

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

112th Legislative Day

April 15, 1996

TAPE MALFUNCTION - Per: Legislative Minutes

Speaker Daniels: "The House will be in order. The Members will be in their chairs. Speaker Daniels in the Chair. The Chaplain for the day is the Reverend Trudy A. Peterson of the Evangelical Lutheran Church of American in Cambridge. Reverend Peterson is the guest of Representative Don Moffitt. Guests in the Gallery may wish to rise for the invocation. Reverend Peterson."

Reverend Trudy A. Peterson: "Reverend Peterson said a prayer."

Speaker Daniels: "Thank you, Reverend, We'll be led in the Pledge of Allegiance by Representative Moffitt."

Representative Moffitt: et al: "I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all."

Speaker Daniels; "Roll Call for Attendance. Representative Granberg in recognized to report any excused absences on the Democratic side of the aisle. Representative Granberg."

Representative Granberg: "Thank you, Speaker. Please let the record show that Representative Martinez, Dart, Blagojevich, and Shirley Jones are excused today."

Speaker Daniels: "The Journal will so indicate. Representative Cross."

Cross: "Thank you, Mr. Speaker. Pleased to report we're all here today. Thank you."

Speaker Daniels: "Representative Novak."

Novak: "Novak's remarks not known."

TAPE RECORDING STARTS

Speaker Daniels: "Representative Klingler."

Representative Klingler: "Thank you, Mr. Speaker. I rise on the Point of Personal Privilege. On each of the

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

112th Legislative Day

April 15, 1996

Representative's desk is a card with a blue ribbon attached for the Blue Ribbon Campaign. This was started by a grandmother whose child died from physical child abuse. And the card contains information on agencies and services that deal with child abuse. And we would ask all of you to wear those today. Thank you."

Speaker Daniels: "Mr. Clerk, take the record. There are 109 answering the Roll and a Quorum is present. The House will now come to order. Introductions."

Clerk McLennand: "The Introductions of House Bills. House Bill 3727, offered by Representative Lopez, a Bill for an Act making an appropriation to the State Board of Education for the ordinary and contingent expenses of the Teachers Academy for Math and Science in Chicago. House Bill 3728, offered by Representative Novak, a Bill for an Act concerning township powers relating to utility services, amending named Acts. Introduction and First Reading of these House Bills. Introduction of Resolutions House Resolution #94, offered by Representative Mautino, referred to the Rules Committee."

Speaker Daniels: "House Bills Second Reading, page 4 of the Calendar. House Bill 2751, read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 2751, a Bill for an Act making an appropriation to University of Illinois. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No motions."

Speaker Daniels: "Third Reading. House Bill 3420. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 3420, the Bill has been read a second time, previously. No Committee Amendments. No Floor Amendments. No motions."

Speaker Daniels: "Third Reading. House Bill 1249, on the order

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

112th Legislative Day

April 15, 1996

of Third Reading, page 6 of the Calendar. Read the Bill,
Mr. Clerk. This is Third Reading."

Clerk McLennand: "House Bill #1249, a Bill for an Act that amends
the Criminal Code of 1961. Third Reading of this House
Bill."

Speaker Daniels: "Representative Tom Johnson."

Johnson, Tom: "Yes, Mr. Speaker, Members of the House. House
Bill 1249 is a Committee Bill passed out of Judiciary
Criminal Law. It really is a compilation of about eight or
nine different Bills and if you'll bear with me here, I'll
just go over them quickly. Individual questions you might
want to refer back to the individual Sponsors of the Bills
that are rolled up in this. Committee Amendment #3 which
was adopted, clarifies the code in relation to the
permissible use of psychotropic drugs by a defendant
without a fitness hearing. And this language would make
explicit that failure by a defendant who is taking
psychotropic drugs would have to request a fitness hearing,
otherwise it would constitute a waiver of his or her right
to that hearing. Committee Amendment #4 to this Bill was a
Bill introduced by Representative Black and would amend the
Vehicle Code in relations to persons being tested for DUI.
This would provide that a person who withdraws blood or
collects urine shall not be civilly liable for damages when
the person in good faith and not in a willful and wanton
manner withdraws blood or collects urine when the act is
done for evidentiary purposes under the Vehicle Code and
done at the request of a law enforcement officer.
Committee Amendment #5 was a Bill that was previously
introduced by Representative Cross and would call for
factors in aggravation which a court may consider when it
imposes sentencing and could impose a more severe sentence

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

112th Legislative Day

April 15, 1996

upon a defendant if that defendant is convicted of a felony violation of 24-1 of the Criminal Code which is unlawful use of weapons and in addition where the court finds that he or she is a member of a gang. Committee Amendment #6, it's the sixth Bill in here. This was a Bill put in by Representative Durkin, it would amend the Criminal Code and add a section intended to make certain testimony made before a Grand Jury, admissible in open court and specifically exempts this testimony from inadmissibility under the hearsay rule. Committee Amendment #7 which is part of this Bill, was a Bill which I had introduced on behalf of people who had Seeing Eye dogs, blind individuals. And this would amend the Human Care for Animals Act to create the offenses of teasing a guide dog, injuring a guide dog, or killing or totally disabling a guide dog. Amendment #8 was another Bill which I had introduced and was approved in this Chamber last year. And this deals with the backlog of cases in the Appellate Defender's Office. It would authorize the Appellate Defender's Agency to go ahead and let backlog cases out to bid to the private bar for the purposes of cleaning up that backlog. Amendment #9 was a Bill introduced by Representative Hoffman. It would amend the Rights of Crime Victims and Witnesses Act to provide that neither the state nor any unit of local government shall charge a crime victim a fee for copying records and is limited only into those cases where a felony occurred and which caused bodily harm. Amendment #10, another Bill previously introduced by Representative Hoffman, would amend the Restitution Article of the Corrections Code and would provide that in sentencing, where the crime was committed upon the victim over the age of 65, restitution 'must' be made. It must be

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

112th Legislative Day

April 15, 1996

looked into as opposed to the current provision that it 'may' be made. Amendment #11 was a Bill which I introduced on behalf of Representative Currie and this deals with the Court of Claims Act and indexes for inflation the amounts payable by the state to victims for false imprisonment. This would now put caps on that. It would be indexed going back to the initial time the law was passed and would index it back to the cost of living not greater than five percent per year. Amendment #13 which was adopted was another Bill introduced by Representative Hoffman. It would amend the Unified Code of Corrections in county jails dealing with good behavior and would direct that the Department of Corrections and county jails revoke up to 180 days of good conduct credit accumulated by a prisoner for every pleading motion or other paper filed with a court by the prisoner which is later found by the court to be a frivolous suit. Amendment #14 is another Bill introduced previously by Representative Hoffman which would direct the Department of Corrections to confiscate all unauthorized currency found in the possession of a committed person in the Department of Corrections. Amendment #15 another Bill previously introduced by Representative Hoffman would amend the Sex Offender Registration Act and provide that a convicted sex offender who is subject to the registration requirements cannot seek to change his or her name. Amendment #17, a Bill introduced by Representative Turner, amends the Criminal Code to create the offense of aiding escape from probation for a felony, a Class II Felony and aiding escape from probation for a misdemeanor, a Class A Misdemeanor. I'd be happy to answer any questions and again I would like to defer individual questions to the underlying Sponsors of the Bills that compose this Committee Bill. Thank you."

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

112th Legislative Day

April 15, 1996

Speaker Daniels: "Mr. Clerk, for an announcement."

Clerk McLennand: "Committee Notice. Committee on Elementary and Secondary Education will meet at 1:45 in Room C-1 in the Stratton Building. Elementary and Secondary Education will meet today at 1:45 at C-1 in the Stratton Building."

Speaker Daniels: "Questions regarding House Bill 1249? The Gentleman from Madison, Representative Hoffman."

Hoffman: "Will the Sponsor yield?"

Speaker Daniels: "He indicates he will."

Hoffman: "Representative, this is the Bill that essentially you and I worked on a Committee Bill, is that right?"

Speaker Daniels: "Representative Johnson."

Johnson, Tom: "That's correct."

Speaker Daniels: "Representative Hoffman."

Hoffman: "I know that you ran through all the major provisions. I personally think that this is a good Bill, it's something that goes a long way in ensuring that we make a dent in the criminal justice system. There's just a couple questions I have to point out for people on my side of the aisle. One of the issues that has been brought up is the issue regarding public defenders and how do we have Appellate Public Defenders. Could you discuss what's in this Bill and what the position of the Appellate Public Defender's Office is with regard to those provisions?"

Speaker Daniels: "Representative Johnson."

Johnson, Tom: "Yes, Representative, this was a Bill that we, in fact, negotiated with the Appellate Public Defender's Office and the State Bar and others last year. And it got bogged down last year and it's resurrected this year. What this basically would do would be to permit the Public Defender to advertise through the Bar Journals, et cetera that these appeals are available to be bid on by the

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

112th Legislative Day

April 15, 1996

private bar. He would be in control of checking qualifications and so on. And so, the private bar could go ahead and bid and pick up these appeals. Now currently the Public Defender's Office already has individuals doing appeals but this would be a concerted effort with cooperation of the Bar Associations et cetera, to help clean up the backlog."

Speaker Daniels: "Representative Hoffman."

Hoffman: "So, basically what we're saying here is we're allowing for these cases to be moved along quicker and allowing them to contract out so that we can essentially get rid of some of the appeals that are clogging up our court system?"

Speaker Daniels: "Representative Johnson."

Johnson, Tom: "Exactly."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Well, there's several provisions in this legislation. I, personally, am in favor of all of those. If individuals have individual questions they may want to address those. I think there are provisions in here concerning victims' rights and ensure that victims receive restitution for the wrongs that have been perpetrated upon them. There are provisions in here to make sure that you cannot abuse Seeing Eye dogs which I think is so vitally important and fair. There are provisions in here regarding the insurance that people who testify, that they are held accountable for their testimony and there are provisions to remove the backlogs of cases. I think this is a good Bill. I would urge people on this side of the aisle to vote in favor of it."

Speaker Daniels: "Further discussion? The Lady from St. Clair, Representative Younge."

Younge: "Thank you, Mr. Speaker. Will the Sponsor yield?"

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

112th Legislative Day

April 15, 1996

Speaker Daniels: "He indicates he will."

Younger: "Would you explain Amendment #13?"

Speaker Daniels: "Amendment #13, Representative Johnson."

Johnson, Tom: "Yes, Mr. Speaker, if I may, I'll defer that question to Representative Hoffman as Representative Hoffman was the original Sponsor of that."

Speaker Daniels: "Representative Hoffman, could you respond to Representative Younger's question? Thank you."

Hoffman: "Yes, Amendment #13, Representative, is designed to address a problem that was brought to my attention by state's attorneys after we passed the Notification Bill, the Sex Offender Notification Bill. Right now, under Illinois law, you are allowed to change your name within two years. However, under the Sex Offender Notification Act, you would have to register for up to 10 years. So you could, essentially after two years, change your name thereby skirting or circumventing the intent of the Sex Offender Registration Act. I think that this is something that is common sense, that the state's attorneys in this district or in this state, would like to see done so that the Sex Offender Registration Act can be carried out."

Speaker Daniels: "Representative Younger."

Younger: "Which Amendment has to do with changing good time provisions?"

Speaker Daniels: "Representative Hoffman."

Hoffman, Tom: "I apologize. I got the numbers wrong. What that would do, was a Bill that we've passed out of here several times, it says, 'If you were to bring an action that was deemed to be frivolous to harass or in any way to have no basis.' And the court specifically found that, they would have to say that this is a frivolous lawsuit, that you could lose up to one year day-for-day good time. We, in

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

112th Legislative Day

April 15, 1996

Illinois, have spent millions of dollars that could be used for other things to help other people in order to defend suits by inmates who are suing for things such as not having chunky peanut butter, for not being able to wear a dress in prison. What we're saying is, is that if you can bring an action that is constitutionally based, bring it, and nothing will happen to you. And you still have that right. But if you bring one simply to harass somebody, or to insure that you get out of jail for a day, that you could potentially, if the court so orders, finds it frivolous, lose one year's day-for-day good time."

Speaker Daniels: "Representative Youngue."

Youngue: "Who makes the decisions whether or not it is harassment?"

Speaker Daniels: "Representative Hoffman."

Hoffman: "We built in safeguards so that the specific decision would have to be made by the statutory language which is currently used in other cases here defining 'frivolous' and the court would have to make a specific finding. It is not the decision of any administrative body. We did not leave the decision willy-nilly to some warden in a prison. What we said is the court based on previous caselaw and the specific statute which defines what is frivolous and has been used as a standard in this state would make this specific decision."

Speaker Daniels: "Representative Youngue."

Youngue: "The problem with this is that every lawsuit that a prisoner files is considered harassment by the system. And I just wonder about the effect of punishing a prisoner with taking away good time for filing a suit that people consider harassment. I just wonder about whether or not there are the Constitutional safeguards and whether or not

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

112th Legislative Day

April 15, 1996

there is any protection in reference to that, in reference to the rights of prisoners. How much of an effect on the cost to the Department of Corrections do you believe this will be?

Speaker Daniels: "Representative Hoffman."

Hoffman: "If I could, Representative, I think I can answer your previous concern. There's a specific definition contained in this Bill. It says, 'Fivolous means that the filing is not well-grounded, in fact, is not warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law, or has filed for an improper purpose such as harass a litigant, entity or employee of the state or county.' And it also specifically says, 'That if you bring an action on Constitutional grounds that is not found to be contained under this specific definition, it would not be deemed to be frivolous.' So there are protections. It is the same definition that we passed out of this House three, four, or five times. Right now the Attorney General, the Attorney General, not the Department of Corrections is the one who defends these suits. But in addition to that, we are seeing it done on a county basis, where people are filing it against the county jails and the state's attorneys are having to defend the suits. It's my understanding that we are spending well over a \$1 million dollars a year to defend these types of suits that could be deemed to be found frivolous. Nobody, and it is not my intent and for legislative intent, to take away well-grounded actions based on the Constitution that is not under the specific definition of being 'frivolous'. This is only to address the situations where we are having to defend suits by inmates for not having things such as the proper soap, not

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

112th Legislative Day

April 15, 1996

having the ability to wear a dress in prison and things of that nature."

Speaker Daniels: "Representative Younge, your time is expired but could you bring your last question to a close, please?"

Younge: "What is the subject matter of Amendment #4?"

Speaker Daniels: "Representative Hoffman."

Hoffman: "I couldn't hear that. I apologize."

Speaker Daniels: "Ladies and Gentlemen. Ladies and Gentlemen. Representative Granberg, are you yielding your time? Representative Younge, do you want to repeat your question?"

Younge: "What is the subject matter of Amendment #4?"

Speaker Daniels: "Representative Johnson. Ladies and Gentlemen, please. Representative Johnson."

Johnson, Tom: "Representative, Amendment #4 merely deals with people who are tested where blood is being drawn on a DUI offense, okay? It provides that a person who withdraws that blood or collects urine, shall not be civilly liable for damages. In other words, people are not going to turn around and sue them when they're acting in good faith and not in a willful or wanton manner and it's done for evidentiary purposes under the Vehicle Code. And it's done at the request of a law enforcement officer. This is where you have people in medical offices or in hospitals and so on, who are requested to draw blood for evidentiary purposes, later to be sued by the person for having withdrawn blood."

Speaker Daniels: "Representative Younge."

Younge: "If the person acts absolutely incompetently? In other words, you wouldn't be able to sue them, because he wasn't willfully incompetent? Or if it results in the damaging or putting in jeopardy of a person's life? Are you saying

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

112th Legislative Day

April 15, 1996

that just because it wasn't willful, then he isn't liable?
What are you saying there?"

Wojcik: "Representative Wojcik in the Chair. Representative Johnson."

Johnson, Tom: "This does not absolve people from negligence and a willful and wanton act. This is cases in the hospital where people are brought in. These are certified technicians, et cetera, that are drawing this blood on behalf of the police department. These are not some Tom, Dick, and Harry out on the street pulling your blood out. So, no."

Speaker Wojcik: "Representative Younge."

Younge: "If the particular employee is not liable, is the hospital relieved of liability?"

Speaker Wojcik: "Representative Johnson."

Johnson, Tom: "Where that employee draws it in a negligent manner and a willful and wanton disregard of the safety of the person, certainly. Certainly, they would still be subject to lawsuits and they could be liable. These are only for qualified people, Representative, who are drawing blood on behalf of the police departments."

Speaker Wojcik: "Representative Younge."

Younge: "I really think that putting into one Bill all of the various subject matters is very uncomfortable. And I think that it really is to be questioned to have just 10, 14 Bills to put into one Bill like this. Thank you, Miss."

Speaker Wojcik: "Is there any further discussion? The Gentleman from Cook, Representative Morrow, is recognized. Any further discussion? Seeing none, the Representative from Cook, Representative Pugh is recognized."

Pugh: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. Will the Sponsor yield for a question?"

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

112th Legislative Day

April 15, 1996

Speaker Wojcik: "He indicates he will."

Pugh: "Representative, would I be correct in assuming that this is a bipartisan effort of the Judicial Committee?"

Speaker Wojcik: "Representative Johnson."

Johnson, Tom: "Yes, that's correct."

Speaker Wojcik: "Representative Pugh."

Pugh: "Amendment #1 dealing with the psychotropic drugs, which drugs are we referring to, particularly?"

Speaker Wojcik: "Representative Johnson."

Johnson, Tom: "Representative, I'll refer these questions to Representative Durkin as he had the underlying Bill on this."

Speaker Wojcik: "Representative Durkin, for what purpose do you rise?"

Durkin: "To answer the question."

Speaker Wojcik: "Representative Durkin."

Durkin: "Representative, those types of drugs, I can keep you here from now until Friday to tell you what exactly is defined as a psychotropic drug. If you look under the Physicians' Desk Reference, it refers to what a psychotropic drug is. In its most stringent sense, it is a mind-altering type substance. But we're talking anything from mild sedative to anything which could be considered something such as Prozak or something of that nature. It could be Tylenol under the way it's defined under the Physicians' Desk Reference."

Speaker Wojcik: "Representative Pugh."

Pugh: "So would it be correct to assume that these drugs are behavioral modification drugs or antidepressants or suppressants?"

Speaker Wojcik: "Representative Durkin."

Durkin: "It can be, yes."

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

112th Legislative Day

April 15, 1996

Speaker Wojcik: "Representative Pugh."

Pugh: "Thorazine would be one of these drugs?"

Speaker Wojcik: "Representative Durkin."

Durkin: "Yes."

Speaker Wojcik: "Representative Pugh."

Pugh: "So, if an individual is taking a mind-altering substance, then what makes you think that he'll request to waiver a fitness hearing?"

Speaker Wojcik: "Representative Durkin."

Durkin: "That's why we have lawyers that represent these individuals. It is not the individual who makes that decision. It's his representation, his counsel, who at that time would have access through the discovery process of all the physical records and also mental records in which an individual has undertaken. At that time if the, the law is very clear about that, if his counsel believes that this person, if he is taking something which could be considered psychotropic drugs, he brings that attention to the court. The court at that time under the law, will make a decision if the counsel believes there is a fitness question. And then there is a determination by the judge to determine whether there is a bona fide doubt as to the individual's fitness. It is not exactly, we're talking about the defendant making that statement. It is his lawyer, if he believes, he is the only one who has contact with him. He's the only one who is going to make that determination whether or not that person is fit. And the problem that we have been seeing over the past few years, is that cases are being reversed when a defendant has been incarcerated within a county jail and has taken some type of very mild sedative, something such as Tylenol #2 which has been the case. Cases have not...there has been no

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

112th Legislative Day

April 15, 1996

fitness hearing, there's been no request made by both the defendant, no request made by his counsel, none made by the state's attorney or the judge. None of them have seen any type of manifestation which would require a type of fitness hearing. And what's happening is, that there is a notation in the record in which certain defense counsels, I would say, are sandbagging the state and bringing up appealable issues about three years after the facts. Cases are being reversed, some very, very terrible cases, one from my district, especially, a double murder. A gentleman by the name of David Gevis who killed both his 10 month and his 24 month old child. Threw them both up against the walls because he was angry. His case was reversed because he was taking a very, very mild sedative. Because there was no manifestation of any type of fitness problems, but however, it was brought up in an appealable issue two years after the fact. The case now has to be retried. You have to bring the whole system back in. We think that this is not, it's just not fair. That is the duty of the lawyer to make that determination of whether or not he believes his client is fit and if he's taking any type of medication and if there is a manifestation of that, then he has to make that representation to the court. And then the court will make that determination of whether a fitness hearing is appropriate."

Speaker Wojcik: "Ladies and Gentlemen of the House, if you could please take your conversations to the back of the room or keep it at a minimum. This is very interesting and sensitive conversation. I think we should hear all parties that are involved. Thank you. Representative Pugh."

Pugh: "Representative Johnson, can you explain to me Amendment #6 dealing with the Appellate Defender and does the Appellate

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

112th Legislative Day

April 15, 1996

Defender currently....?"

Speaker Wojcik: "Representative Pugh, I'm going to give you one more minute. Representative Durkin or Representative Johnson."

Johnson, Tom: "Yes, Representative, your question deals with the Appellate Defender and the backlog of Appellate Defender Appeals. Are you familiar with that? Okay, there's currently about, you've heard numbers of 2 thousand, but the real number, as I understand it, is about 730 or 740 appeals backlogged that are now taking more than what Judge Schader seems to think they ought to take before filing of appeals are done. Now in order to get rid of this backlog, currently you should understand the Appellate Public Defender's Office employs, by contract, private counsel. What this does would expand that right just to deal with this backlog and request that he put these appeals out to the private bar, through the bar associations, et cetera, advertising in the bar journals and the Daily Chicago Law Bulletin, et cetera. And hopefully the private bar will step to the forefront here and handle this backlog and get it down to where it's tolerable."

Speaker Wojcik: "Representative Pugh, bring your questions to a close, please. I've given you two extra minutes."

Pugh: "Who shall be responsible for reviewing the bidding process? What's the criteria going to be established for the bidding process and who is going to determine who's qualified to bid on these various cases?"

Speaker Wojcik: "Representative Johnson."

Johnson, Tom: "It will be done in the same manner it's currently being done. And that's through the Appellate Public Defender's Office."

Speaker Wojcik: "Representative Pugh."

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

112th Legislative Day

April 15, 1996

Pugh: "So I would be correct in assuming that the Appellate Public Defender is going to set up a competitive bidding process and..."

Speaker Wojcik: "Representative Johnson."

Johnson, Tom: "That's correct."

Speaker Wojcik: "Representative Pugh."

Pugh: "Can you tell me about the Sex Offender Registration Act under Article 13? Don't we currently have, didn't we just pass legislation relative to the Sex Offender Registration Act and if so, why are we implementing a new Amendment?"

Speaker Wojcik: "Representative Johnson."

Johnson, Tom: "Yes, Representative Pugh, this is Representative Hoffman's Bill but I might just state that this does not really add more people into that data bank, but this thing just prohibits people who..."

Speaker Wojcik: "Representative Morrow, do you wish to give Representative Pugh your time? Representative Pugh."

Pugh: "Thank you. Representative Hoffman, can you explain to me the reasoning or logic behind the Sex Offender Registration Act Amendment?"

Speaker Wojcik: "Representative Johnson. Representative Hoffman, on that issue."

Hoffman: "Yes, Representative. Essentially, all this does, it doesn't expand it and it doesn't decrease it. All it says is that with regards to name changes, right now in Illinois, you can change your name within two years after being convicted of a felony. However, under the Sex Offender Registration Act, you would have to register for up to ten years. So it doesn't make a lot of sense. So all it does is say that we're going to make it consistent and you won't be able to change your name for 10 years consistent with the Sex Offender Registration Act."

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

112th Legislative Day

April 15, 1996

Speaker Wojcik: "Representative Pugh."

Pugh: "Thank you. Representative Johnson, this is one heck of a piece of legislation. You're going to amend the Unified Code of Corrections to allow the Department of Correction employees to receive stipends or gratuities?"

Speaker Wojcik: "Representative Johnson."

Johnson, Tom: "Are you referring to Amendment #14? Is this where we're prohibiting or directs that the Department of Corrections confiscate all unauthorized currency? Is that the one you're talking about?"

Speaker Wojcik: "Representative Pugh."

Pugh: "No, Sir. My notes refer to Article 12, amends provision regarding committed persons' moneys. Unclaimed funds."

Speaker Wojcik: "Representative Johnson."

Johnson, Tom: "Right, that is Amendment 14. That is Representative Hoffman's underlying Bill. Maybe Representative Hoffman would like to address that."

Speaker Wojcik: "Representative Hoffman, would you like to address that?"

Hoffman: "Yeah, I think according to that the Amendments are out of order whoever did that thing. But this would do is, it wouldn't allow a stipend at all or anything like that. What it says, currently under Illinois law, you could not have contraband in the Illinois Department of Corrections and essentially what that means is, defined as currency. If you do, and you're an inmate, you would forfeit that. Right now that forfeiture goes to an inmate benefits fund. What we would say is that the forfeiture of the money would simply go into a fund to be used for general prison purposes. It doesn't make a lot of sense to allow individuals to break the law and then allow them to benefit it by going into a benefit fund. So we're saying is just

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

112th Legislative Day

April 15, 1996

the law does not change with regard to the forfeiture, it stays the same. It's just with regard to where the money would go. We're saying it would now go into a fund for general prison purposes, not just for the benefit of the inmate."

Speaker Wojcik: "Representative Pugh."

Pugh: "And what or who would determine the use of these dollars and what will they specifically be allocated for?"

Speaker Wojcik: "The administration of the Department of Corrections would make the determination as they do in the other appropriations."

Speaker Wojcik: "Representative Pugh."

Pugh: "I had another question for Representative Johnson. Thank you, Representative Hoffman. Regarding Amendment #8, defendants of a convicted crime in which the victim suffered personal injury, the defendant will be responsible for paying restitution as determined by the court. What happens, Representative, if the offender or the defendant does not have sufficient or any resources to repay or retribute a victim?"

Speaker Wojcik: "Representative Johnson."

Johnson, Tom: "Yes, again, this is one of Representative Hoffman's initiatives and this only deals with victims over the age of 65 where right now it's permissive. This is making it mandatory and Representative Hoffman might be able to answer your question a little better."

Speaker Wojcik: "Representative Hoffman."

Hoffman: "Yes, as you know in Illinois or in the United States, we don't have what would be called 'debtors prison'. So what this is just saying is that the courts shall order the restitution..."

Speaker Wojcik: "Representative Hoffman, continue."

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

112th Legislative Day

April 15, 1996

Hoffman: "That the court shall order the restitution and then it would be enforced the way restitution is enforced currently, now. So, that wouldn't change. What we're just saying is we are codifying what was passed when we passed the Victims' Bill of Rights, I believe in 1992, which allowed restitution in cases. So, it was never codified. This would codify that and say that the courts shall order the restitution. However, obviously, if the person can't pay, then the court would have to deal with it. You cannot be sent to prison for nonpayment of restitution, generally."

Speaker Wojcik: "Representative Pugh, this will have to be your last question unless someone wants to yield their time to you. Representative Pugh."

Pugh: "Thank you. In regards to and maybe I should ask who is responsible for Amendment #5?"

Speaker Wojcik: "Representative Davis, do you want to yield your time to Representative Pugh? Thank you."

Pugh: "Thank you, Representative Davis. Representative Johnson, would I be safe in assuming you're responsible for Amendment #5?"

Speaker Wojcik: "Representative Johnson."

Johnson, Tom: "Is this the Amendment, Representative Pugh, that deals with factors and aggravation where a person is a member of a gang and unlawful use of weapons? Is that the one you are referring to?"

Speaker Wojcik: "Representative Pugh."

Pugh: "It's Amendment #7."

Speaker Wojcik: "Representative Johnson."

Johnson, Tom: "Yes, I am responsible for that, Representative Pugh."

Speaker Wojcik: "Representative Pugh."

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

112th Legislative Day

April 15, 1996

Pugh: "Can you tell me the genesis of this particular legislation? Has there been an incident where a dog has, a Seeing Eye dog, has been maliciously attacked and maimed?"

Speaker Wojcik: "Representative Johnson."

Johnson, Tom: "Yes, unfortunately, Representative Pugh, that is correct. They have been injured, some of them have been maimed. There's a lot of taunting and annoying of these dogs. And this was a request and the information was given to me by organizations dealing with the blind and people who provide these dogs."

Speaker Wojcik: "Representative Pugh."

Pugh: "In regard to Amendment #6, dealing with amending the hearsay rule."

Speaker Wojcik: "Representative Johnson. Representative Durkin."

Durkin: "Okay, Representative, what's the question?"

Speaker Wojcik: "Representative Pugh."

Pugh: "Can you explain to me the purpose behind this particular piece of legislation?"

Speaker Wojcik: "Representative Durkin."

Durkin: "Certainly. What this Amendment is, is that we have adopted the federal rules of evidence which is referred to as Residual Hearsay Exception. This was prompted by a circuit court judge which brought this to my attention, is something I experienced a number of times when I was an assistant state's attorney in situations where we have witnesses who have made statements to police officers very shortly after a crime. Often what happens, is that these material witnesses take a handwritten statement or has a court reported statement taken of their statement or also, they go to a grand jury in which they have their statements about the incident is locked in under oath. And what is happening in a lot of cases, particularly gang cases, where

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

112th Legislative Day

April 15, 1996

the state has witnesses who are gang bangers because a lot of times when you have gang rivalries there are shootings and the state is forced to have as their state witnesses a gang member, who is the rival of the defendant. What happens day in and day out, I was at the state's attorney's office Friday talking to the gang unit about this, is that the individuals, after about a year and a half, will sign a gang truce in which the the individuals who had previously made the statement, whose statements were locked into the grand jury or they were court reported or handwritten. These individuals refused to testify in the stand and they will not testify one bit at all. What happens is that cases are being directed out, especially terrible, terrible murder cases, are being directed out on a daily basis. Not only the state's attorney is feeling terrible frustration by this, but also the judges in the circuit court, particularly one who brought this to my attention. This is a Bill which adopts what has already been existing practice within the federal government for the past 20 years."

Pugh: "Thank you, Representative. Can you, since I've got you on the mike, could you explain to me the amount of mind-altering drugs that are currently being given to prisoners?"

Speaker Wojcik: "Representative Durkin."

Durkin: "That's an impossible question really to answer. Every case is different. Whether or not what the type of narcotic or drug is being administered to the individual and to what level. It really does not...often times what you see is people who are arrested and they are being detained in the county jail is that a number of them are very depressed, and don't feel real good about the situation. They have a hard time sleeping and what they do

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

112th Legislative Day

April 15, 1996

is they ask for a mild sedative. And that is something which has been, any type of sleeping drug which is a sleeping drug can be considered psychotropic, but it's impossible to make that determination."

Speaker Wojcik: "Representative, your time is expiring. Representative Moore, do you wish to yield? Representative Pugh."

Pugh: "Thank you. Representative Johnson, can you explain to me Article 11 or Amendment #13 which deals with a frivolous lawsuit?"

Speaker Wojcik: "Representative Hoffman."

Hoffman: "Yes, this is what we talked to Representative Younge about and what we passed out of here two or three or four times, I guess, regarding the frivolous lawsuits. Where if you file a lawsuit that is deemed to be frivolous, that you could lose one year's day-for-day good time."

Speaker Wojcik: "Representative Pugh."

Pugh: "And how do you define frivolous if...who determines whether or not the lawsuit is frivolous?"

Speaker Wojcik: "Representative Hoffman."

Hoffman: "It will be determined by the court so as to provide the protections of appeals. I think that the definition of frivolous means that the filing is not well-grounded, in fact, is not warranted by existing law or does not have a good faith argument for the extension, modification, or reversal of existing law or is filed for an improper purpose such as to harass a litigant, entity, or employee of the state or county. This definition has been found to be constitutional, I believe, in other types of actions."

Speaker Wojcik: "Representative Pugh."

Pugh: "Thank you. Representative Johnson, the Amendment dealing with aiding an escape..."

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

112th Legislative Day

April 15, 1996

Speaker Wojcik: "Representative John Turner, do you wish to respond to this? Representative Turner."

Turner, J.: "Thank you, Madam Speaker, I'm sorry, would you repeat your question?"

Speaker Wojcik: "Representative Pugh."

Pugh: "My question specifically asks whether or not this includes the staff and guards within the department whether or not that they can be victimized or included in this legislation?"

Speaker Wojcik: "Representative Turner."

Turner, J.: "Yes, Representative."

Speaker Wojcik: "Representative Pugh."

Pugh: "And what does a Class A misdemeanor...how much time does that carry?"

Speaker Wojcik: "Representative Turner."

Turner, J.: "A maximum of 364 days in jail and/or \$1,000 dollar fine."

Speaker Wojcik: "Representative Pugh."

Pugh: "Representative Johnson, this legislation specifically lends to intentionally aiding the escape of an individual. Can you characterize an instance where there would be an unintentional aid to escape?"

Speaker Wojcik: "Representative Turner, I assume he's asking you the question because, Representative Pugh, you stated Representative Johnson. It is to Representative Turner that you're...Representative Turner."

Turner, J.: "Representative, what we're trying to get to is to make sure there is a proper mental element in order to charge a criminal offense. So if one aids an escape or engages in an escape, it must be willful conduct in order to be criminal."

Speaker Wojcik: "Representative Pugh."

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

112th Legislative Day

April 15, 1996

Pugh: "I'm sorry, I didn't hear the answer."

Speaker Wojcik: "Representative Turner, could you speak a little louder?"

Turner, J.: "Yes, Madam Speaker. Representative, what we're getting at is making certain that the Criminal Code is amended so that an offense only becomes a criminal action if, indeed, there is intent and therefore it does not speak to negligence or unintentional aiding of escape. It must be a willful, intentional, aiding of an escape in order to be a Class A misdemeanor."

Speaker Wojcik: "Representative Pugh."

Pugh: "So doesn't the law already cover intent? Isn't intent, doesn't intent have to be identified before an individual can be convicted of that kind of crime? So what's the purpose of this Amendment, if that's the case?"

Speaker Wojcik: "Representative Turner."

Turner, J.: "Well, with regard to a mental element, mental elements are always included in the offense and if not then you would turn to the first part of the Criminal Code where the general knowledge being, one of the mental states would apply. The purpose of this legislation, however, is not to redefine intent or knowledge under the Criminal Code, particularly as to escape. It's to deal with the situation where there was a loophole in the statute and has nothing to do with intent itself."

Speaker Wojcik: "Representative Pugh."

Pugh: "Speaker, one last question for Representative Durkin. Yesterday on Tony Brown's Journal it was alleged that mind-altering drugs are being given to prisoners in order to make them totally go crazy. This is a serious allegation. Would you support the Resolution to look into this allegation?"

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

112th Legislative Day

April 15, 1996

Speaker Wojcik: "Representative Durkin."

Durkin: "If that's the truth, I'd like to see the, if you could show me whatever articles, whatever type of documentation you have to, that would support this. Where is this taking place? Is this in the Department of Corrections or is this within the county systems?"

Speaker Wojcik: "Representative Pugh, bring your questions to a close."

Pugh: "It's an answer. I'm answering a question. Yes, Sir, it's being done nationally. It's a nationwide problem that's being referred to and if I can give you that necessary documentation, would you support the resolution?"

Speaker Wojcik: "Representative Durkin."

Durkin: "If I felt there was substance to those allegations then I would, I want to look at it first but I don't believe that people within our system that we would have to overly drug them to make them crazy as you allege, I think that flies in the face of all public policy within any state in the union and I find that hard to believe but I would like to see what you have that establishes those statements."

Speaker Wojcik: "Representative Pugh."

Pugh: "Thank you, we'll supply you with the necessary documentation, Sir. Thank you."

Speaker Wojcik: "Any further discussion? The Gentleman from Logan, Representative Turner, is recognized."

Turner, J.: "Thank you, Madam Speaker. Will the Sponsor yield?"

Speaker Wojcik: "He indicates he will."

Turner, J.: "Representative, my questions pertain to Amendment #13. I don't know if you care to field those or give them over to Representative Hoffman."

Speaker Wojcik: "Representative Johnson."

Johnson, Tom: "I don't understand what questions you might have

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

112th Legislative Day

April 15, 1996

in reference to this because I think you also passed a very similar Bill."

Speaker Wojcik: "Representative Turner."

Turner, J.: "Well, that's a nice segue into my question, Representative, and I will ask you, therefore. Have we not already passed this language in another Bill? House Bill 3048."

Speaker Wojcik: "Representative Johnson."

Johnson, Tom: "I'm not sure, Representative, it was the identical language and I know that the two of you, Representative Hoffman and yourself, have been working very closely on this piece of legislation for two years. So it seems that it's probably appropriate that we pass over this in two forms and maybe the Senate will finally act on this, this year."

Speaker Wojcik: "Representative Turner."

Turner, J.: "Thank you, Representative, it's true that we have worked on this particular language and in fact Representative Hoffman had done some of the initial work. However, subsequent to the Spring Session last year when it was reintroduced this year, the language that was placed into House Bill 3048 provided a mechanism so that the Prisoner Review Board, indeed, would know how to deal with a finding of a frivolous lawsuit and I'm curious why that language is not incorporated herein. And if not, if you believe that there may be a problem, my question would be to Representative Hoffman whether or not he would ask the Senate Sponsor of this measure to make sure that it is properly amended."

Speaker Wojcik: "Representative Hoffman."

Hoffman: "Yes, Representative, that was not intentional at all. The reason, in addition to what Representative Johnson

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

112th Legislative Day

April 15, 1996

said, the other reason is, we've expanded this to include counties or their officers. So it's a little bit more expansive also from what we've talked about so that frivolous lawsuits cannot be brought against county officials also. That they could lose their day-for-day good time. I think that that's something that you as a former state's attorney should understand having to defend frivolous lawsuits by inmates and would be totally against them having that ability to do. So this is expansive, and that was not intentional, and I will do that."

Speaker Wojcik: "Representative Turner."

Turner, J.: "Well, Representative Hoffman, I appreciate that. So, if I understand what you're indicating is, that if the Bill does go over to the Senate, you will put the language in there to make certain that there is a mechanism for the Prisoner Review Board, in fact, to hear these kinds of cases and, if appropriate, to revoke up to 180 days of good time."

Speaker Wojcik: "Representative Hoffman."

Hoffman: "Well, I, from a very personal standpoint, I would rather have the court make that determination. However, in deference to you and understanding the political realities of this current General Assembly, I would do that over in the Senate, yes."

Speaker Wojcik: "Representative Turner."

Turner, J.: "Well, Representative, again to make sure and Sir, all seriousness, to make sure we're on the same page here, I'm not suggesting that a court should not make that finding. I'm just curious whether or not we can make certain that there is a mechanism, if the statute can be amended to make sure that the Prison Review Board has the authority to have a hearing to revoke the good time for the

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

112th Legislative Day

April 15, 1996

filing of a frivolous lawsuit. I didn't mean to take the court system out of the equation and I would not suggest to you that you should do so either."

Speaker Wojcik: "Representative Hoffman."

Hoffman: "If I could ask the Sponsor of the legislation that I previously sponsored, a question. Why do you think that's important?"

Speaker Wojcik: "Representative Turner."

Turner, J.: "I'm not sure I've ever had the questions flipped back to me but I think it's important to make sure we're on Constitutional solid ground. As you well know, when this was originally presented to this Floor, there was some question whether or not we would be invading upon Constitutional province. And therefore, I think that the way that the Bill has been cleaned up, at least in 3048, we're on pretty solid Constitutional ground. I believe firm Constitutional ground. And so in response to your inquiry which posed to me, I believe that the more we can put in as far as the court system, as far as providing a mechanism for administrative review, the better chance we have to withstand Constitutional muster. Do you have any other questions of me?"

Speaker Wojcik: "Since no one is seeking recognition, Representative Johnson to close."

Johnson, Tom: "Yes, I would just urge an 'aye' vote on this very, very good and comprehensive piece of criminal legislation. Thank you."

Speaker Wojcik: "The question is, 'Shall House Bill 1249 pass?' All those in favor, vote 'aye', all those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

112th Legislative Day

April 15, 1996

question there are 106 'ayes', 0 'nays', 1 voting 'present'. And this Bill having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read House Bill 3449."

Clerk McLennand: "House Bill 3449, a Bill for a Act in relation to persons who commit offenses against children. Third Reading of this House Bill."

Speaker Wojcik: "Return the Bill to Second Reading. Announcements, Mr. Clerk?"

Clerk McLennand: "Committee Announcements. The following Committees will meet on Tuesday. Judiciary for Civil Law will meet in Room D-1 at 11:00 a.m. Health Care and Human Services will meet in Room 114 at 11:00 a.m. and Constitutional Officers will meet at 11:30 in Room C-1. Again, for Tuesday, April 16th, Judiciary Civil Law in Room D-1, 11:00 a.m. Health Care and Human Services, Room 114 at 11:00 a.m. and Constitutional Officers in Room C-1 at 11:30 a.m."

Speaker Wojcik: "Mr. Clerk, continuing on the Order of House Bill Third Reading, House Bill 2612."

Clerk McLennand: "House Bill #2612, a Bill for an Act that amends the Wildlife Code. Third Reading of this House Bill."

Speaker Wojcik: "The Gentleman from Williamson, Representative Woolard."

Woolard: "Thank you very much, Madam Speaker. I'd like to request that maybe this could be postponed for a day or two. We're trying to get some things worked out. Representative Black, I know, is about to get that done but if we could, take it out of the record."

Speaker Wojcik: "Representative Black, do you wish to be recognized?"

Black: "Thank you very much, Mr. Speaker (sic-Madam Speaker)."

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

112th Legislative Day

April 15, 1996

Here we are on the order of deer hunting. Now, we may not get back to this order. Where's Representative Preston when we need him? Now we're getting close. All right."

Speaker Wojcik: "Out of the record. Announcements, Mr. Clerk?"

Clerk McLennand: "Again, Committee Announcements for Tuesday. Judiciary Civil Law will meet in Room D-1 at 11:00 a.m. Health Care and Human Services will meet at 12:00 noon in Room 114. Health Care and Human Services will meet at 12:00 noon in Room 114. Constitutional officers will meet at 11:30 a.m. in Room C-1. Judiciary Civil Law at 11:00 a.m. Constitutional officers at 11:30 and Health Care and Human Services at 12:00 noon. Rules Committee will meet at 3:30 today in the Speaker's Conference Room. Rules Committee, Monday, at 3:30 in the Speaker's Conference Room."

Speaker Wojcik: "Representative Churchill now moves that the House stand adjourned until Tuesday, April 16, at the hour of 12:30 p.m. All those in favor, signify by saying 'aye'; opposed 'nay'. In the opinion of the Chair, the 'ayes' have it and allowing for Perfunctory time for the Clerk, the House now stands adjourned until Tuesday, April 16, at the hour of 12:30 p.m."

Clerk McLennand: "The House Perfunctory Session will be in order. Introduction of Resolutions. House Resolution #95, offered by Representative Tenhouse, referred to the Rules Committee. First Reading, Introduction of Constitutional Amendments. Introduction of First Reading of Constitutional Amendments. House Joint Resolution Constitutional Amendment #34, offered by Representative Black.

HOUSE JOINT RESOLUTION

CONSTITUTIONAL AMENDMENT

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

112th Legislative Day

April 15, 1996

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least 6 months after the adoption of this resolution a proposition to amend Section 1 of and add Section 1.5 to Article X of the Illinois Constitution as follows:

ARTICLE X

EDUCATION

SECTION 1. GOAL - FREE SCHOOLS

A fundamental goal of the People of the State is the educational development of all persons to the limits of their capacities.

The State shall provide for an efficient system of high quality public educational institutions and services. Education in public schools through the secondary level shall be free. There may be such other free education as the General Assembly provides by law.

~~The State has the primary responsibility for financing the system of public education.~~

(Source: Illinois Constitution.)

SECTION 1.5. FUNDING AND ACCOUNTABILITY

(a) The General Assembly shall provide by law the criteria and incentives for an efficient, high quality system of elementary and secondary public education, including funding, educational achievement, and accountability.

(b) The General Assembly shall establish and review at least every two years the per pupil foundation level of financial support that provides and maintains an efficient, high quality

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

112th Legislative Day

April 15, 1996

system. The General Assembly shall provide by law for a combination of State and local funds to meet the requirements of the foundation level of support. In the aggregate, at least half of such funding necessary for the foundation level shall be provided by the State from State resources. No more than half of such funding for the foundation level in the aggregate shall be provided from taxes levied upon real property.

(c) Concurrent with implementation of the system of funding required by this Section, the State shall substantially reduce in the aggregate the taxes levied by school districts upon real property.

(d) The General Assembly shall provide by law for supplemental funding above the foundation level from State, local, and other resources and shall establish limitations, including requirements for local referenda, on the provision of supplemental funding from local taxes.

(e) On or before May 30, 1997, the General Assembly shall provide by law for implementation of this Amendment.

SCHEDULE

This Constitutional Amendment takes effect upon approval by the electors of this State. Introduction and First Reading of House Joint Resolution Constitutional Amendment #34 is referred to the Rules Committee. House Perfunctory Session will stand in recess until the hour of 4:00 p.m."

Clerk McLennand: "House Perfunctory Session will be in order. Introduction of First Reading of Senate Bills. Senate Bill #1278, offered by Representative Andrea Moore, amends the Illinois Municipal Code. Senate Bill #1300, offered by Representative Jim Meyer, a Bill for an Act that amends the Illinois Vehicle Code. Senate Bill #1313, offered by Representative by Kubik, a Bill for an Act in relation to

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

112th Legislative Day

April 15, 1996

taxation. Senate Bill #1389, offered by Representative Noland, a Bill for an Act in relation to certain land. Continued Introduction of First Reading of Senate Bills. Senate Bill #1437, offered by Representative Black, a Bill for an Act to amend the Civil Administrative Code of Illinois. Senate Bill #1448, offered by Representative Wait, a Bill for an Act that amends the Illinois Vehicle Code. Senate Bill #1490, offered by Representative Parke, a Bill for an Act that amends the Unemployment Insurance Act. Senate Bill #1516, offered by Representative Churchill, a Bill for an Act that amends the Illinois Municipal Code. Senate Bill #1522, offered by Representative Kubik, a Bill for an Act that amends a certain acts in relation to games of chance. Senate Bill #1696, offered by Representative Lang, a Bill for an Act that amends the Children and Family Services Act. Senate Bill #1757, offered by Representative Meyer, a Bill for an Act that amends the Build Illinois Bond Act. Senate Bill #1759, offered by Representative Meyer, a Bill for an Act that amends the Election Code. Senate Bill #1881, offered by Representative Kubik, a Bill for an Act that amends the Property Tax Code. Introduction of First Reading of these Senate Bills. Introduction of Executive Orders. Executive Order #3 for 1996, offered by the Governor, creating the Department of Human Services. This Executive Order is referred to the Rules Committee. Introduction of Resolutions. Introduction of Resolutions. House Resolution #96, offered by Representative Flowers, is referred to the Rules Committee."

Clerk McLennand: "Perfunctory Session will be in order. Committee Report. Committee Report form Representative Cowlshaw, Chairman for the Committee on Elementary and

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

112th Legislative Day

April 15, 1996

Secondary Education, to which the following Amendment was referred. Action taken on April 15, 1996. Reported the same back, 'do approve for consideration'. Floor Amendment #2 to House Bill 2596. The House Perfunctory Session will now stand at ease until 7:00 p.m."

Clerk McLennand: "House Perfunctory Session will be in order. Introduction of First Reading of Senate Bills. Senate Bill #1266, offered by Representative Rutherford, a Bill for an Act that amends the Environmental Protection Act. Senate Bill #1268, offered by Representative Wait, a Bill for an Act in relation to governmental expenses. Senate Bill #1811, offered by Representative Leitch, a Bill for an Act that amends the Illinois Municipal Code. Introduction, First Reading of these Senate Bills."

Amy Graham: "The House Perfunctory Session will be in order. First Reading of House Joint Constitutional Amendment #35, offered by Speaker Daniels.

HOUSE JOINT RESOLUTION

CONSTITUTIONAL AMENDMENT

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, That there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least 6 months after the adoption of this resolution a proposition to amend Section 11 of Article VI of the Illinois Constitution as follows:

ARTICLE VI
THE JUDICIARY

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

112th Legislative Day

April 15, 1996

SECTION 11. ELIGIBILITY FOR OFFICE

No person shall be eligible to be a Judge or Associate Judge unless that person he is a United States citizen, a licensed attorney-at-law of this State, and a resident of the unit which selects him or her. After January 1, 1997, no person who is not holding the office of Judge or Associate Judge on that date may be elected or appointed as a Judge or Associate Judge unless that person has been a licensed attorney-at-law of this State for at least 10 years before election or appointment and is at least 35 years old before election or appointment. No change in the boundaries of a unit shall affect the tenure in office of a Judge or Associate Judge incumbent at the time of such change.

(Source: Illinois Constitution.)

SCHEDULE

This Constitutional Amendment takes effect upon approval by the electors of this State. First Reading of House Joint Resolution Constitutional Amendment 35. Constitution Amendment has been referred to the Rules Committee. House Perfunctory Session for the 112th Legislative Day is in recess until April 16, 1996, at the hour of 9:00 a.m."

APRIL 15, 1996

HB-1249	THIRD READING	PAGE	3 - 30
HB-2612	THIRD READING	PAGE	30
HB-2751	SECOND READING	PAGE	2
HB-3420	SECOND READING	PAGE	2
HB-3449	RECALLED	PAGE	30
HB-3727	FIRST READING	PAGE	2
HB-3728	FIRST READING	PAGE	2
SB-1266	FILED	PAGE	35
SB-1268	FIRST READING	PAGE	35
SB-1278	FIRST READING	PAGE	33
SB-1300	FIRST READING	PAGE	33
SB-1313	FIRST READING	PAGE	33
SB-1389	FIRST READING	PAGE	34
SB-1437	FIRST READING	PAGE	34
SB-1448	FIRST READING	PAGE	34
SB-1490	FIRST READING	PAGE	34
SB-1516	FIRST READING	PAGE	34
SB-1522	FIRST READING	PAGE	34
SB-1696	FIRST READING	PAGE	34
SB-1757	FIRST READING	PAGE	34
SB-1759	FIRST READING	PAGE	34
SB-1811	FIRST READING	PAGE	35
SB-1881	FIRST READING	PAGE	34
HR-0094	FILED	PAGE	2
HR-0095	FILED	PAGE	31
HR-0096	FILED	PAGE	34
*HJR-0034	FILED	PAGE	31
*HJR-0035	FILED	PAGE	35
EO-0003	MOTION FILED	PAGE	34

SUBJECT MATTER

HOUSE TO ORDER	PAGE	1
SPEAKER DANIELS IN THE CHAIR	PAGE	1
PRAYER - REVEREND TRUDY PETERSON	PAGE	1
PLEDGE OF ALLEGIANCE - REPRESENTATIVE MOFFITT	PAGE	1
ROLL CALL FOR ATTENDANCE	PAGE	1
REPRESENTATIVE WOJCIK IN THE CHAIR	PAGE	12
HOUSE ADJOURNED	PAGE	31
HOUSE PERFUNCTORY SESSION	PAGE	31
HOUSE PERFUNCTORY SESSION ADJOURNED	PAGE	36