not want to trust the same judges - the same judges who are going to make the determination as to delinquency, the same judges who are going to make a determination whether or not these juveniles get on the registry in the first place - we don't want to give those judges discretion and we don't want to trust the discretion of the State's Attorney's Office, who brought this language and who is a proponent to this bill. I ask you to do -- what is right and what -- not what is politically expedient. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR HENDON)

The question is, shall Senate Bill 121 pass. All those in

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favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 43 voting Aye, 10 voting Nay, none voting Present. Senate Bill 121, having received the required constitutional majority, is declared passed. Senate Bill 123. Senator Silverstein. Senate Bill 124. Senator Raoul. Senate Bill -- out of the record. I mean, Madam... Senator Raoul, on 124, do you -- would you like to proceed, sir? Madam Secretary, read the bill.

SECRETARY SHIPLEY:

Senate Bill 124.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Raoul.

SENATOR RAOUL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 124 extends the automatic repeal date of the Low-Income Energy Assistant {sic} (Assistance) Fund from December 31st, 2007 to December 31st, 2013. I urge your support.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Seeing none, the question is, shall Senate Bill 124 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 voting Aye, none voting Nay, none voting Present. Senate Bill 124, having received the required constitutional majority, is declared passed. Senate Bill 125. Senator Link. Senate Bill 128.

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President Jones. Madam Secretary, please read the bill. President Jones seeks leave of the Body to return Senate Bill 128 to the Order of 2nd Reading for the purposes of an amendment. Hearing no objection, leave is granted. Now on the Order of 2nd Reading is Senate Bill 128. Madam Secretary, are there any amendments approved for consideration?

SECRETARY SHIPLEY:

Floor Amendment No. 2, offered by Senator Emil Jones.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Jones, to explain your amendment.

SENATOR E. JONES:

Yes. Thank you -- thank you, Mr. President. The amendment essentially become the bill. So, I move for its adoption.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Seeing none, Senator Jones moves adoption of Amendment No. 2 to Senate Bill 128. All those in favor will say Aye. Opposed, say Nay. The Ayes have it, and the amendment is adopted. Are there any further Floor amendments approved for consideration?

SECRETARY SHIPLEY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR HENDON)

3rd Reading. Now on the Order of 3rd Reading is Senate Bill 128. Madam Secretary, read the bill.

SECRETARY SHIPLEY:

Senate Bill 128.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

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President Jones.

SENATOR E. JONES:

Thank you, Mr. President. Senate Bill 128 is the rewrite of the Clinical Social Worker and Social Worker {sic} (Clinical Social Work and Social Work Practice) Act. All parties involved in the licensure Act have come to an agreement. There are a few minor changes in the Act. It extends the -- the sunset from the year January 1, 2008 to January the 1st, 2018. It is the -- it is a Act that has been previously discussed. Again, all parties are in agreement with the bill, and I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Seeing none, the question is, shall Senate Bill 128 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 voting Aye, none voting Nay, none voting Present. Senate Bill 128, having received the required constitutional majority, is declared passed. Senate Bill 133. Senator Garrett. Senate Bill 135. Senator Cullerton. Madam Secretary, read the bill.

SECRETARY SHIPLEY:

Senate Bill 135.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Cullerton.

SENATOR CULLERTON:

Yes. Thank you, Mr. President, Members of the Senate. This is a bill that's initiated by the Department of Economic

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Development -- the Department of Commerce and Economic Development, and it would say that annually the Department would be able to - subject to appropriation - issue an RFP for a model private development that's been designated by the U.S. Green Building Council. And this is a LEED-ND, which stands for Leadership in Energy and Environmental Design for Neighborhood Development. It's an -- outgrowth of LEED certification for buildings. So, it's a -- it's -- it's a plan for environmental and energy-efficient neighborhood development. The amount of money would obviously be determined by appropriation. But the Department would offer three of these awards for reimbursement up to one and a half percent of the total development cost of the projects and there'd be a total of three of 'em per year. This is a good idea. It's endorsed by the Campaign for Sensible Growth. And again, we're setting up the program and determine later on how much money might be available for it. But for now, we need to set up the program. I don't know of any opposition. Be -- be happy to answer any questions, and ask for an Aye vote.

PRESIDING OFFICER: (SENATOR HENDON)

Any discussion? Senator Risinger.

SENATOR RISINGER:

Thank -- thank you, Mr. President. To the bill: I think it's a good bill and it came out of the committee unanimously. Thank you.

PRESIDING OFFICER: (SENATOR HENDON)

The question is, shall Senate Bill 135 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56

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voting Aye, none voting Nay, none voting Present. Senate Bill 135, having received the required constitutional majority, is declared passed. Senate Bill 141. Senator Silverstein. Top of page 5. Senate Bill 146. Senator Demuzio. Senate Bill 147. Senator Demuzio. Senate Bill 148. Senator Cullerton. 148. Madam Secretary, please read the bill.

SECRETARY SHIPLEY:

Senate Bill 148.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Cullerton.

SENATOR CULLERTON:

The amendment has been adopted, I believe. Inquiry of the Chair. Is that correct? Okay. Thank you. Thank you, Mr. President, Members of the Senate. This is an initiative of the Chicago Bar Association. The current Attorney Act prohibits the practice of law without a license, and -- and violations are subject to contempt of court. But the problem is that the -- the State's attorneys and the Attorney General has been reluctant to devote resources to prosecute violators. Bar associations have had a history of bringing common law actions to enjoin unauthorized practice, but those lawsuits have been challenged under the theory that the -- the associations lack standing. So, this bill would provide that a person engaging in the unauthorized practice of law is subject to a court order that includes, but is not limited to, equitable relief, a civil penalty not to exceed five thousand dollars, and actual damages. Any civil penalty would be payable to the Illinois Equal Justice

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Foundation, which was created in 1999 pursuant to the Illinois Equal Justice Act, which is a not-for-profit entity governed by a board of directors and it provides services to people who are indigent. Happy to answer any questions, and ask for an Aye vote.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Seeing none, the question is, shall Senate Bill 148 pass. All those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 voting Aye, none voting Nay, none voting Present. Senate Bill 148, having received the required constitutional majority, is declared passed. Senate Bill 155. Senator Link. Senator Link seeks leave of the Body to return Senate Bill 155 to the Order of 2nd Reading for the purpose of amendment. Hearing no objection, leave is granted. Now on the Order of 2nd Reading is Senate Bill 155. Madam Secretary, are there any amendments approved for consideration?

SECRETARY SHIPLEY:

Yes, Mr. President. Floor Amendment No. 2, offered by Senator Link.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Link, on Floor Amendment No. 2.

SENATOR LINK:

Thank you, Mr. President. This just basically changes the amount of money the materials can't exceed and some other definitions. I'll be more than happy to speak on it on 3rd Reading.

PRESIDING OFFICER: (SENATOR HENDON)

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Is there any discussion? Seeing none, Senator Link moves adoption of Amendment No. 2 to Senate Bill 155. All those in favor will say Aye. Opposed, say Nay. The Ayes have it, and the amendment is adopted. Are there any further Floor amendments approved for consideration?

SECRETARY SHIPLEY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR HENDON)

3rd Reading. Now on the Order of 3rd Reading is Senate Bill 155. Madam Secretary, read the bill.

SECRETARY SHIPLEY:

Senate Bill 155.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Link.

SENATOR LINK:

Thank you, Mr. President. This is basically the Painters and Drywalling and Glazers Construction {sic} (Painting, Drywall Finishing, and Glazing Contractor) Licensing Act that has a number of amendments put on it and discussions. This has been discussed for a long period of time and actually there will be another amendment coming on this bill that will be added on in the House. I have spoken to all the opposition of this bill. I have guaranteed that this bill will be -- the amendment will be added on in the House. They are still working on it. The Laborers are okay with moving this bill over to the House to continue to work on this bill. They are the ones that enacted the amendment to the bill. They are the ones that are finalizing

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the final words on the amendment, so that we are going to add it on into the House. It has to come back here for concurrence. If it does -- not agreed upon in the House, it will never see the light of day over here. But I ask for your support. I have spoken to the Chairman of the committee and I've spoken to the Minority Spokesman of the committee and assured them the same thing. I'll be more than happy to answer any questions.

PRESIDING OFFICER: (SENATOR HENDON)

Senator John Jones.

SENATOR J. JONES:

Thank you, Mr. President. To the bill: Senator Link and I have discussed this bill quite a bit and -- and we're making progress, and as he alluded to there, we're not there yet. Hopefully it will be worked out in the House and will come back to us for concurrence. And as he said, if it doesn't get worked out, we're not going to see it again. So, we have Senator Link's word on that, and I would encourage an Aye vote on it. Thank you.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Ronen.

SENATOR RONEN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I just wanted to echo what Senator Jones said. And I want to thank Senator Link for his hard work. This has had many hearings in the Senate and I appreciate Senator Link's guarantee that it won't move forward unless all parties do come to agreement. With that understanding, I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR HENDON)

Question is, shall Senate Bill 155 pass. All those in

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favor, vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 voting Aye, 1 voting Nay, 1 voting Present. Senate Bill 155, having received the required constitutional majority, is declared passed. Senate Bill 158. Madam Secretary, read the bill.

SECRETARY SHIPLEY:

Senate Bill 158.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Garrett.

SENATOR GARRETT:

This is going to be hard. Thank you, Mr. President. Senate Bill 158 says that a parent or guardian who knowingly authorizes or permits a person under twenty-one years of age to use alcohol that directly or indirectly results in great bodily harm or death to any person shall be guilty of a Class 4 felony. These provisions do not apply when alcohol is used in observation of religious ceremonies or services. And I think I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Seeing none, the question is, shall Senate Bill 158 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 voting Aye, 1 voting Nay, none voting Present. Senate Bill 158, having received the required constitutional majority, is declared passed. There

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being no further business to come before the Senate, the Senate stands adjourned until the hour of 11 a.m. on tomorrow, May 2nd, 2007. The Senate stands adjourned.