



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB5089

by Rep. Jaime M. Andrade, Jr.

SYNOPSIS AS INTRODUCED:

See Index

Amends the Departments of State Government Law. Changes the head of the Department of State Police from Director of State Police to Superintendent of State Police. Provides that any reference to the Director or Assistant Director of State Police in the Illinois Compiled Statutes or the Administrative Code shall be interpreted to mean the Superintendent or Assistant Superintendent of State Police. Provides that the Superintendent of State Police must either be a current sworn State Police officer or a sworn State Police officer who retired in good standing. Provides that if the Superintendent is a sworn State Police officer who retired in good standing, that person shall both receive an annual salary and continue to receive his or her retirement annuity. Amends the Department of State Police Law to provide for duties of the Office of the Superintendent of State Police, including appointment of an Assistant Superintendent and a Chief of Staff. Amends the State Employee Article of the Illinois Pension Code. Establishes a defined contribution plan for Superintendents of State Police who receive a retirement annuity during their service in that capacity. Adds provisions concerning employee and employer contributions, vesting, investment options, and qualified plan status. Provides that an annuitant who serves as the Superintendent of State Police is excluded from provisions requiring the suspension of a retirement annuity of a person who re-enters service. Makes related and conforming changes throughout the Illinois Compiled Statutes. Effective immediately.

LRB100 18322 RJF 33527 b

FISCAL NOTE ACT
MAY APPLY

PENSION IMPACT
NOTE ACT MAY
APPLY

A BILL FOR

1 AN ACT concerning State government.

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

4 Section 5. The State Employee Indemnification Act is
5 amended by changing Section 1 as follows:

6 (5 ILCS 350/1) (from Ch. 127, par. 1301)

7 Sec. 1. Definitions. For the purpose of this Act:

8 (a) The term "State" means the State of Illinois, the
9 General Assembly, the court, or any State office, department,
10 division, bureau, board, commission, or committee, the
11 governing boards of the public institutions of higher education
12 created by the State, the Illinois National Guard, the
13 Comprehensive Health Insurance Board, any poison control
14 center designated under the Poison Control System Act that
15 receives State funding, or any other agency or instrumentality
16 of the State. It does not mean any local public entity as that
17 term is defined in Section 1-206 of the Local Governmental and
18 Governmental Employees Tort Immunity Act or a pension fund.

19 (b) The term "employee" means: any present or former
20 elected or appointed officer, trustee or employee of the State,
21 or of a pension fund; any present or former commissioner or
22 employee of the Executive Ethics Commission or of the
23 Legislative Ethics Commission; any present or former

1 Executive, Legislative, or Auditor General's Inspector
2 General; any present or former employee of an Office of an
3 Executive, Legislative, or Auditor General's Inspector
4 General; any present or former member of the Illinois National
5 Guard while on active duty; individuals or organizations who
6 contract with the Department of Corrections, the Department of
7 Juvenile Justice, the Comprehensive Health Insurance Board, or
8 the Department of Veterans' Affairs to provide services;
9 individuals or organizations who contract with the Department
10 of Human Services (as successor to the Department of Mental
11 Health and Developmental Disabilities) to provide services
12 including but not limited to treatment and other services for
13 sexually violent persons; individuals or organizations who
14 contract with the Department of Military Affairs for youth
15 programs; individuals or organizations who contract to perform
16 carnival and amusement ride safety inspections for the
17 Department of Labor; individuals who contract with the Office
18 of the State's Attorneys Appellate Prosecutor to provide legal
19 services, but only when performing duties within the scope of
20 the Office's prosecutorial activities; individual
21 representatives of or designated organizations authorized to
22 represent the Office of State Long-Term Ombudsman for the
23 Department on Aging; individual representatives of or
24 organizations designated by the Department on Aging in the
25 performance of their duties as adult protective services
26 agencies or regional administrative agencies under the Adult

1 Protective Services Act; individuals or organizations
2 appointed as members of a review team or the Advisory Council
3 under the Adult Protective Services Act; individuals or
4 organizations who perform volunteer services for the State
5 where such volunteer relationship is reduced to writing;
6 individuals who serve on any public entity (whether created by
7 law or administrative action) described in paragraph (a) of
8 this Section; individuals or not for profit organizations who,
9 either as volunteers, where such volunteer relationship is
10 reduced to writing, or pursuant to contract, furnish
11 professional advice or consultation to any agency or
12 instrumentality of the State; individuals who serve as foster
13 parents for the Department of Children and Family Services when
14 caring for youth in care as defined in Section 4d of the
15 Children and Family Services Act; individuals who serve as
16 members of an independent team of experts under Brian's Law;
17 and individuals who serve as arbitrators pursuant to Part 10A
18 of Article II of the Code of Civil Procedure and the rules of
19 the Supreme Court implementing Part 10A, each as now or
20 hereafter amended; the term "employee" does not mean an
21 independent contractor except as provided in this Section. The
22 term includes an individual appointed as an inspector by the
23 Superintendent ~~Director~~ of State Police when performing duties
24 within the scope of the activities of a Metropolitan
25 Enforcement Group or a law enforcement organization
26 established under the Intergovernmental Cooperation Act. An

1 individual who renders professional advice and consultation to
2 the State through an organization which qualifies as an
3 "employee" under the Act is also an employee. The term includes
4 the estate or personal representative of an employee.

5 (c) The term "pension fund" means a retirement system or
6 pension fund created under the Illinois Pension Code.

7 (Source: P.A. 100-159, eff. 8-18-17.)

8 Section 10. The Civil Administrative Code of Illinois is
9 amended by changing Sections 5-20 and 5-410 and by adding
10 Section 5-240 as follows:

11 (20 ILCS 5/5-20) (was 20 ILCS 5/4)

12 Sec. 5-20. Heads of departments. Each department shall have
13 an officer as its head who shall be known as director or
14 secretary, or as otherwise provided in this Section, and who
15 shall, subject to the provisions of the Civil Administrative
16 Code of Illinois, execute the powers and discharge the duties
17 vested by law in his or her respective department.

18 The following officers are hereby created:

19 Director of Aging, for the Department on Aging.

20 Director of Agriculture, for the Department of
21 Agriculture.

22 Director of Central Management Services, for the
23 Department of Central Management Services.

24 Director of Children and Family Services, for the

1 Department of Children and Family Services.

2 Director of Commerce and Economic Opportunity, for the
3 Department of Commerce and Economic Opportunity.

4 Director of Corrections, for the Department of
5 Corrections.

6 Director of the Illinois Emergency Management Agency, for
7 the Illinois Emergency Management Agency.

8 Director of Employment Security, for the Department of
9 Employment Security.

10 Secretary of Financial and Professional Regulation, for
11 the Department of Financial and Professional Regulation.

12 Director of Healthcare and Family Services, for the
13 Department of Healthcare and Family Services.

14 Director of Human Rights, for the Department of Human
15 Rights.

16 Secretary of Human Services, for the Department of Human
17 Services.

18 Director of Juvenile Justice, for the Department of
19 Juvenile Justice.

20 Director of Labor, for the Department of Labor.

21 Director of the Lottery, for the Department of the Lottery.

22 Director of Natural Resources, for the Department of
23 Natural Resources.

24 Director of Public Health, for the Department of Public
25 Health.

26 Director of Revenue, for the Department of Revenue.

1 Superintendent ~~Director~~ of State Police, for the
2 Department of State Police.

3 Secretary of Transportation, for the Department of
4 Transportation.

5 Director of Veterans' Affairs, for the Department of
6 Veterans' Affairs.

7 (Source: P.A. 97-464, eff. 10-15-11; 97-618, eff. 10-26-11;
8 97-813, eff. 7-13-12; 98-499, eff. 8-16-13.)

9 (20 ILCS 5/5-240 new)

10 Sec. 5-240. Superintendent of State Police.

11 (a) The Superintendent of State Police must either be a
12 current sworn State Police officer or a sworn State Police
13 officer who retired in good standing. The requirements of this
14 subsection (a) shall not apply to any person serving as the
15 Director of State Police on the effective date of this
16 amendatory Act of the 100th General Assembly, and shall apply
17 only after the Office of the Director becomes vacant and a
18 Superintendent of State Police is appointed as successor by the
19 Governor.

20 (b) Any reference in these Statutes or in the
21 Administrative Code to the Director of State Police shall be
22 construed to mean the Superintendent of State Police. Any
23 reference in these Statutes or in the Administrative Code to
24 the Assistant Director of State Police shall be construed to
25 mean the Assistant Superintendent of State Police.

1 (20 ILCS 5/5-410) (was 20 ILCS 5/9.11)

2 Sec. 5-410. In the Department of State Police. The
3 Superintendent ~~Director~~ of State Police shall receive an annual
4 salary as set by the Compensation Review Board. If the
5 Superintendent is a sworn State Police officer who retired in
6 good standing as provided in Section 5-240, that person shall
7 both receive an annual salary as provided in this Section, and
8 continue to receive his or her retirement annuity as provided
9 in subsection (a) of Section 14-111 of the Illinois Pension
10 Code.

11 ~~The Assistant Director of State Police shall receive an~~
12 ~~annual salary as set by the Compensation Review Board.~~

13 (Source: P.A. 96-800, eff. 10-30-09.)

14 (20 ILCS 5/5-180 rep.)

15 Section 12. The Civil Administrative Code of Illinois is
16 amended by repealing Section 5-180.

17 Section 15. The Department of State Police Law of the Civil
18 Administrative Code of Illinois is amended by changing Sections
19 2605-5, 2605-25, 2605-30, 2605-35, 2605-40, 2605-45, 2605-55,
20 2605-90, 2605-95, 2605-140, 2605-200, 2605-250, 2605-375,
21 2605-400, 2605-405, 2605-485, and 2605-605, and by adding
22 Section 2605-51 as follows:

1 (20 ILCS 2605/2605-5)

2 Sec. 2605-5. Definitions. In this Law:

3 "Department" means the Department of State Police.

4 "Superintendent" ~~"Director"~~ means the Superintendent
5 ~~Director~~ of State Police.

6 "Missing endangered senior" means an individual 65 years of
7 age or older or a person with Alzheimer's disease or related
8 dementias who is reported missing to a law enforcement agency
9 and is, or is believed to be:

10 (1) a temporary or permanent resident of Illinois;

11 (2) at a location that cannot be determined by an
12 individual familiar with the missing individual; and

13 (3) incapable of returning to the individual's
14 residence without assistance.

15 (Source: P.A. 96-442, eff. 1-1-10.)

16 (20 ILCS 2605/2605-25) (was 20 ILCS 2605/55a-1)

17 Sec. 2605-25. Department divisions. The Department is
18 divided into the Office of the Superintendent, the Illinois
19 State Police Academy, the Office of the Statewide 9-1-1
20 Administrator, and 4 divisions: the Division of Operations, the
21 Division of Forensic Services, the Division of Administration,
22 and the Division of Internal Investigation.

23 (Source: P.A. 98-634, eff. 6-6-14; 99-6, eff. 6-29-15.)

24 (20 ILCS 2605/2605-30) (was 20 ILCS 2605/55a-2)

1 Sec. 2605-30. Division of Operations (formerly State
2 Troopers). The Division of Operations shall exercise the
3 following functions and those in Section 2605-35:

4 (1) Cooperate with federal and State authorities
5 requesting utilization of the Department's radio network
6 system under the Illinois Aeronautics Act.

7 (2) Exercise the rights, powers, and duties of the
8 State Police under the State Police Act.

9 (3) Exercise the rights, powers, and duties vested by
10 law in the Department by the State Police Radio Act.

11 (4) Exercise the rights, powers, and duties of the
12 Department vested by law in the Department and the Illinois
13 State Police by the Illinois Vehicle Code.

14 (5) Exercise other duties that have been or may be
15 vested by law in the Illinois State Police.

16 (6) Exercise other duties that may be assigned by the
17 Superintendent ~~Director~~ in order to fulfill the
18 responsibilities and to achieve the purposes of the
19 Department.

20 (Source: P.A. 91-239, eff. 1-1-00; 91-760, eff. 1-1-01.)

21 (20 ILCS 2605/2605-35) (was 20 ILCS 2605/55a-3)

22 Sec. 2605-35. Division of Operations (formerly Criminal
23 Investigation).

24 (a) The Division of Operations shall exercise the following
25 functions and those in Section 2605-30:

1 (1) Exercise the rights, powers, and duties vested by
2 law in the Department by the Illinois Horse Racing Act of
3 1975.

4 (2) Investigate the origins, activities, personnel,
5 and incidents of crime and enforce the criminal laws of
6 this State related thereto.

7 (3) Enforce all laws regulating the production, sale,
8 prescribing, manufacturing, administering, transporting,
9 having in possession, dispensing, delivering,
10 distributing, or use of controlled substances and
11 cannabis.

12 (4) Cooperate with the police of cities, villages, and
13 incorporated towns and with the police officers of any
14 county in enforcing the laws of the State and in making
15 arrests and recovering property.

16 (5) Apprehend and deliver up any person charged in this
17 State or any other state with treason or a felony or other
18 crime who has fled from justice and is found in this State.

19 (6) Investigate recipients and providers under the
20 Illinois Public Aid Code and any personnel involved in the
21 administration of the Code who are suspected of any
22 violation of the Code pertaining to fraud in the
23 administration, receipt, or provision of assistance and
24 pertaining to any violation of criminal law; and exercise
25 the functions required under Section 2605-220 in the
26 conduct of those investigations.

1 (7) Conduct other investigations as provided by law.

2 (8) Exercise the powers and perform the duties that
3 have been vested in the Department by the Sex Offender
4 Registration Act and the Sex Offender Community
5 Notification Law; and promulgate reasonable rules and
6 regulations necessitated thereby.

7 (9) Exercise other duties that may be assigned by the
8 Superintendent ~~Director~~ in order to fulfill the
9 responsibilities and achieve the purposes of the
10 Department.

11 (b) There is hereby established in the Division of
12 Operations the Office of Coordination of Gang Prevention,
13 hereafter referred to as the Office.

14 The Office shall consult with units of local government and
15 school districts to assist them in gang control activities and
16 to administer a system of grants to units of local government
17 and school districts that, upon application, have demonstrated
18 a workable plan to reduce gang activity in their area. The
19 grants shall not include reimbursement for personnel, nor shall
20 they exceed 75% of the total request by any applicant. The
21 grants may be calculated on a proportional basis, determined by
22 funds available to the Department for this purpose. The
23 Department has the authority to promulgate appropriate rules
24 and regulations to administer this program.

25 The Office shall establish mobile units of trained
26 personnel to respond to gang activities.

1 The Office shall also consult with and use the services of
2 religious leaders and other celebrities to assist in gang
3 control activities.

4 The Office may sponsor seminars, conferences, or any other
5 educational activity to assist communities in their gang crime
6 control activities.

7 (Source: P.A. 94-945, eff. 6-27-06.)

8 (20 ILCS 2605/2605-40) (was 20 ILCS 2605/55a-4)

9 Sec. 2605-40. Division of Forensic Services. The Division
10 of Forensic Services shall exercise the following functions:

11 (1) Exercise the rights, powers, and duties vested by
12 law in the Department by the Criminal Identification Act.

13 (2) Exercise the rights, powers, and duties vested by
14 law in the Department by Section 2605-300 of this Law.

15 (3) Provide assistance to local law enforcement
16 agencies through training, management, and consultant
17 services.

18 (4) (Blank).

19 (5) Exercise other duties that may be assigned by the
20 Superintendent ~~Director~~ in order to fulfill the
21 responsibilities and achieve the purposes of the
22 Department.

23 (6) Establish and operate a forensic science
24 laboratory system, including a forensic toxicological
25 laboratory service, for the purpose of testing specimens

1 submitted by coroners and other law enforcement officers in
2 their efforts to determine whether alcohol, drugs, or
3 poisonous or other toxic substances have been involved in
4 deaths, accidents, or illness. Forensic toxicological
5 laboratories shall be established in Springfield, Chicago,
6 and elsewhere in the State as needed.

7 (6.5) Establish administrative rules in order to set
8 forth standardized requirements for the disclosure of
9 toxicology results and other relevant documents related to
10 a toxicological analysis. These administrative rules are
11 to be adopted to produce uniform and sufficient information
12 to allow a proper, well-informed determination of the
13 admissibility of toxicology evidence and to ensure that
14 this evidence is presented competently. These
15 administrative rules are designed to provide a minimum
16 standard for compliance of toxicology evidence and is not
17 intended to limit the production and discovery of material
18 information. These administrative rules shall be submitted
19 by the Department of State Police into the rulemaking
20 process under the Illinois Administrative Procedure Act on
21 or before June 30, 2017.

22 (7) Subject to specific appropriations made for these
23 purposes, establish and coordinate a system for providing
24 accurate and expedited forensic science and other
25 investigative and laboratory services to local law
26 enforcement agencies and local State's Attorneys in aid of

1 the investigation and trial of capital cases.

2 (Source: P.A. 99-801, eff. 1-1-17.)

3 (20 ILCS 2605/2605-45) (was 20 ILCS 2605/55a-5)

4 Sec. 2605-45. Division of Administration. The Division of
5 Administration shall exercise the following functions:

6 (1) Exercise the rights, powers, and duties vested in
7 the Department by the Governor's Office of Management and
8 Budget Act.

9 (2) Pursue research and the publication of studies
10 pertaining to local law enforcement activities.

11 (3) Exercise the rights, powers, and duties vested in
12 the Department by the Personnel Code.

13 (4) Operate an electronic data processing and computer
14 center for the storage and retrieval of data pertaining to
15 criminal activity.

16 (5) Exercise the rights, powers, and duties vested in
17 the former Division of State Troopers by Section 17 of the
18 State Police Act.

19 (6) Exercise the rights, powers, and duties vested in
20 the Department by "An Act relating to internal auditing in
21 State government", approved August 11, 1967 (repealed; now
22 the Fiscal Control and Internal Auditing Act, 30 ILCS 10/).

23 (6.5) Exercise the rights, powers, and duties vested in
24 the Department by the Firearm Owners Identification Card
25 Act.

1 (7) Exercise other duties that may be assigned by the
2 Superintendent ~~Director~~ to fulfill the responsibilities
3 and achieve the purposes of the Department.

4 (Source: P.A. 94-793, eff. 5-19-06.)

5 (20 ILCS 2605/2605-51 new)

6 Sec. 2605-51. Office of the Superintendent.

7 (a) The Office of the Superintendent shall be responsible
8 for the following functions:

9 (1) to exercise the rights, powers, and duties vested
10 in the Department by the Personnel Code; and

11 (2) to exercise the rights, powers, and duties of the
12 Department for the following: audits, the Illinois State
13 Police Academy, budgetary and fiscal matters, equal
14 employment opportunities, executive protection, human
15 resources, intergovernmental relations, internal legal
16 services, labor relations, public relations and
17 information, recruitment, and research and development.

18 (b) The Superintendent shall appoint an Assistant
19 Superintendent and a Chief of Staff for the Department. The
20 Assistant Superintendent shall be an officer of the Illinois
21 State Police, shall come from within the ranks of State Police
22 officers, and shall be responsible for the day-to-day
23 operations of the Department. The Divisions shall be headed by
24 Colonels who shall report directly to the Assistant
25 Superintendent. The Chief of Staff shall be an officer of the

1 Illinois State Police and be the Chief Administrative Officer
2 for the Department, shall come from within the ranks of State
3 Police officers. The Bureau Chiefs of the offices under the
4 Office of the Superintendent shall report directly to the Chief
5 of Staff. The Chief of Staff may appoint a Deputy Chief of
6 Staff.

7 (20 ILCS 2605/2605-55)

8 Sec. 2605-55. Badges. The Superintendent ~~Director~~ must
9 authorize to each State trooper, police officer, and
10 investigator and to any other employee of the Department
11 exercising the powers of a peace officer a distinct badge that,
12 on its face, (i) clearly states that the badge is authorized by
13 the Department and (ii) contains a unique identifying number.
14 No other badge shall be authorized by the Department.

15 (Source: P.A. 91-883, eff. 1-1-01.)

16 (20 ILCS 2605/2605-90)

17 Sec. 2605-90. Training; death and homicide investigations.
18 The Department shall provide training in death and homicide
19 investigation for State police officers. Only State police
20 officers who successfully complete the training may be assigned
21 as lead investigators in death and homicide investigations.
22 Satisfactory completion of the training shall be evidenced by a
23 certificate issued to the officer by the Department.

24 The Superintendent ~~Director~~ shall develop a process for

1 waiver applications for those officers whose prior training and
2 experience as homicide investigators may qualify them for a
3 waiver. The Superintendent ~~Director~~ may issue a waiver at his
4 or her discretion, based solely on the prior training and
5 experience of an officer as a homicide investigator.

6 (Source: P.A. 96-1111, eff. 1-1-12; 97-553, eff. 1-1-12.)

7 (20 ILCS 2605/2605-95)

8 Sec. 2605-95. Training; police dog training standards.
9 Beginning July 1, 2012, all police dogs used by the Department
10 for drug enforcement purposes pursuant to the Cannabis Control
11 Act (720 ILCS 550/), the Illinois Controlled Substances Act
12 (720 ILCS 570/), and the Methamphetamine Control and Community
13 Protection Act (720 ILCS 646/) shall be trained by programs
14 that meet the certification requirements set by the
15 Superintendent ~~Director~~ or the Superintendent's ~~Director's~~
16 designee. Satisfactory completion of the training shall be
17 evidenced by a certificate issued by the Department.

18 (Source: P.A. 97-469, eff. 7-1-12.)

19 (20 ILCS 2605/2605-140) (was 20 ILCS 2605/55a in part)

20 Sec. 2605-140. Narcotic Control Division Abolition Act. To
21 exercise the rights, powers, and duties that have been vested
22 in the Department and the Superintendent ~~Director~~ by the
23 Narcotic Control Division Abolition Act.

24 (Source: P.A. 90-18, eff. 7-1-97; 90-130, eff. 1-1-98; 90-372,

1 eff. 7-1-98; 90-590, eff. 1-1-00; 90-655, eff. 7-30-98; 90-793,
2 eff. 8-14-98; 91-239, eff. 1-1-00.)

3 (20 ILCS 2605/2605-200) (was 20 ILCS 2605/55a in part)
4 Sec. 2605-200. Investigations of crime; enforcement of
5 laws.

6 (a) To do the following:

7 (1) Investigate the origins, activities, personnel,
8 and incidents of crime and the ways and means to redress
9 the victims of crimes; study the impact, if any, of
10 legislation relative to the effusion of crime and growing
11 crime rates; and enforce the criminal laws of this State
12 related thereto.

13 (2) Enforce all laws regulating the production, sale,
14 prescribing, manufacturing, administering, transporting,
15 having in possession, dispensing, delivering,
16 distributing, or use of controlled substances and
17 cannabis.

18 (3) Employ skilled experts, scientists, technicians,
19 investigators, or otherwise specially qualified persons to
20 aid in preventing or detecting crime, apprehending
21 criminals, or preparing and presenting evidence of
22 violations of the criminal laws of the State.

23 (4) Cooperate with the police of cities, villages, and
24 incorporated towns and with the police officers of any
25 county in enforcing the laws of the State and in making

1 arrests and recovering property.

2 (5) Apprehend and deliver up any person charged in this
3 State or any other state of the United States with treason
4 or a felony or other crime who has fled from justice and is
5 found in this State.

6 (6) Conduct other investigations as provided by law.

7 (b) Persons exercising the powers set forth in subsection
8 (a) within the Department are conservators of the peace and as
9 such have all the powers possessed by policemen in cities and
10 sheriffs, except that they may exercise those powers anywhere
11 in the State in cooperation with and after contact with the
12 local law enforcement officials. Those persons may use false or
13 fictitious names in the performance of their duties under this
14 Section, upon approval of the Superintendent ~~Director~~, and
15 shall not be subject to prosecution under the criminal laws for
16 that use.

17 (Source: P.A. 90-18, eff. 7-1-97; 90-130, eff. 1-1-98; 90-372,
18 eff. 7-1-98; 90-590, eff. 1-1-00; 90-655, eff. 7-30-98; 90-793,
19 eff. 8-14-98; 91-239, eff. 1-1-00.)

20 (20 ILCS 2605/2605-250) (was 20 ILCS 2605/55a in part)

21 Sec. 2605-250. Obtaining evidence. To expend the sums the
22 Superintendent ~~Director~~ deems necessary from contractual
23 services appropriations for the Division of Operations for the
24 purchase of evidence and for the employment of persons to
25 obtain evidence. The sums shall be advanced to agents

1 authorized by the Superintendent ~~Director~~ to expend funds, on
2 vouchers signed by the Superintendent ~~Director~~.

3 (Source: P.A. 90-18, eff. 7-1-97; 90-130, eff. 1-1-98; 90-372,
4 eff. 7-1-98; 90-590, eff. 1-1-00; 90-655, eff. 7-30-98; 90-793,
5 eff. 8-14-98; 91-239, eff. 1-1-00; 91-760, eff. 1-1-01.)

6 (20 ILCS 2605/2605-375) (was 20 ILCS 2605/55a in part)

7 Sec. 2605-375. Missing persons; Law Enforcement Agencies
8 Data System (LEADS).

9 (a) To establish and maintain a statewide Law Enforcement
10 Agencies Data System (LEADS) for the purpose of providing
11 electronic access by authorized entities to criminal justice
12 data repositories and effecting an immediate law enforcement
13 response to reports of missing persons, including lost, missing
14 or runaway minors and missing endangered seniors. The
15 Department shall implement an automatic data exchange system to
16 compile, to maintain, and to make available to other law
17 enforcement agencies for immediate dissemination data that can
18 assist appropriate agencies in recovering missing persons and
19 provide access by authorized entities to various data
20 repositories available through LEADS for criminal justice and
21 related purposes. To assist the Department in this effort,
22 funds may be appropriated from the LEADS Maintenance Fund.
23 Funds may be appropriated from the LEADS Maintenance Fund to
24 the Department to finance any of its lawful purposes or
25 functions in relation to defraying the expenses associated with

1 establishing, maintaining, and supporting the issuance of
2 electronic citations.

3 (b) In exercising its duties under this Section, the
4 Department shall provide a uniform reporting format (LEADS) for
5 the entry of pertinent information regarding the report of a
6 missing person into LEADS. The report must include all of the
7 following:

8 (1) Relevant information obtained from the
9 notification concerning the missing person, including all
10 of the following:

11 (A) a physical description of the missing person;

12 (B) the date, time, and place that the missing
13 person was last seen; and

14 (C) the missing person's address.

15 (2) Information gathered by a preliminary
16 investigation, if one was made.

17 (3) A statement by the law enforcement officer in
18 charge stating the officer's assessment of the case based
19 on the evidence and information received.

20 (b-5) The Department of State Police shall:

21 (1) Develop and implement a policy whereby a statewide
22 or regional alert would be used in situations relating to
23 the disappearances of individuals, based on criteria and in
24 a format established by the Department. Such a format shall
25 include, but not be limited to, the age of the missing
26 person and the suspected circumstance of the

1 disappearance.

2 (2) Notify all law enforcement agencies that reports of
3 missing persons shall be entered as soon as the minimum
4 level of data specified by the Department is available to
5 the reporting agency and that no waiting period for the
6 entry of the data exists.

7 (3) Compile and retain information regarding lost,
8 abducted, missing, or runaway minors in a separate data
9 file, in a manner that allows that information to be used
10 by law enforcement and other agencies deemed appropriate by
11 the Superintendent ~~Director~~, for investigative purposes.
12 The information shall include the disposition of all
13 reported lost, abducted, missing, or runaway minor cases.

14 (4) Compile and maintain an historic data repository
15 relating to lost, abducted, missing, or runaway minors and
16 other missing persons, including, but not limited to,
17 missing endangered seniors, in order to develop and improve
18 techniques utilized by law enforcement agencies when
19 responding to reports of missing persons.

20 (5) Create a quality control program regarding
21 confirmation of missing person data, timeliness of entries
22 of missing person reports into LEADS, and performance
23 audits of all entering agencies.

24 (c) The Illinois Law Enforcement Training Standards Board
25 shall conduct a training program for law enforcement personnel
26 of local governmental agencies in the Missing Persons

1 Identification Act.

2 (d) The Department of State Police shall perform the duties
3 prescribed in the Missing Persons Identification Act, subject
4 to appropriation.

5 (Source: P.A. 97-402, eff. 8-16-11.)

6 (20 ILCS 2605/2605-400) (was 20 ILCS 2605/55a in part)

7 Sec. 2605-400. Fees; State Police Services Fund; audit.

8 (a) To charge, collect, and receive fees or moneys
9 equivalent to the cost of providing Department personnel,
10 equipment, and services to local governmental agencies when
11 explicitly requested by a local governmental agency and
12 pursuant to an intergovernmental agreement as provided by this
13 Law, other State agencies, and federal agencies, including but
14 not limited to fees or moneys equivalent to the cost of
15 providing dispatching services, radio and radar repair, and
16 training to local governmental agencies on terms and conditions
17 that in the judgment of the Superintendent ~~Director~~ are in the
18 best interest of the State; and to establish, charge, collect,
19 and receive fees or moneys based on the cost of providing
20 responses to requests for criminal history record information
21 pursuant to positive identification and any Illinois or federal
22 law authorizing access to some aspect of that information and
23 to prescribe the form and manner for requesting and furnishing
24 the information to the requestor on terms and conditions that
25 in the judgment of the Superintendent ~~Director~~ are in the best

1 interest of the State, provided fees for requesting and
2 furnishing criminal history record information may be waived
3 for requests in the due administration of the criminal laws.
4 The Department may also charge, collect, and receive fees or
5 moneys equivalent to the cost of providing electronic data
6 processing lines or related telecommunication services to
7 local governments, but only when those services can be provided
8 by the Department at a cost less than that experienced by those
9 local governments through other means. All services provided by
10 the Department shall be conducted pursuant to contracts in
11 accordance with the Intergovernmental Cooperation Act, and all
12 telecommunication services shall be provided pursuant to the
13 provisions of Section 405-270 of the Department of Central
14 Management Services Law (20 ILCS 405/405-270).

15 (b) All fees received by the Department under the Civil
16 Administrative Code of Illinois or the Illinois Uniform
17 Conviction Information Act shall be deposited in a special fund
18 in the State treasury to be known as the State Police Services
19 Fund. The money deposited in the State Police Services Fund
20 shall be appropriated to the Department for expenses of the
21 Department.

22 (c) Upon the completion of any audit of the Department as
23 prescribed by the Illinois State Auditing Act, which audit
24 includes an audit of the State Police Services Fund, the
25 Department shall make the audit open to inspection by any
26 interested person.

1 (Source: P.A. 90-18, eff. 7-1-97; 90-130, eff. 1-1-98; 90-372,
2 eff. 7-1-98; 90-590, eff. 1-1-00; 90-655, eff. 7-30-98; 90-793,
3 eff. 8-14-98; 91-239, eff. 1-1-00.)

4 (20 ILCS 2605/2605-405) (was 20 ILCS 2605/55a in part)

5 Sec. 2605-405. Applying for grants or contracts; moneys
6 from other entities. To apply for grants or contracts and
7 receive, expend, allocate, or disburse funds and moneys made
8 available by public or private entities, including, but not
9 limited to, contracts, bequests, grants, or receiving
10 equipment from corporations, foundations, or public or private
11 institutions of higher learning. All funds received by the
12 Department from these sources shall be deposited into the
13 appropriate fund in the State treasury to be appropriated to
14 the Department for purposes as indicated by the grantor or
15 contractor or, in the case of funds or moneys bequeathed or
16 granted for no specific purpose, for any purpose deemed
17 appropriate by the Superintendent ~~Director~~ in administering
18 the responsibilities of the Department.

19 (Source: P.A. 90-18, eff. 7-1-97; 90-130, eff. 1-1-98; 90-372,
20 eff. 7-1-98; 90-590, eff. 1-1-00; 90-655, eff. 7-30-98; 90-793,
21 eff. 8-14-98; 91-239, eff. 1-1-00.)

22 (20 ILCS 2605/2605-485)

23 Sec. 2605-485. Endangered Missing Person Advisory.

24 (a) A coordinated program known as the Endangered Missing

1 Person Advisory is established within the Department of State
2 Police. The purpose of the Endangered Missing Person Advisory
3 is to provide a regional system for the rapid dissemination of
4 information regarding a missing person who is believed to be a
5 high-risk missing person as defined in Section 10 of the
6 Missing Persons Identification Act.

7 (b) The AMBER Plan Task Force, established under Section
8 2605-480 of the Department of State Police Law, shall serve as
9 the task force for the Endangered Missing Person Advisory. The
10 AMBER Plan Task Force shall monitor and review the
11 implementation and operation of the regional system developed
12 under subsection (a), including procedures, budgetary
13 requirements, and response protocols. The AMBER Plan Task Force
14 shall also develop additional network resources for use in the
15 system.

16 (c) The Department of State Police, in coordination with
17 the Illinois Department on Aging, shall develop and implement a
18 community outreach program to promote awareness among the
19 State's healthcare facilities, nursing homes, assisted living
20 facilities, and other senior centers. The guidelines and
21 procedures shall ensure that specific health information about
22 the missing person is not made public through the alert or
23 otherwise.

24 (d) The Child Safety Coordinator, created under Section
25 2605-480 of the Department of State Police Law, shall act in
26 the dual capacity of Child Safety Coordinator and Endangered

1 Missing Person Coordinator. The Coordinator shall assist in the
2 establishment of State standards and monitor the availability
3 of federal funding that may become available to further the
4 objectives of the Endangered Missing Person Advisory. The
5 Department shall provide technical assistance for the
6 Coordinator from its existing resources.

7 (e) (1) The Department of State Police, in cooperation with
8 the Silver Search Task Force, shall develop as part of the
9 Endangered Missing Person Advisory a coordinated statewide
10 awareness program and toolkit to be used when a person 21 years
11 of age or older who is believed to have Alzheimer's disease,
12 other related dementia, or other dementia-like cognitive
13 impairment is reported missing, which shall be referred to as
14 Silver Search.

15 (2) The Department shall complete development and
16 deployment of the Silver Search Awareness Program and toolkit
17 on or before July 1, 2017.

18 (3) The Department of State Police shall establish a Silver
19 Search Task Force within 90 days after the effective date of
20 this amendatory Act of the 99th General Assembly to assist the
21 Department in development and deployment of the Silver Search
22 Awareness Program and toolkit. The Task Force shall establish
23 the criteria and create a toolkit, which may include usage of
24 Department of Transportation signs, under Section 2705-505.6
25 of the Department of Transportation Law of the Civil
26 Administrative Code of Illinois. The Task Force shall monitor

1 and review the implementation and operation of that program,
2 including procedures, budgetary requirements, standards, and
3 minimum requirements for the training of law enforcement
4 personnel on how to interact appropriately and effectively with
5 individuals that suffer from Alzheimer's disease, other
6 dementia, or other dementia-like cognitive impairment. The
7 Task Force shall also develop additional network and financial
8 resources for use in the system. The Task Force shall include,
9 but is not limited to, one representative from each of the
10 following:

- 11 (A) the Department of State Police;
- 12 (B) the Department on Aging;
- 13 (C) the Department of Public Health;
- 14 (D) the Illinois Law Enforcement Training Standards
15 Board;
- 16 (E) the Illinois Emergency Management Agency;
- 17 (F) the Secretary of State;
- 18 (G) the Department of Transportation;
- 19 (H) the Department of the Lottery;
- 20 (I) the Illinois Toll Highway Authority;
- 21 (J) a State association dedicated to Alzheimer's care,
22 support, and research;
- 23 (K) a State association dedicated to improving quality
24 of life for persons age 50 and over;
- 25 (L) a State group of area agencies involved in planning
26 and coordinating services and programs for older persons in

1 their respective areas;

2 (M) a State organization dedicated to enhancing
3 communication and cooperation between sheriffs;

4 (N) a State association of police chiefs and other
5 leaders of police and public safety organizations;

6 (O) a State association representing Illinois
7 publishers;

8 (P) a State association that advocates for the
9 broadcast industry;

10 (Q) a member of a large wireless telephone carrier; and

11 (R) a member of a small wireless telephone carrier.

12 The members of the Task Force designated in subparagraphs
13 (A) through (I) of this paragraph (3) shall be appointed by the
14 head of the respective agency. The members of the Task Force
15 designated in subparagraphs (J) through (R) of this paragraph
16 (3) shall be appointed by the Superintendent ~~Director~~ of State
17 Police. The Superintendent ~~Director~~ of State Police or his or
18 her designee shall serve as Chair of the Task Force.

19 The Task Force shall meet at least twice a year and shall
20 provide a report on the operations of the Silver Search Program
21 to the General Assembly and the Governor each year by June 30.

22 (4) Subject to appropriation, the Department of State
23 Police, in coordination with the Department on Aging and the
24 Silver Search Task Force, shall develop and implement a
25 community outreach program to promote awareness of the Silver
26 Search Program as part of the Endangered Missing Person

1 Advisory among law enforcement agencies, the State's
2 healthcare facilities, nursing homes, assisted living
3 facilities, other senior centers, and the general population on
4 or before January 1, 2017.

5 (5) The Child Safety Coordinator, created under Section
6 2605-480 of the Department of State Police Law of the Civil
7 Administrative Code of Illinois, shall act in the capacity of
8 Child Safety Coordinator, Endangered Missing Person
9 Coordinator, and Silver Search Program Coordinator. The
10 Coordinator, in conjunction with the members of the Task Force,
11 shall assist the Department and the Silver Search Task Force in
12 the establishment of State standards and monitor the
13 availability of federal and private funding that may become
14 available to further the objectives of the Endangered Missing
15 Person Advisory and Silver Search Awareness Program. The
16 Department shall provide technical assistance for the
17 Coordinator from its existing resources.

18 (6) The Department of State Police shall provide
19 administrative and other support to the Task Force.

20 (Source: P.A. 99-322, eff. 1-1-16.)

21 (20 ILCS 2605/2605-605)

22 Sec. 2605-605. Violent Crime Intelligence Task Force. The
23 Superintendent ~~Director~~ of State Police may establish a
24 statewide multi-jurisdictional Violent Crime Intelligence Task
25 Force led by the Department of State Police dedicated to

1 combating gun violence, gun-trafficking, and other violent
2 crime with the primary mission of preservation of life and
3 reducing the occurrence and the fear of crime. The objectives
4 of the Task Force shall include, but not be limited to,
5 reducing and preventing illegal possession and use of firearms,
6 firearm-related homicides, and other violent crimes.

7 (1) The Task Force may develop and acquire information,
8 training, tools, and resources necessary to implement a
9 data-driven approach to policing, with an emphasis on
10 intelligence development.

11 (2) The Task Force may utilize information sharing,
12 partnerships, crime analysis, and evidence-based practices to
13 assist in the reduction of firearm-related shootings,
14 homicides, and gun-trafficking.

15 (3) The Task Force may recognize and utilize best practices
16 of community policing and may develop potential partnerships
17 with faith-based and community organizations to achieve its
18 goals.

19 (4) The Task Force may identify and utilize best practices
20 in drug-diversion programs and other community-based services
21 to redirect low-level offenders.

22 (5) The Task Force may assist in violence suppression
23 strategies including, but not limited to, details in identified
24 locations that have shown to be the most prone to gun violence
25 and violent crime, focused deterrence against violent gangs and
26 groups considered responsible for the violence in communities,

1 and other intelligence driven methods deemed necessary to
2 interrupt cycles of violence or prevent retaliation.

3 (6) In consultation with the Chief Procurement Officer, the
4 Department of State Police may obtain contracts for software,
5 commodities, resources, and equipment to assist the Task Force
6 with achieving this Act. Any contracts necessary to support the
7 delivery of necessary software, commodities, resources, and
8 equipment are not subject to the Illinois Procurement Code,
9 except for Sections 20-60, 20-65, 20-70, and 20-160 and Article
10 50 of that Code, provided that the Chief Procurement Officer
11 may, in writing with justification, waive any certification
12 required under Article 50 of the Illinois Procurement Code.

13 (Source: P.A. 100-3, eff. 1-1-18.)

14 Section 20. The State Police Act is amended by changing
15 Sections 1, 2, 8, 9, 10, 13, 14, 18, 21, 22, and 23 as follows:

16 (20 ILCS 2610/1) (from Ch. 121, par. 307.1)

17 Sec. 1. The Department of State Police, hereinafter called
18 the Department, shall maintain divisions in accordance with
19 Section 2605-25 of the Department of State Police Law (20 ILCS
20 2605/2605-25). The Department, by the Superintendent ~~Director~~,
21 shall appoint State policemen, also known as State Police
22 Officers, as provided in this Act.

23 (Source: P.A. 91-239, eff. 1-1-00.)

1 (20 ILCS 2610/2) (from Ch. 121, par. 307.2)

2 Sec. 2. The Superintendent ~~Director~~ shall be responsible
3 for the management and control of the Department. The
4 Superintendent ~~Director~~ shall make and adopt rules and
5 regulations for the direction, control, discipline and conduct
6 of the members of the Department and such other rules for the
7 government and operation of the Department as he may deem
8 necessary. He shall also designate the authority and
9 responsibility within the limits of this Act for each rank of
10 State policemen in the Department.

11 (Source: P.A. 85-1042.)

12 (20 ILCS 2610/8) (from Ch. 121, par. 307.8)

13 Sec. 8. The Board shall exercise jurisdiction over the
14 certification for appointment and promotion, and over the
15 discipline, removal, demotion and suspension of Department of
16 State Police officers. Pursuant to recognized merit principles
17 of public employment, the Board shall formulate, adopt, and put
18 into effect rules, regulations and procedures for its operation
19 and the transaction of its business. The Board shall establish
20 a classification of ranks of persons subject to its
21 jurisdiction and shall set standards and qualifications for
22 each rank. Each Department of State Police officer appointed by
23 the Superintendent ~~Director~~ shall be classified as a State
24 Police officer as follows: trooper, sergeant, master sergeant,
25 lieutenant, captain, major, or Special Agent.

1 (Source: P.A. 100-49, eff. 1-1-18.)

2 (20 ILCS 2610/9) (from Ch. 121, par. 307.9)

3 Sec. 9. Appointment; qualifications.

4 (a) Except as otherwise provided in this Section, the
5 appointment of Department of State Police officers shall be
6 made from those applicants who have been certified by the Board
7 as being qualified for appointment. All persons so appointed
8 shall, at the time of their appointment, be not less than 21
9 years of age, or 20 years of age and have successfully
10 completed 2 years of law enforcement studies at an accredited
11 college or university. Any person appointed subsequent to
12 successful completion of 2 years of such law enforcement
13 studies shall not have power of arrest, nor shall he be
14 permitted to carry firearms, until he reaches 21 years of age.
15 In addition, all persons so certified for appointment shall be
16 of sound mind and body, be of good moral character, be citizens
17 of the United States, have no criminal records, possess such
18 prerequisites of training, education and experience as the
19 Board may from time to time prescribe, and shall be required to
20 pass successfully such mental and physical tests and
21 examinations as may be prescribed by the Board. Notwithstanding
22 any Board rule to the contrary, all persons who meet one of the
23 following requirements are deemed to have met the collegiate
24 educational requirements:

25 (i) have been honorably discharged and who have been

1 awarded a Southwest Asia Service Medal, Kosovo Campaign
2 Medal, Korean Defense Service Medal, Afghanistan Campaign
3 Medal, Iraq Campaign Medal, or Global War on Terrorism
4 Expeditionary Medal by the United States Armed Forces;

5 (ii) are active members of the Illinois National Guard
6 or a reserve component of the United States Armed Forces
7 and who have been awarded a Southwest Asia Service Medal,
8 Kosovo Campaign Medal, Korean Defense Service Medal,
9 Afghanistan Campaign Medal, Iraq Campaign Medal, or Global
10 War on Terrorism Expeditionary Medal as a result of
11 honorable service during deployment on active duty;

12 (iii) have been honorably discharged who served in a
13 combat mission by proof of hostile fire pay or imminent
14 danger pay during deployment on active duty; or

15 (iv) have at least 3 years of full active and
16 continuous military duty and received an honorable
17 discharge before hiring.

18 Preference shall be given in such appointments to persons
19 who have honorably served in the military or naval services of
20 the United States. All appointees shall serve a probationary
21 period of 12 months from the date of appointment and during
22 that period may be discharged at the will of the Superintendent
23 ~~Director~~. However, the Superintendent ~~Director~~ may in his or
24 her sole discretion extend the probationary period of an
25 officer up to an additional 6 months when to do so is deemed in
26 the best interest of the Department.

1 (b) Notwithstanding the other provisions of this Act, after
2 July 1, 1977 and before July 1, 1980, the Superintendent
3 ~~Director~~ of State Police may appoint and promote not more than
4 20 persons having special qualifications as special agents as
5 he deems necessary to carry out the Department's objectives.
6 Any such appointment or promotion shall be ratified by the
7 Board.

8 (c) During the 90 days following the effective date of this
9 amendatory Act of 1995, the Superintendent ~~Director~~ of State
10 Police may appoint up to 25 persons as State Police officers.
11 These appointments shall be made in accordance with the
12 requirements of this subsection (c) and any additional criteria
13 that may be established by the Superintendent ~~Director~~, but are
14 not subject to any other requirements of this Act. The
15 Superintendent ~~Director~~ may specify the initial rank for each
16 person appointed under this subsection.

17 All appointments under this subsection (c) shall be made
18 from personnel certified by the Board. A person certified by
19 the Board and appointed by the Superintendent ~~Director~~ under
20 this subsection must have been employed by the Illinois
21 Commerce Commission on November 30, 1994 in a job title subject
22 to the Personnel Code and in a position for which the person
23 was eligible to earn "eligible creditable service" as a
24 "noncovered employee", as those terms are defined in Article 14
25 of the Illinois Pension Code.

26 Persons appointed under this subsection (c) shall

1 thereafter be subject to the same requirements and procedures
2 as other State police officers. A person appointed under this
3 subsection must serve a probationary period of 12 months from
4 the date of appointment, during which he or she may be
5 discharged at the will of the Superintendent ~~Director~~.

6 This subsection (c) does not affect or limit the
7 Superintendent's ~~Director's~~ authority to appoint other State
8 Police officers under subsection (a) of this Section.

9 (Source: P.A. 100-11, eff. 7-1-17.)

10 (20 ILCS 2610/10) (from Ch. 121, par. 307.10)

11 Sec. 10. Except as provided in Section 9 of this Act,
12 promotion of Department of State Police officers shall be made
13 by the Superintendent ~~Director~~ from those candidates who have
14 been certified to him as being qualified for promotion. The
15 Board shall make certifications for promotions on the basis of
16 job performance measurement, seniority, education, or written
17 or oral examinations. All vacancies in all ranks above the
18 lowest shall be filled by promotion.

19 (Source: P.A. 84-25.)

20 (20 ILCS 2610/13) (from Ch. 121, par. 307.13)

21 Sec. 13. Disciplinary measures prescribed by the Board for
22 Department of State Police officers may be taken by the
23 Superintendent ~~Director~~ for the punishment of infractions of
24 the rules and regulations of the respective divisions as

1 promulgated by the Department. Such disciplinary measures may
2 include suspension of any such officer for a reasonable period,
3 not exceeding 30 days.

4 Any officer so suspended, within 10 days after suspension,
5 may petition the Board in writing to review the suspension, and
6 upon the filing of such petition with the Board, the Board
7 shall within a reasonable amount of time, but no later than 30
8 days after the date of request for review set the written
9 petition for hearing before the Board upon not less than 10
10 days' notice at a place to be designated by the chairman
11 thereof. The Board may sustain the action of the Superintendent
12 ~~Director~~, reverse it with instructions that the officer receive
13 his pay for the period involved, or reduce the length of
14 suspension with instructions that the officer's pay be adjusted
15 accordingly. No later than July 1, 1987, the Board shall
16 promulgate rules which include the standards to be used in
17 determining when compensation will be awarded to an officer who
18 is found not guilty or has served a greater period of
19 suspension than prescribed by the Board. The Board may not
20 increase the length of suspension imposed by the Superintendent
21 ~~Director~~. The Board may, by unanimous decision, dismiss the
22 petition if it has determined that there is no substantial
23 basis for its review of the suspension. In all other respects,
24 the hearing shall be conducted in the manner provided for in
25 Section 14 hereof. The provisions of the "Administrative Review
26 Law" and the rules adopted pursuant thereto shall apply to and

1 govern all proceedings for the judicial review of any order of
2 the board rendered pursuant to the provisions of this Section.
3 (Source: P.A. 85-1042.)

4 (20 ILCS 2610/14) (from Ch. 121, par. 307.14)

5 Sec. 14. Except as is otherwise provided in this Act, no
6 Department of State Police officer shall be removed, demoted or
7 suspended except for cause, upon written charges filed with the
8 Board by the Superintendent ~~Director~~ and a hearing before the
9 Board thereon upon not less than 10 days' notice at a place to
10 be designated by the chairman thereof. At such hearing, the
11 accused shall be afforded full opportunity to be heard in his
12 or her own defense and to produce proof in his or her defense.
13 Anyone filing a complaint against a State Police Officer must
14 have the complaint supported by a sworn affidavit. Any such
15 complaint, having been supported by a sworn affidavit, and
16 having been found, in total or in part, to contain false
17 information, shall be presented to the appropriate State's
18 Attorney for a determination of prosecution.

19 Before any such officer may be interrogated or examined by
20 or before the Board, or by a departmental agent or investigator
21 specifically assigned to conduct an internal investigation,
22 the results of which hearing, interrogation or examination may
23 be the basis for filing charges seeking his or her suspension
24 for more than 15 days or his or her removal or discharge, he or
25 she shall be advised in writing as to what specific improper or

1 illegal act he or she is alleged to have committed; he or she
2 shall be advised in writing that his or her admissions made in
3 the course of the hearing, interrogation or examination may be
4 used as the basis for charges seeking his or her suspension,
5 removal or discharge; and he or she shall be advised in writing
6 that he or she has a right to counsel of his or her choosing,
7 who may be present to advise him or her at any hearing,
8 interrogation or examination. A complete record of any hearing,
9 interrogation or examination shall be made, and a complete
10 transcript or electronic recording thereof shall be made
11 available to such officer without charge and without delay.

12 The Board shall have the power to secure by its subpoena
13 both the attendance and testimony of witnesses and the
14 production of books and papers in support of the charges and
15 for the defense. Each member of the Board or a designated
16 hearing officer shall have the power to administer oaths or
17 affirmations. If the charges against an accused are established
18 by a preponderance of evidence, the Board shall make a finding
19 of guilty and order either removal, demotion, suspension for a
20 period of not more than 180 days, or such other disciplinary
21 punishment as may be prescribed by the rules and regulations of
22 the Board which, in the opinion of the members thereof, the
23 offense merits. Thereupon the Superintendent ~~Director~~ shall
24 direct such removal or other punishment as ordered by the Board
25 and if the accused refuses to abide by any such disciplinary
26 order, the Superintendent ~~Director~~ shall remove him or her

1 forthwith.

2 If the accused is found not guilty or has served a period
3 of suspension greater than prescribed by the Board, the Board
4 shall order that the officer receive compensation for the
5 period involved. The award of compensation shall include
6 interest at the rate of 7% per annum.

7 The Board may include in its order appropriate sanctions
8 based upon the Board's rules and regulations. If the Board
9 finds that a party has made allegations or denials without
10 reasonable cause or has engaged in frivolous litigation for the
11 purpose of delay or needless increase in the cost of
12 litigation, it may order that party to pay the other party's
13 reasonable expenses, including costs and reasonable attorney's
14 fees. The State of Illinois and the Department shall be subject
15 to these sanctions in the same manner as other parties.

16 In case of the neglect or refusal of any person to obey a
17 subpoena issued by the Board, any circuit court, upon
18 application of any member of the Board, may order such person
19 to appear before the Board and give testimony or produce
20 evidence, and any failure to obey such order is punishable by
21 the court as a contempt thereof.

22 The provisions of the Administrative Review Law, and all
23 amendments and modifications thereof, and the rules adopted
24 pursuant thereto, shall apply to and govern all proceedings for
25 the judicial review of any order of the Board rendered pursuant
26 to the provisions of this Section.

1 Notwithstanding the provisions of this Section, a policy
2 making officer, as defined in the Employee Rights Violation
3 Act, of the Department of State Police shall be discharged from
4 the Department of State Police as provided in the Employee
5 Rights Violation Act, enacted by the 85th General Assembly.

6 (Source: P.A. 96-891, eff. 5-10-10.)

7 (20 ILCS 2610/18) (from Ch. 121, par. 307.18)

8 Sec. 18. The Superintendent ~~Director~~ may also authorize any
9 civilian employee of the Department who is not a State
10 policeman to be a truck weighing inspector with the power of
11 enforcing the provisions of Sections 15-102, 15-103, 15-107,
12 15-111 and subsection (d) of Section 3-401 of the Illinois
13 Vehicle Code.

14 (Source: P.A. 88-476; 89-117, eff. 7-7-95.)

15 (20 ILCS 2610/21) (from Ch. 121, par. 307.18b)

16 Sec. 21. (a) The Department shall appoint as State
17 policemen the number of persons required for assignment to the
18 policing of toll highways by contracts made pursuant to Section
19 20 of this Act; and such policemen shall have the same
20 qualifications and shall be appointed and paid and shall
21 receive the same benefits, as all other State policemen.

22 (b) The Superintendent ~~Director~~ shall assign such
23 policemen in accordance with the contract provisions, which may
24 authorize temporary increases or decreases in the number of

1 policemen so assigned when emergency conditions so require.

2 (c) State policemen so assigned have, in policing the toll
3 highways, all powers and duties of enforcement and arrest which
4 Section 16 of this Act confers upon State policemen generally
5 in policing other public highways and other areas, and in
6 addition have the duty to enforce all regulations established
7 by the Illinois State Toll Highway Authority pursuant to the
8 authority of "An Act in relation to the construction,
9 operation, regulation and maintenance of a system of toll
10 highways and to create The Illinois State Toll Highway
11 Authority, and to define its powers and duties, to make an
12 appropriation in conjunction therewith", approved August 7,
13 1967, as amended.

14 (Source: P.A. 85-1042.)

15 (20 ILCS 2610/22) (from Ch. 121, par. 307.18c)

16 Sec. 22. The Superintendent ~~Director~~ and the State
17 policemen appointed by him, when authorized by the
18 Superintendent ~~Director~~, may expend such sums as the
19 Superintendent ~~Director~~ deems necessary in the purchase of
20 evidence and in the employment of persons to obtain evidence.

21 Such sums to be expended shall be advanced to the State
22 policeman who is to make such purchase or employment from funds
23 appropriated or made available by law for the support or use of
24 the Department on vouchers therefor signed by the
25 Superintendent ~~Director~~.

1 (Source: P.A. 85-1042.)

2 (20 ILCS 2610/23) (from Ch. 121, par. 307.18d)

3 Sec. 23. The Superintendent ~~Director~~ may appoint auxiliary
4 State policemen in such number as he deems necessary. Such
5 auxiliary policemen shall not be regular State policemen. Such
6 auxiliary State policemen shall not supplement members of the
7 regular State police in the performance of their assigned and
8 normal duties, except as otherwise provided herein. Such
9 auxiliary State policemen shall only be assigned to perform the
10 following duties: to aid or direct traffic, to aid in control
11 of natural or man made disasters, or to aid in case of civil
12 disorder as directed by the commanding officers.
13 Identification symbols worn by such auxiliary State policemen
14 shall be different and distinct from those used by State
15 policemen. Such auxiliary State policemen shall at all times
16 during the performance of their duties be subject to the
17 direction and control of the commanding officer. Such auxiliary
18 State policemen shall not carry firearms.

19 Auxiliary State policemen, prior to entering upon any of
20 their duties, shall receive a course of training in such police
21 procedures as shall be appropriate in the exercise of the
22 powers conferred upon them, which training and course of study
23 shall be determined and provided by the Department of State
24 Police. Prior to the appointment of any auxiliary State
25 policeman his fingerprints shall be taken and no person shall

1 be appointed as such auxiliary State policeman if he has been
2 convicted of a felony or other crime involving moral turpitude.

3 All auxiliary State policemen shall be between the age of
4 21 and 60 years, and shall serve without compensation.

5 The Line of Duty Compensation Act shall be applicable to
6 auxiliary State policemen upon their death in the line of duty
7 described herein.

8 (Source: P.A. 95-331, eff. 8-21-07.)

9 Section 25. The State Police Radio Act is amended by
10 changing Section 10 as follows:

11 (20 ILCS 2615/10)

12 Sec. 10. Public safety radio interoperability. Upon their
13 establishment and thereafter, the Superintendent ~~Director~~ of
14 State Police, or his or her designee, shall serve as the
15 chairman of the Illinois Statewide Interoperability Executive
16 Committee (SIEC) and as the chairman of the STARCOM21 Oversight
17 Committee. The Superintendent ~~Director~~, as chairman, may
18 increase the size and makeup of the voting membership of each
19 committee when deemed necessary for improved public safety
20 radio interoperability, but the voting membership of each
21 committee must represent public safety users (police, fire, or
22 EMS) and must, at a minimum, include the representatives
23 specified in this Section. The STARCOM21 Oversight Committee
24 must comprise public safety users accessing the system. The

1 SIEC shall have at a minimum one representative from each of
2 the following: the Illinois Fire Chiefs Association, the Rural
3 Fire Protection Association, the Office of the State Fire
4 Marshal, the Illinois Association of Chiefs of Police, the
5 Illinois Sheriffs' Association, the Illinois State Police, the
6 Illinois Emergency Management Agency, the Department of Public
7 Health, and the Secretary of State Police (which representative
8 shall be the Director of the Secretary of State Police or his
9 or her designee).

10 (Source: P.A. 94-1005, eff. 7-3-06.)

11 Section 30. The Narcotic Control Division Abolition Act is
12 amended by changing Sections 1, 3, 4, 7, and 9 as follows:

13 (20 ILCS 2620/1) (from Ch. 127, par. 55d)

14 Sec. 1. The Division of Narcotic Control is abolished and
15 its functions are transferred to and shall be administered by
16 the Department of State Police.

17 When used in this Act, unless the context otherwise
18 indicates:

19 "Department" means the Department of State Police;

20 "Superintendent" ~~"Director"~~ means the Superintendent
21 ~~Director of the Department~~ of State Police.

22 (Source: P.A. 84-25.)

23 (20 ILCS 2620/3) (from Ch. 127, par. 55f)

1 Sec. 3. The Superintendent ~~Director~~ may, in conformity with
2 the Personnel Code, employ such inspectors, physicians,
3 pharmacists, chemists, clerical and other employees as are
4 necessary to carry out the duties of the Department.

5 (Source: P.A. 76-442.)

6 (20 ILCS 2620/4) (from Ch. 127, par. 55g)

7 Sec. 4. The Superintendent ~~Director~~ and the inspectors
8 appointed by him are conservators of the peace and as such have
9 all the powers possessed by policemen in cities and by
10 sheriffs, except that they may exercise such powers anywhere in
11 the State, in enforcing the duties conferred upon the
12 Department by Section 2 of this Act.

13 (Source: P.A. 76-442.)

14 (20 ILCS 2620/7) (from Ch. 127, par. 55j)

15 Sec. 7. Expenditures; evidence; forfeited property.

16 (a) The Superintendent ~~Director~~ and the inspectors
17 appointed by him, when authorized by the Superintendent
18 ~~Director~~, may expend such sums as the Superintendent ~~Director~~
19 deems necessary in the purchase of controlled substances and
20 cannabis for evidence and in the employment of persons to
21 obtain evidence.

22 Such sums to be expended shall be advanced to the officer
23 who is to make such purchase or employment from funds
24 appropriated or made available by law for the support or use of

1 the Department on vouchers therefor signed by the
2 Superintendent ~~Director~~. The Superintendent ~~Director~~ and such
3 officers are authorized to maintain one or more commercial
4 checking accounts with any State banking corporation or
5 corporations organized under or subject to the Illinois Banking
6 Act for the deposit and withdrawal of moneys to be used for the
7 purchase of evidence and for the employment of persons to
8 obtain evidence; provided that no check may be written on nor
9 any withdrawal made from any such account except on the written
10 signatures of 2 persons designated by the Superintendent
11 ~~Director~~ to write such checks and make such withdrawals.

12 (b) The Superintendent ~~Director~~ is authorized to maintain
13 one or more commercial bank accounts with any State banking
14 corporation or corporations organized under or subject to the
15 Illinois Banking Act, as now or hereafter amended, for the
16 deposit or withdrawal of (i) moneys forfeited to the
17 Department, including the proceeds of the sale of forfeited
18 property, as provided in Section 2 of the State Officers and
19 Employees Money Disposition Act, as now or hereafter amended,
20 pending disbursement to participating agencies and deposit of
21 the Department's share as provided in subsection (c), and (ii)
22 all moneys being held as evidence by the Department, pending
23 final court disposition; provided that no check may be written
24 on or any withdrawal made from any such account except on the
25 written signatures of 2 persons designated by the
26 Superintendent ~~Director~~ to write such checks and make such

1 withdrawals.

2 (c) All moneys received by the Illinois State Police as
3 their share of forfeited funds (including the proceeds of the
4 sale of forfeited property) received pursuant to the Drug Asset
5 Forfeiture Procedure Act, the Cannabis Control Act, the
6 Illinois Controlled Substances Act, the Methamphetamine
7 Control and Community Protection Act, the Environmental
8 Protection Act, or any other Illinois law shall be deposited
9 into the State Asset Forfeiture Fund, which is hereby created
10 as an interest-bearing special fund in the State treasury.

11 All moneys received by the Illinois State Police as their
12 share of forfeited funds (including the proceeds of the sale of
13 forfeited property) received pursuant to federal equitable
14 sharing transfers shall be deposited into the Federal Asset
15 Forfeiture Fund, which is hereby created as an interest-bearing
16 special fund in the State treasury.

17 The moneys deposited into the State Asset Forfeiture Fund
18 and the Federal Asset Forfeiture Fund shall be appropriated to
19 the Department of State Police and may be used by the Illinois
20 State Police in accordance with law.

21 (Source: P.A. 94-556, eff. 9-11-05.)

22 (20 ILCS 2620/9) (from Ch. 127, par. 551)

23 Sec. 9. The Superintendent ~~Director~~ shall, in an annual
24 report to the Governor, report the results obtained in the
25 enforcement of this Act, together with such other information

1 and recommendations as he deems proper.

2 (Source: P.A. 76-442.)

3 Section 35. The Criminal Identification Act is amended by
4 changing Section 1 as follows:

5 (20 ILCS 2630/1) (from Ch. 38, par. 206-1)

6 Sec. 1. The Department of State Police hereinafter referred
7 to as the "Department", is hereby empowered to cope with the
8 task of criminal identification and investigation.

9 The Superintendent ~~Director of the Department~~ of State
10 Police shall, from time to time, appoint such employees or
11 assistants as may be necessary to carry out this work.
12 Employees or assistants so appointed shall receive salaries
13 subject to the standard pay plan provided for in the "Personnel
14 Code", approved July 18, 1955, as amended.

15 (Source: P.A. 84-25.)

16 Section 40. The Illinois Uniform Conviction Information
17 Act is amended by changing Sections 3, 6, 9, and 17 as follows:

18 (20 ILCS 2635/3) (from Ch. 38, par. 1603)

19 Sec. 3. Definitions. Whenever used in this Act, and for the
20 purposes of this Act, unless the context clearly indicates
21 otherwise:

22 (A) "Accurate" means factually correct, containing no

1 mistake or error of a material nature.

2 (B) The phrase "administer the criminal laws" includes any
3 of the following activities: intelligence gathering,
4 surveillance, criminal investigation, crime detection and
5 prevention (including research), apprehension, detention,
6 pretrial or post-trial release, prosecution, the correctional
7 supervision or rehabilitation of accused persons or criminal
8 offenders, criminal identification activities, data analysis
9 and research done by the sentencing commission, or the
10 collection, maintenance or dissemination of criminal history
11 record information.

12 (C) "The Authority" means the Illinois Criminal Justice
13 Information Authority.

14 (D) "Automated" means the utilization of computers,
15 telecommunication lines, or other automatic data processing
16 equipment for data collection or storage, analysis,
17 processing, preservation, maintenance, dissemination, or
18 display and is distinguished from a system in which such
19 activities are performed manually.

20 (E) "Complete" means accurately reflecting all the
21 criminal history record information about an individual that is
22 required to be reported to the Department pursuant to Section
23 2.1 of the Criminal Identification Act.

24 (F) "Conviction information" means data reflecting a
25 judgment of guilt or nolo contendere. The term includes all
26 prior and subsequent criminal history events directly relating

1 to such judgments, such as, but not limited to: (1) the
2 notation of arrest; (2) the notation of charges filed; (3) the
3 sentence imposed; (4) the fine imposed; and (5) all related
4 probation, parole, and release information. Information ceases
5 to be "conviction information" when a judgment of guilt is
6 reversed or vacated.

7 For purposes of this Act, continuances to a date certain in
8 furtherance of an order of supervision granted under Section
9 5-6-1 of the Unified Code of Corrections or an order of
10 probation granted under either Section 10 of the Cannabis
11 Control Act, Section 410 of the Illinois Controlled Substances
12 Act, Section 70 of the Methamphetamine Control and Community
13 Protection Act, Section 12-4.3 or subdivision (b) (1) of Section
14 12-3.05 of the Criminal Code of 1961 or the Criminal Code of
15 2012, Section 10-102 of the Illinois Alcoholism and Other Drug
16 Dependency Act, Section 40-10 of the Alcoholism and Other Drug
17 Abuse and Dependency Act, or Section 10 of the Steroid Control
18 Act shall not be deemed "conviction information".

19 (G) "Criminal history record information" means data
20 identifiable to an individual, including information collected
21 under Section 4.5 of the Criminal Identification Act, and
22 consisting of descriptions or notations of arrests,
23 detentions, indictments, informations, pretrial proceedings,
24 trials, or other formal events in the criminal justice system
25 or descriptions or notations of criminal charges (including
26 criminal violations of local municipal ordinances) and the

1 nature of any disposition arising therefrom, including
2 sentencing, court or correctional supervision, rehabilitation
3 and release. The term does not apply to statistical records and
4 reports in which individuals are not identified and from which
5 their identities are not ascertainable, or to information that
6 is for criminal investigative or intelligence purposes.

7 (H) "Criminal justice agency" means (1) a government agency
8 or any subunit thereof which is authorized to administer the
9 criminal laws and which allocates a substantial part of its
10 annual budget for that purpose, or (2) an agency supported by
11 public funds which is authorized as its principal function to
12 administer the criminal laws and which is officially designated
13 by the Department as a criminal justice agency for purposes of
14 this Act.

15 (I) "The Department" means the Illinois Department of State
16 Police.

17 (J) "Superintendent" ~~"Director"~~ means the Superintendent
18 ~~Director of the Illinois Department~~ of State Police.

19 (K) "Disseminate" means to disclose or transmit conviction
20 information in any form, oral, written, or otherwise.

21 (L) "Exigency" means pending danger or the threat of
22 pending danger to an individual or property.

23 (M) "Non-criminal justice agency" means a State agency,
24 Federal agency, or unit of local government that is not a
25 criminal justice agency. The term does not refer to private
26 individuals, corporations, or non-governmental agencies or

1 organizations.

2 (M-5) "Request" means the submission to the Department, in
3 the form and manner required, the necessary data elements or
4 fingerprints, or both, to allow the Department to initiate a
5 search of its criminal history record information files.

6 (N) "Requester" means any private individual, corporation,
7 organization, employer, employment agency, labor organization,
8 or non-criminal justice agency that has made a request pursuant
9 to this Act to obtain conviction information maintained in the
10 files of the Department of State Police regarding a particular
11 individual.

12 (O) "Statistical information" means data from which the
13 identity of an individual cannot be ascertained,
14 reconstructed, or verified and to which the identity of an
15 individual cannot be linked by the recipient of the
16 information.

17 (P) "Sentencing commission" means the Sentencing Policy
18 Advisory Council.

19 (Source: P.A. 99-880, eff. 8-22-16; 100-201, eff. 8-18-17.)

20 (20 ILCS 2635/6) (from Ch. 38, par. 1606)

21 Sec. 6. Dissemination Time Frames and Priorities.

22 (A) The Department's duty and obligation to furnish
23 criminal history record information to peace officers and
24 criminal justice agencies shall take precedence over any
25 requirement of this Act to furnish conviction information to

1 non-criminal justice agencies or to the public. When, in the
2 judgment of the Superintendent ~~Director~~, such duties and
3 obligations are being fulfilled in a timely manner, the
4 Department shall furnish conviction information to requesters
5 in accordance with the provisions of this Act. The Department
6 may give priority to requests for conviction information from
7 non-criminal justice agencies over other requests submitted
8 pursuant to this Act.

9 (B) The Department shall attempt to honor requests for
10 conviction information made pursuant to this Act in the
11 shortest time possible. Subject to the dissemination
12 priorities of subsection (A) of this Section, the Department
13 shall respond to a request for conviction information within 2
14 weeks from receipt of a request.

15 (Source: P.A. 85-922.)

16 (20 ILCS 2635/9) (from Ch. 38, par. 1609)

17 Sec. 9. Procedural Requirements for Disseminating
18 Conviction Information.

19 (A) In accordance with the time parameters of Section 6 and
20 the requirements of subsection (B) of this Section 9, the
21 Department shall either: (1) transmit conviction information
22 to the requester, including an explanation of any code or
23 abbreviation; (2) explain to the requester why the information
24 requested cannot be transmitted; or (3) inform the requester of
25 any deficiency in the request.

1 (B) Prior to a non-automated dissemination or within 30
2 days subsequent to an automated dissemination made pursuant to
3 this Act, the Department shall first conduct a formal update
4 inquiry and review to make certain that the information
5 disseminated is complete, except (1) in cases of exigency, (2)
6 upon request of another criminal justice agency, (3) for
7 conviction information that is less than 30 days old, or (4)
8 for information intentionally fabricated upon the express
9 written authorization of the Superintendent ~~Director~~ of State
10 Police to support undercover law enforcement efforts.

11 It shall be the responsibility of the Department to retain
12 a record of every extra-agency dissemination of conviction
13 information for a period of not less than 3 years. Such records
14 shall be subject to audit by the Department, and shall, upon
15 request, be supplied to the individual to whom the information
16 pertains for requests from members of the general public,
17 corporations, organizations, employers, employment agencies,
18 labor organizations and non-criminal justice agencies. At a
19 minimum, the following information shall be recorded and
20 retained by the Department:

21 (1) The name of the individual to whom the disseminated
22 information pertains;

23 (2) The name of the individual requesting the
24 information;

25 (3) The date of the request;

26 (4) The name and address of the private individual,

1 corporation, organization, employer, employment agency,
2 labor organization or non-criminal justice agency
3 receiving the information; and

4 (5) The date of the dissemination.

5 (Source: P.A. 91-357, eff. 7-29-99.)

6 (20 ILCS 2635/17) (from Ch. 38, par. 1617)

7 Sec. 17. Administrative Sanctions. The Department shall
8 refuse to comply with any request to furnish conviction
9 information maintained in its files, if the requester has not
10 acted in accordance with the requirements of this Act or rules
11 and regulations issued pursuant thereto. The requester may
12 appeal such a refusal by the Department to the Superintendent
13 ~~Director~~. Upon written application by the requester, the
14 Superintendent ~~Director~~ shall hold a hearing to determine
15 whether dissemination of the requested information would be in
16 violation of this Act or rules and regulations issued pursuant
17 to it or other federal or State law pertaining to the
18 collection, maintenance or dissemination of criminal history
19 record information. When the Superintendent ~~Director~~ finds
20 such a violation, the Department shall be prohibited from
21 disseminating conviction information to the requester, under
22 such terms and conditions and for such periods of time as the
23 Superintendent ~~Director~~ deems appropriate.

24 (Source: P.A. 85-922.)

1 Section 45. The Statewide Organized Gang Database Act is
2 amended by changing Sections 5 and 10 as follows:

3 (20 ILCS 2640/5)

4 Sec. 5. Definitions. As used in this Act:

5 "Department" means the Department of State Police.

6 "Superintendent" ~~"Director"~~ means the Superintendent
7 ~~Director~~ of State Police.

8 "Organized gang" has the meaning ascribed to it in Section
9 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

10 A "SWORD terminal" is an interactive computerized
11 communication and processing unit that permits a direct on-line
12 communication with the Department of State Police's central
13 data repository, the Statewide Organized Gang Database
14 (SWORD).

15 (Source: P.A. 87-932; 88-467.)

16 (20 ILCS 2640/10)

17 Sec. 10. Duties of the Department. The Department may:

18 (a) provide a uniform reporting format for the entry of
19 pertinent information regarding the report of an arrested
20 organized gang member or organized gang affiliate into SWORD;

21 (b) notify all law enforcement agencies that reports of
22 arrested organized gang members or organized gang affiliates
23 shall be entered into the database as soon as the minimum level
24 of data specified by the Department is available to the

1 reporting agency, and that no waiting period for the entry of
2 that data exists;

3 (c) develop and implement a policy for notifying law
4 enforcement agencies of the emergence of new organized gangs,
5 or the change of a name or other identifying sign by an
6 existing organized gang;

7 (d) compile and retain information regarding organized
8 gangs and their members and affiliates, in a manner that allows
9 the information to be used by law enforcement and other
10 agencies, deemed appropriate by the Superintendent ~~Director~~,
11 for investigative purposes;

12 (e) compile and maintain a historic data repository
13 relating to organized gangs and their members and affiliates in
14 order to develop and improve techniques utilized by law
15 enforcement agencies and prosecutors in the investigation,
16 apprehension, and prosecution of members and affiliates of
17 organized gangs;

18 (f) create a quality control program regarding
19 confirmation of organized gang membership and organized gang
20 affiliation data, timeliness and accuracy of information
21 entered into SWORD, and performance audits of all entering
22 agencies;

23 (g) locate all law enforcement agencies that could, in the
24 opinion of the Superintendent ~~Director~~, benefit from access to
25 SWORD, and notify them of its existence; and

26 (h) cooperate with all law enforcement agencies wishing to

1 gain access to the SWORD system, and facilitate their entry
2 into the system and their continued maintenance of access to
3 it.

4 (Source: P.A. 87-932.)

5 Section 50. The Statewide Senior Citizen Victimizer
6 Database Act is amended by changing Sections 5 and 10 as
7 follows:

8 (20 ILCS 2645/5)

9 Sec. 5. Definitions. In this Act:

10 "Department" means Department of State Police.

11 "Superintendent" ~~"Director"~~ means the Superintendent
12 ~~Director~~ of State Police.

13 "Senior citizen" means a person of the age of 60 years or
14 older.

15 "Senior citizen victimizer" means a person who has been
16 arrested for committing an offense against a senior citizen.

17 "Statewide Senior Citizen Victimizer Database Terminal"
18 means an interactive computerized communication and processing
19 unit that permits direct on-line communication with the
20 Department of State Police's Statewide Senior Citizen
21 Victimizer Database.

22 (Source: P.A. 92-246, eff. 1-1-02.)

23 (20 ILCS 2645/10)

1 Sec. 10. Duties of the Department. The Department may:

2 (a) Provide a uniform reporting format for the entry of
3 pertinent information regarding the report of an arrested
4 senior citizen victimizer into the Senior Citizen Victimizer
5 Database Terminal;

6 (b) Notify all law enforcement agencies that reports of
7 arrested senior citizen victimizers shall be entered into the
8 database as soon as the minimum level of data of information
9 specified by the Department is available to the reporting
10 agency, and that no waiting period for the entry of that data
11 exists;

12 (c) Compile and maintain a data repository relating to
13 senior citizen victimizers in order to gather information
14 regarding the various modus operandi used to victimize senior
15 citizens, groups that tend to routinely target senior citizens,
16 areas of the State that senior citizen victimizers tend to
17 frequent, and the type of persons senior citizen victimizers
18 routinely target;

19 (d) Develop and improve techniques used by law enforcement
20 agencies and prosecutors in the investigation, apprehension,
21 and prosecution of senior citizen victimizers;

22 (e) Locate all law enforcement agencies that could, in the
23 opinion of the Superintendent ~~Director~~, benefit from access to
24 the Statewide Senior Citizen Victimizer Database, and notify
25 them of its existence; and

26 (f) Cooperate with all law enforcement agencies wishing to

1 gain access to the Statewide Senior Citizen Victimizer Database
2 system, and to facilitate their entry into the system and to
3 their continued maintenance of access to it.

4 (Source: P.A. 92-246, eff. 1-1-02.)

5 Section 55. The Illinois Criminal Justice Information Act
6 is amended by changing Sections 4 and 15 as follows:

7 (20 ILCS 3930/4) (from Ch. 38, par. 210-4)

8 Sec. 4. Illinois Criminal Justice Information Authority;
9 creation, membership, and meetings. There is created an
10 Illinois Criminal Justice Information Authority consisting of
11 25 members. The membership of the Authority shall consist of
12 the Illinois Attorney General, or his or her designee, the
13 Director of Corrections, the Superintendent ~~Director~~ of State
14 Police, the Director of Public Health, the Director of Children
15 and Family Services, the Sheriff of Cook County, the State's
16 Attorney of Cook County, the clerk of the circuit court of Cook
17 County, the President of the Cook County Board of
18 Commissioners, the Superintendent of the Chicago Police
19 Department, the Director of the Office of the State's Attorneys
20 Appellate Prosecutor, the Executive Director of the Illinois
21 Law Enforcement Training Standards Board, the State Appellate
22 Defender, the Public Defender of Cook County, and the following
23 additional members, each of whom shall be appointed by the
24 Governor: a circuit court clerk, a sheriff, a State's Attorney

1 of a county other than Cook, a Public Defender of a county
2 other than Cook, a chief of police, and 6 members of the
3 general public.

4 Members appointed on and after the effective date of this
5 amendatory Act of the 98th General Assembly shall be confirmed
6 by the Senate.

7 The Governor from time to time shall designate a Chairman
8 of the Authority from the membership. All members of the
9 Authority appointed by the Governor shall serve at the pleasure
10 of the Governor for a term not to exceed 4 years. The initial
11 appointed members of the Authority shall serve from January,
12 1983 until the third Monday in January, 1987 or until their
13 successors are appointed.

14 The Authority shall meet at least quarterly, and all
15 meetings of the Authority shall be called by the Chairman.

16 (Source: P.A. 97-1151, eff. 1-25-13; 98-955, eff. 8-15-14.)

17 (20 ILCS 3930/15)

18 (Section scheduled to be repealed on January 1, 2019)

19 Sec. 15. Sex Offenses and Sex Offender Registration Task
20 Force.

21 (a) The General Assembly acknowledges that numerous
22 criminal offenses that are categorized as sex offenses are
23 serious crimes that affect some of the most vulnerable victims.

24 (1) The Sex Offender Database was created as a
25 statewide database for the purpose of making information

1 regarding sex offenders publicly available so that victims
2 may be aware of released offenders and law enforcement may
3 have a tool to identify potential perpetrators of current
4 offenses. In addition to the Registry, sex offenders may be
5 subject to specific conditions and prohibitions for a
6 period after the person's release from imprisonment that
7 restricts where the person may reside, travel, and work.

8 (2) The General Assembly recognizes that the current
9 Sex Offender Database and sex offender restrictions do not
10 assess or differentiate based upon the specific risks of
11 each offender, potential threat to public safety, or an
12 offender's likelihood of re-offending.

13 (3) The General Assembly believes that a Task Force
14 should be created to ensure that law enforcement and
15 communities are able to identify high-risk sex offenders
16 and focus on monitoring those offenders to protect victims,
17 improve public safety, and maintain the seriousness of each
18 offense.

19 (b) The Sex Offenses and Sex Offender Registration Task
20 Force is hereby created.

21 (1) The Task Force shall examine current offenses that
22 require offenders to register as sex offenders, the current
23 data and research regarding evidence based practices, the
24 conditions, restrictions, and outcomes for registered sex
25 offenders, and the registration process.

26 (2) The Task Force shall hold public hearings at the

1 call of the co-chairpersons to receive testimony from the
2 public and make recommendations to the General Assembly
3 regarding legislative changes to more effectively classify
4 sex offenders based on their level of risk of re-offending,
5 better direct resources to monitor the most violent and
6 high risk offenders, and to ensure public safety.

7 (3) The Task Force shall be an independent Task Force
8 under the Illinois Criminal Justice Information Authority
9 for administrative purposes, and shall consist of the
10 following members:

11 (A) the Executive Director of the Illinois
12 Criminal Justice Information Authority;

13 (B) the Director of Corrections, or his or her
14 designee;

15 (B-5) the Director of Juvenile Justice, or his or
16 her designee;

17 (C) 2 members of the House of Representatives
18 appointed by the Speaker of the House of
19 Representatives, one of whom shall serve as
20 co-chairperson;

21 (D) 2 members of the Senate appointed by the
22 President of the Senate, one of whom shall serve as a
23 co-chairperson;

24 (E) a member of the Senate appointed by the
25 Minority Leader of the Senate;

26 (F) a member of the House of Representatives

1 appointed by the Minority Leader of the House of
2 Representatives;

3 (G) the Superintendent ~~Director~~ of State Police,
4 or his or her designee;

5 (H) the Superintendent of the Chicago Police
6 Department, or his or her designee;

7 (I) the Chairperson of the Juvenile Justice
8 Commission, or his or her designee;

9 (J) a representative of a statewide organization
10 against sexual assault, appointed by the Executive
11 Director of the Authority;

12 (K) 2 academics or researchers who have studied
13 issues related to adult sex offending, appointed by the
14 Executive Director of the Authority;

15 (L) a representative of a legal organization that
16 works with adult sex offenders who focus on the
17 collateral consequences of conviction and
18 registration, appointed by the Executive Director of
19 the Authority;

20 (M) a representative of a statewide organization
21 representing probation and court services agencies in
22 this State, appointed by the Executive Director of the
23 Authority;

24 (N) a representative of a statewide organization
25 representing Illinois sheriffs, appointed by the
26 Executive Director of the Authority;

1 (O) a representative of a statewide organization
2 representing Illinois police chiefs, appointed by the
3 Executive Director of the Authority;

4 (P) 2 State's Attorneys to be appointed by the
5 Executive Director of the Authority;

6 (Q) 2 treatment providers who specialize in adult
7 treatment appointed by the Executive Director of the
8 Authority;

9 (R) a treatment provider who specializes in
10 working with victims of sex offenses, appointed by the
11 Executive Director of the Authority;

12 (S) 2 representatives from community-based
13 organizations that work with adults convicted of sex
14 offenses on re-entry appointed by the Executive
15 Director of the Authority;

16 (T) a representative of a statewide organization
17 that represents or coordinates services for victims of
18 sex offenses, appointed by the Executive Director of
19 the Authority;

20 (U) a representative of a statewide organization
21 that represents or is comprised of individuals
22 convicted as adults of a sex offense who are currently
23 on a registry, appointed by the Executive Director of
24 the Authority;

25 (V) a public defender to be appointed by the
26 Executive Director of the Authority; and

1 (W) an appellate defender to be appointed by the
2 Executive Director of the Authority.

3 (c) The Illinois Criminal Justice Information Authority
4 may consult, contract, work in conjunction with, and obtain any
5 information from any individual, agency, association, or
6 research institution deemed appropriate by the Authority.

7 (d) The Task Force shall submit a written report of its
8 findings and recommendations to the General Assembly on or
9 before January 1, 2018.

10 (e) This Section is repealed on January 1, 2019.

11 (Source: P.A. 99-873, eff. 1-1-17.)

12 Section 60. The Laboratory Review Board Act is amended by
13 changing Section 2 as follows:

14 (20 ILCS 3980/2) (from Ch. 111 1/2, par. 8002)

15 Sec. 2. There is hereby created the Laboratory Review Board
16 (hereinafter referred to as the Board), which shall consist of
17 7 persons, one each appointed by the Director of Agriculture,
18 the Director of Natural Resources, the Secretary of Human
19 Services, the Director of Public Health, the Superintendent
20 ~~Director~~ of State Police, the Director of the Environmental
21 Protection Agency, and the Illinois Secretary of
22 Transportation. Members of the Board shall serve at the
23 pleasure of their appointing authorities.

24 (Source: P.A. 89-445, eff. 2-7-96; 89-507, eff. 7-1-97.)

1 Section 65. The Law Enforcement and Fire Fighting Medal of
2 Honor Act is amended by changing Section 2001 as follows:

3 (20 ILCS 3985/2001) (from Ch. 127, par. 3852-1)

4 Sec. 2001. There is created the Law Enforcement Medal of
5 Honor Committee, referred to in this Article as the Committee.
6 The Committee shall consist of the Superintendent ~~Director of~~
7 ~~the Department~~ of State Police, the Superintendent of the
8 Chicago Police Department, the Executive Director of the
9 Illinois Law Enforcement Training Standards Board, and the
10 following persons appointed by the Governor: a sheriff, a chief
11 of police from other than Chicago, a representative of a
12 statewide law enforcement officer organization and a retired
13 Illinois law enforcement officer. Of the appointed members, the
14 sheriff and police chief shall each serve a 2-year term and the
15 organization representative and retired officer shall each
16 serve a one-year term. The Governor shall appoint initial
17 members within 3 months of the effective date of this Act.

18 Members of the Committee shall serve without compensation
19 but shall be reimbursed for actual expenses incurred in the
20 performance of their duties from funds appropriated to the
21 Office of the Governor for such purpose.

22 (Source: P.A. 91-357, eff. 7-29-99.)

23 Section 70. The Illinois Motor Vehicle Theft Prevention and

1 Insurance Verification Act is amended by changing Sections 3
2 and 4 as follows:

3 (20 ILCS 4005/3) (from Ch. 95 1/2, par. 1303)

4 (Section scheduled to be repealed on January 1, 2025)

5 Sec. 3. As used in this Act:

6 (a) (Blank).

7 (b) "Council" means the Illinois Motor Vehicle Theft
8 Prevention and Insurance Verification Council.

9 (b-2) "Superintendent" "~~Director~~" means the Superintendent
10 ~~Director of the Secretary~~ of State Department of Police.

11 (b-5) "Police" means the Secretary of State Department of
12 Police.

13 (b-7) "Secretary" means the Secretary of State.

14 (c) "Trust Fund" means the Motor Vehicle Theft Prevention
15 and Insurance Verification Trust Fund.

16 (Source: P.A. 100-373, eff. 1-1-18.)

17 (20 ILCS 4005/4) (from Ch. 95 1/2, par. 1304)

18 (Section scheduled to be repealed on January 1, 2025)

19 Sec. 4. There is hereby created an Illinois Motor Vehicle
20 Theft Prevention and Insurance Verification Council, which
21 shall exercise its powers, duties and responsibilities. There
22 shall be 11 members of the Council consisting of the Secretary
23 of State or his designee, the Superintendent ~~Director of the~~
24 ~~Department~~ of State Police, the State's Attorney of Cook

1 County, the Superintendent of the Chicago Police Department,
2 and the following 7 additional members, each of whom shall be
3 appointed by the Secretary of State: a state's attorney of a
4 county other than Cook, a chief executive law enforcement
5 official from a jurisdiction other than the City of Chicago, 5
6 representatives of insurers authorized to write motor vehicle
7 insurance in this State, all of whom shall be domiciled in this
8 State.

9 The Superintendent ~~Director~~ shall be the Chairman of the
10 Council. All members of the Council appointed by the Secretary
11 shall serve at the discretion of the Secretary for a term not
12 to exceed 4 years. The Council shall meet at least quarterly.

13 (Source: P.A. 100-373, eff. 1-1-18.)

14 Section 75. The Social Security Number Protection Task
15 Force Act is amended by changing Section 10 as follows:

16 (20 ILCS 4040/10)

17 Sec. 10. Social Security Number Protection Task Force.

18 (a) The Social Security Number Protection Task Force is
19 created within the Office of the Attorney General. The Attorney
20 General is responsible for administering the activities of the
21 Task Force. The Task Force shall consist of the following
22 members:

23 (1) Two members representing the House of
24 Representatives, appointed by the Speaker of the House of

1 Representatives;

2 (2) Two members representing the House of
3 Representatives, appointed by the Minority Leader of the
4 House of Representatives;

5 (3) Two members representing the Senate, appointed by
6 the President of the Senate;

7 (4) Two members representing the Senate, appointed by
8 the Minority Leader of the Senate;

9 (5) One member, who shall serve as the chairperson of
10 the Task Force, representing the Office of the Attorney
11 General, appointed by the Attorney General;

12 (6) One member representing the Office of the Secretary
13 of State, appointed by the Secretary of State;

14 (7) One member representing the Office of the Governor,
15 appointed by the Governor;

16 (8) One member representing the Department of Natural
17 Resources, appointed by the Director of Natural Resources;

18 (9) One member representing the Department of
19 Healthcare and Family Services, appointed by the Director
20 of Healthcare and Family Services;

21 (10) One member representing the Department of
22 Revenue, appointed by the Director of Revenue;

23 (11) One member representing the Department of State
24 Police, appointed by the Superintendent ~~Director~~ of State
25 Police;

26 (12) One member representing the Department of

1 Employment Security, appointed by the Director of
2 Employment Security;

3 (13) One member representing the Illinois Courts,
4 appointed by the Director of the Administrative Office of
5 Illinois Courts;

6 (14) One member representing the Department on Aging,
7 appointed by the Director of the Department on Aging;

8 (15) One member appointed by the Director of Central
9 Management Services;

10 (16) One member appointed by the Executive Director of
11 the Board of Higher Education;

12 (17) One member appointed by the Secretary of Human
13 Services;

14 (18) Three members appointed by the chairperson of the
15 Task Force, representing local-governmental organizations,
16 who may include representatives of clerks of the circuit
17 court, recorders of deeds, counties, and municipalities;

18 (19) One member representing the Office of the State
19 Comptroller, appointed by the Comptroller; and

20 (20) One member representing school administrators,
21 appointed by the State Superintendent of Education.

22 (b) The Task Force shall examine the procedures used by the
23 State to protect an individual against the unauthorized
24 disclosure of his or her social security number when the State
25 requires the individual to provide his or her social security
26 number to an officer or agency of the State.

1 (c) The Task Force shall report its findings and
2 recommendations, including its recommendations concerning a
3 unique identification number system under Section 15, to the
4 Governor, the Attorney General, the Secretary of State, and the
5 General Assembly no later than December 31 of each year.

6 (Source: P.A. 94-611, eff. 8-18-05; 95-331, eff. 8-21-07;
7 95-482, eff. 8-28-07.)

8 Section 80. The Commission to Study Disproportionate
9 Justice Impact Act is amended by changing Section 10 as
10 follows:

11 (20 ILCS 4085/10)

12 Sec. 10. Composition. The Commission shall be composed of
13 the following members:

14 (a) Two members of the Senate appointed by the Senate
15 President, one of whom the President shall designate to
16 serve as co-chair, and two members of the Senate appointed
17 by the Minority Leader of the Senate.

18 (b) Two members of the House of Representatives
19 appointed by the Speaker of the House of Representatives,
20 one of whom the Speaker shall designate to serve as
21 co-chair, and two members of the House of Representatives
22 appointed by the Minority Leader of the House of
23 Representatives.

24 (c) The following persons or their designees:

- 1 (1) the Attorney General,
- 2 (2) the Chief Judge of the Circuit Court of Cook
- 3 County,
- 4 (3) the Superintendent ~~Director~~ of State Police,
- 5 (4) the Superintendent of the Chicago Police
- 6 Department,
- 7 (5) the sheriff of Cook County,
- 8 (6) the State Appellate Defender,
- 9 (7) the Cook County Public Defender,
- 10 (8) the Director of the Office of the State's
- 11 Attorneys Appellate Prosecutor,
- 12 (9) the Cook County State's Attorney,
- 13 (10) the Executive Director of the Criminal
- 14 Justice Information Authority,
- 15 (11) the Director of Corrections,
- 16 (12) the Director of Juvenile Justice, and
- 17 (13) the Executive Director of the Illinois
- 18 African-American Family Commission.

19 (d) The co-chairs may name up to 8 persons,
20 representing minority communities within Illinois, groups
21 involved in the improvement of the administration of
22 justice, behavioral health, criminal justice, law
23 enforcement, and the rehabilitation of former inmates,
24 community groups, and other interested parties.

25 (Source: P.A. 95-995, eff. 6-1-09.)

1 Section 85. The Racial and Ethnic Impact Research Task
2 Force Act is amended by changing Section 10 as follows:

3 (20 ILCS 5025/10)

4 Sec. 10. Racial and Ethnic Impact Research Task Force.
5 There is created the Racial and Ethnic Impact Research Task
6 Force, composed of the following members:

7 (1) Two members of the Senate appointed by the Senate
8 President, one of whom the President shall designate to
9 serve as co-chair, and 2 members of the Senate appointed by
10 the Minority Leader of the Senate.

11 (2) Two members of the House of Representatives
12 appointed by the Speaker of the House of Representatives,
13 one of whom the Speaker shall designate to serve as
14 co-chair, and 2 members of the House of Representatives
15 appointed by the Minority Leader of the House of
16 Representatives.

17 (3) The following persons or their designees:

18 (A) the Attorney General,

19 (B) the Chief Judge of the Circuit Court of Cook
20 County,

21 (C) the Superintendent ~~Director~~ of State Police,

22 (D) the Superintendent of the Chicago Police
23 Department,

24 (E) the Sheriff of Cook County,

25 (F) the State Appellate Defender,

1 (G) the Cook County Public Defender,
2 (H) the Director of the Office of the State's
3 Attorneys Appellate Prosecutor,
4 (I) the Cook County State's Attorney,
5 (J) the Executive Director of the Illinois
6 Criminal Justice Information Authority,
7 (K) the Director of Corrections,
8 (L) the Director of Juvenile Justice, and
9 (M) the Executive Director of the Illinois
10 African-American Family Commission.

11 (4) The co-chairs may name up to 8 persons,
12 representing minority communities within Illinois, groups
13 involved in the improvement of the administration of
14 justice, behavioral health, criminal justice, law
15 enforcement, and the rehabilitation of former inmates,
16 community groups, and other interested parties.

17 (Source: P.A. 97-433, eff. 8-16-11.)

18 Section 90. The Human Trafficking Task Force Act is amended
19 by changing Section 5 as follows:

20 (20 ILCS 5085/5)

21 (Section scheduled to be repealed on July 1, 2018)

22 Sec. 5. Human Trafficking Task Force created. There is
23 created the Human Trafficking Task Force to address the growing
24 problem of human trafficking across this State. The Human

1 Trafficking Task Force shall consist of the following persons:

2 (1) three members of the House of Representatives,
3 appointed by the Speaker of the House of Representatives;

4 (2) three members of the House of Representatives,
5 appointed by the Minority Leader of the House of
6 Representatives;

7 (3) three members of the Senate, appointed by the
8 President of the Senate;

9 (4) three members of the Senate, appointed by the
10 Minority Leader of the Senate;

11 (5) one representative of the Chicago Regional Human
12 Trafficking Task Force, appointed by the Governor; and

13 (6) the Superintendent ~~Director of the Department~~ of
14 State Police, or his or her designee.

15 Members of the Human Trafficking Task Force shall serve
16 without compensation.

17 (Source: P.A. 99-864, eff. 8-22-16.)

18 Section 95. The Law Enforcement Information Task Force Act
19 is amended by changing Section 10 as follows:

20 (20 ILCS 5090/10)

21 (Section scheduled to be repealed on December 31, 2017)

22 Sec. 10. Members.

23 (a) The Task Force shall consist of the following members
24 who will not be compensated:

1 (1) the Director of the Administrative Office of the
2 Illinois Courts, or his or her designee;

3 (2) the Attorney General, or his or her designee;

4 (3) the Superintendent ~~Director~~ of State Police, or his
5 or her designee;

6 (3.5) the Secretary of the Department of Innovation and
7 Technology, or his or her designee;

8 (4) a State's Attorney from a county with more than
9 3,000,000 residents, or his or her designee;

10 (5) a public defender from a county with more than
11 3,000,000 residents, or his or her designee;

12 (6) a representative of the Office of the State's
13 Attorneys Appellate Prosecutor;

14 (7) a representative of the Office of the State
15 Appellate Defender;

16 (8) a representative of the Illinois State's Attorneys
17 Association, appointed by the Governor;

18 (9) a representative of the Illinois Public Defender
19 Association, appointed by the Governor;

20 (10) a representative from the Illinois Judges
21 Association, appointed by the Speaker of the House of
22 Representatives;

23 (11) a representative from the Illinois State Bar
24 Association, appointed by the Minority Leader of the House
25 of Representatives;

26 (12) a representative of the Chicago Bar Association,

1 appointed by the Senate President;

2 (13) a representative from the Illinois Sheriffs'
3 Association, appointed by the Senate Minority Leader;

4 (14) a representative from the Illinois Association of
5 Chiefs of Police, appointed by the Governor;

6 (15) the chief of police from a municipality with more
7 than 1,000,000 residents, or his or her designee;

8 (16) the sheriff from a county with more than 3,000,000
9 residents, or his or her designee; and

10 (17) the Director of the Illinois Criminal Justice
11 Information Authority, or his or her designee.

12 (b) The Law Enforcement Information Task Force shall be
13 established within the Illinois Criminal Justice Information
14 Authority and the Illinois Criminal Justice Information
15 Authority shall serve as the technology and policy advisor to
16 assist the Task Force. The Illinois Criminal Justice
17 Information Authority shall work with State and local criminal
18 justice agencies to promote information sharing systems
19 through its access to technical expertise and its grant-making
20 powers for technology information projects. The Illinois
21 Criminal Justice Information Authority shall provide staff to
22 serve as a liaison between the Law Enforcement Information Task
23 Force and its stakeholders to provide guidance in criminal
24 justice information sharing, best practices and strategies,
25 and to effectuate the mission of the Task Force.

26 (c) The members of the Task Force shall elect a chair of

1 the Task Force. The chair of the Task Force shall convene the
2 first meeting of the Task Force on or before August 31, 2016.
3 The Task Force shall meet at least twice a month thereafter
4 until it completes its duties under this Act, or until December
5 31, 2016, whichever is earlier.

6 (Source: P.A. 99-874, eff. 8-22-16.)

7 Section 100. The Protection of Individuals with
8 Disabilities in the Criminal Justice System Task Force Act is
9 amended by changing Section 5 as follows:

10 (20 ILCS 5115/5)

11 (Section scheduled to be repealed on June 30, 2018)

12 Sec. 5. Protection of Individuals With Disabilities in the
13 Criminal Justice System Task Force; members.

14 (a) There is created the Protection of Individuals with
15 Disabilities in the Criminal Justice System Task Force ("Task
16 Force") consisting of 24 members, one member appointed by the
17 Attorney General, one liaison of the Office of the Governor and
18 14 other members appointed by the Governor, 2 circuit judges
19 appointed by the Supreme Court, one member appointed by the
20 State Treasurer, one member appointed by the Guardianship and
21 Advocacy Commission, and 4 members of the General Assembly, one
22 each appointed by the Speaker of the House of Representatives,
23 the Minority Leader of the House of Representatives, the
24 President of the Senate, and the Minority Leader of the Senate.

1 The appointments shall be made within 90 days after the
2 effective date of this Act.

3 (b) The members shall reflect the racial, ethnic, and
4 geographic diversity and diversity of disabilities of this
5 State and include:

6 (1) Circuit judges who preside over criminal cases;

7 (2) State's Attorneys;

8 (3) Public Defenders;

9 (4) representatives of organizations that advocate for
10 persons with developmental and intellectual disabilities;

11 (5) representatives of organizations that advocate for
12 persons with physical disabilities;

13 (6) representatives of organizations that advocate for
14 persons with mental illness;

15 (7) representatives of organizations that advocate for
16 adolescents and youth;

17 (8) a representative from the Guardianship and
18 Advocacy Commission;

19 (9) sheriffs or their designees;

20 (10) chiefs of municipal police departments or their
21 designees;

22 (11) individuals with disabilities;

23 (12) parents or guardians of individuals with
24 disabilities;

25 (13) community-based providers of services to persons
26 with disabilities; and

1 (14) a representative of a service coordination
2 agency.

3 (c) The following State officials shall serve as ex-officio
4 members of the Task Force:

5 (1) a liaison of the Governor's Office;

6 (2) the Attorney General or his or her designee;

7 (3) the Superintendent ~~Director~~ of State Police or his
8 or her designee;

9 (4) the Secretary of Human Services or his or her
10 designee;

11 (5) the Director of Corrections or his or her designee;

12 (6) the Director of Juvenile Justice or his or her
13 designee;

14 (7) the Director of the Guardianship and Advocacy
15 Commission or his or her designee;

16 (8) the Director of the Illinois Criminal Justice
17 Information Authority or his or her designee; and

18 (9) the State Treasurer or his or her designee.

19 (d) The members of the Task Force shall serve without
20 compensation.

21 (e) The Task Force members shall elect one of the appointed
22 members to serve as a co-chair of the Task Force at the first
23 meeting of the Task Force. The other co-chair shall be the
24 liaison of the Governor's Office.

25 (f) The Guardianship and Advocacy Commission shall provide
26 administrative and other support to the Task Force.

1 (Source: P.A. 100-481, eff. 9-8-17.)

2 Section 105. The Legislative Reference Bureau Act is
3 amended by changing Section 5.04 as follows:

4 (25 ILCS 135/5.04) (from Ch. 63, par. 29.4)

5 Sec. 5.04. Codification and revision of statutes.

6 (a) As soon as possible after the effective date of this
7 amendatory Act of 1992, the Legislative Reference Bureau shall
8 file with the Index Division of the Office of the Secretary of
9 State, the General Assembly, the Governor, and the Supreme
10 Court a compilation of the general Acts of Illinois. At that
11 time and at any other time the Legislative Reference Bureau may
12 file with the Index Division of the Office of the Secretary of
13 State cross-reference tables comparing the compilation and the
14 Illinois Revised Statutes. The Legislative Reference Bureau
15 shall provide copies of the documents that are filed to each
16 individual or entity that delivers a written request for copies
17 to the Legislative Reference Bureau; the Legislative Reference
18 Bureau, by resolution, may establish and charge a reasonable
19 fee for providing copies. The compilation shall take effect on
20 January 1, 1993. The compilation shall be cited as the
21 "Illinois Compiled Statutes" or as "ILCS". The Illinois
22 Compiled Statutes, including the statutes themselves and the
23 organizational and numbering scheme, shall be an official
24 compilation of the general Acts of Illinois and shall be

1 entirely in the public domain for purposes of federal copyright
2 law.

3 (b) The compilation document that is filed under subsection
4 (a) shall divide the general Acts into major topic areas and
5 into chapters within those areas; the document shall list the
6 general Acts by title or short title, but need not contain the
7 text of the statutes or specify individual Sections of Acts.
8 Chapters shall be numbered. Each Act shall be assigned to a
9 chapter and shall be ordered within that chapter. An Act prefix
10 number shall be designated for each Act within each chapter.
11 Chapters may be divided into subheadings. Citation to a section
12 of ILCS shall be in the form "X ILCS Y/Z(A)", where X is the
13 chapter number, Y is the Act prefix number, Z is the Section
14 number of the Act, Y/Z is the section number in the chapter of
15 ILCS, and A is the year of publication, if applicable.

16 (c) The Legislative Reference Bureau shall make additions,
17 deletions, and changes to the organizational or numbering
18 scheme of the Illinois Compiled Statutes by filing appropriate
19 documents with the Index Division of the Office of the
20 Secretary of State. The Legislative Reference Bureau shall also
21 provide copies of the documents that are filed to each
22 individual or entity that delivers a written request for copies
23 to the Legislative Reference Bureau; the Legislative Reference
24 Bureau, by resolution, may establish and charge a reasonable
25 fee for providing copies. The additions, deletions, and changes
26 to the organizational or numbering scheme of the Illinois

1 Compiled Statutes shall take effect 30 days after filing with
2 the Index Division.

3 (d) Omission of an effective Act or Section of an Act from
4 ILCS does not alter the effectiveness of that Act or Section.
5 Inclusion of a repealed Act or Section of an Act in ILCS does
6 not affect the repeal of that Act or Section.

7 (e) In order to allow for an efficient transition to the
8 organizational and numbering scheme of the Illinois Compiled
9 Statutes, the State, units of local government, school
10 districts, and other governmental entities may, for a
11 reasonable period of time, continue to use forms, computer
12 software, systems, and data, published rules, and any other
13 electronically stored information and printed documents that
14 contain references to the Illinois Revised Statutes. However,
15 reports of criminal, traffic, and other offenses and violations
16 that are part of a state-wide reporting system shall continue
17 to be made by reference to the Illinois Revised Statutes until
18 July 1, 1994, and on and after that date shall be made by
19 reference to the Illinois Compiled Statutes, except that an
20 earlier conversion date may be established by agreement among
21 all of the following: the Supreme Court, the Secretary of
22 State, the Superintendent ~~Director~~ of State Police, the Circuit
23 Clerk of Cook County, and the Circuit Clerk of DuPage County,
24 or the designee of each. References to the Illinois Revised
25 Statutes are deemed to be references to the corresponding
26 provisions of the Illinois Compiled Statutes.

1 (f) The Legislative Reference Bureau, with the assistance
2 of the Legislative Information System, shall make its
3 electronically stored database of the statutes and the
4 compilation available in an electronically stored medium to
5 those who request it; the Legislative Reference Bureau, by
6 resolution, shall establish and charge a reasonable fee for
7 providing the information.

8 (g) Amounts received under this Section shall be deposited
9 into the General Assembly Computer Equipment Revolving Fund.

10 (h) The Legislative Reference Bureau shall select subjects
11 and chapters of the statutory law that it considers most in
12 need of a revision and present to the next regular session of
13 the General Assembly bills covering those revisions. In
14 connection with those revisions, the Legislative Reference
15 Bureau has full authority and responsibility to recommend the
16 revision, simplification, and rearrangement of existing
17 statutory law and the elimination from that law of obsolete,
18 superseded, duplicated, and unconstitutional statutes or parts
19 of statutes, but shall make no other changes in the substance
20 of existing statutes, except to the extent those changes in
21 substance are necessary for coherent revision, simplification,
22 rearrangement, or elimination. Revisions reported to the
23 General Assembly may be accompanied by explanatory statements
24 of changes in existing statutes or parts of statutes that those
25 revisions, if enacted, would effect.

26 (Source: P.A. 86-523; 87-1005.)

1 Section 110. The State Finance Act is amended by changing
2 Section 6z-82 as follows:

3 (30 ILCS 105/6z-82)

4 Sec. 6z-82. State Police Operations Assistance Fund.

5 (a) There is created in the State treasury a special fund
6 known as the State Police Operations Assistance Fund. The Fund
7 shall receive revenue pursuant to Section 27.3a of the Clerks
8 of Courts Act. The Fund may also receive revenue from grants,
9 donations, appropriations, and any other legal source.

10 (b) The Department of State Police may use moneys in the
11 Fund to finance any of its lawful purposes or functions.

12 (c) Expenditures may be made from the Fund only as
13 appropriated by the General Assembly by law.

14 (d) Investment income that is attributable to the
15 investment of moneys in the Fund shall be retained in the Fund
16 for the uses specified in this Section.

17 (e) The State Police Operations Assistance Fund shall not
18 be subject to administrative chargebacks.

19 (f) Notwithstanding any other provision of State law to the
20 contrary, on or after July 1, 2012, and until June 30, 2013, in
21 addition to any other transfers that may be provided for by
22 law, at the direction of and upon notification from the
23 Superintendent ~~Director~~ of State Police, the State Comptroller
24 shall direct and the State Treasurer shall transfer amounts

1 into the State Police Operations Assistance Fund from the
2 designated funds not exceeding the following totals:

3	State Police Vehicle Fund	\$2,250,000
4	State Police Wireless Service	
5	Emergency Fund	\$2,500,000
6	State Police Services Fund	\$3,500,000

7 (Source: P.A. 96-1029, eff. 7-13-10; 97-333, eff. 8-12-11;
8 97-732, eff. 6-30-12.)

9 Section 115. The State Officers and Employees Money
10 Disposition Act is amended by changing Section 2 as follows:

11 (30 ILCS 230/2) (from Ch. 127, par. 171)

12 Sec. 2. Accounts of money received; payment into State
13 treasury.

14 (a) Every officer, board, commission, commissioner,
15 department, institution, arm or agency brought within the
16 provisions of this Act by Section 1 shall keep in proper books
17 a detailed itemized account of all moneys received for or on
18 behalf of the State of Illinois, showing the date of receipt,
19 the payor, and purpose and amount, and the date and manner of
20 disbursement as hereinafter provided, and, unless a different
21 time of payment is expressly provided by law or by rules or
22 regulations promulgated under subsection (b) of this Section,
23 shall pay into the State treasury the gross amount of money so
24 received on the day of actual physical receipt with respect to

1 any single item of receipt exceeding \$10,000, within 24 hours
2 of actual physical receipt with respect to an accumulation of
3 receipts of \$10,000 or more, or within 48 hours of actual
4 physical receipt with respect to an accumulation of receipts
5 exceeding \$500 but less than \$10,000, disregarding holidays,
6 Saturdays and Sundays, after the receipt of same, without any
7 deduction on account of salaries, fees, costs, charges,
8 expenses or claims of any description whatever; provided that:

9 (1) the provisions of (i) Section 2505-475 of the
10 Department of Revenue Law (20 ILCS 2505/2505-475), (ii) any
11 specific taxing statute authorizing a claim for credit
12 procedure instead of the actual making of refunds, (iii)
13 Section 505 of the Illinois Controlled Substances Act, (iv)
14 Section 85 of the Methamphetamine Control and Community
15 Protection Act, authorizing the Superintendent ~~Director~~ of
16 State Police to dispose of forfeited property, which
17 includes the sale and disposition of the proceeds of the
18 sale of forfeited property, and the Department of Central
19 Management Services to be reimbursed for costs incurred
20 with the sales of forfeited vehicles, boats or aircraft and
21 to pay to bona fide or innocent purchasers, conditional
22 sales vendors or mortgagees of such vehicles, boats or
23 aircraft their interest in such vehicles, boats or
24 aircraft, and (v) Section 6b-2 of the State Finance Act,
25 establishing procedures for handling cash receipts from
26 the sale of pari-mutuel wagering tickets, shall not be

1 deemed to be in conflict with the requirements of this
2 Section;

3 (2) any fees received by the State Registrar of Vital
4 Records pursuant to the Vital Records Act which are
5 insufficient in amount may be returned by the Registrar as
6 provided in that Act;

7 (3) any fees received by the Department of Public
8 Health under the Food Handling Regulation Enforcement Act
9 that are submitted for renewal of an expired food service
10 sanitation manager certificate may be returned by the
11 Director as provided in that Act;

12 (3.5) the State Treasurer may permit the deduction of
13 fees by third-party unclaimed property examiners from the
14 property recovered by the examiners for the State of
15 Illinois during examinations of holders located outside
16 the State under which the Office of the Treasurer has
17 agreed to pay for the examinations based upon a percentage,
18 in accordance with the Revised Uniform Unclaimed Property
19 Act, of the property recovered during the examination; and

20 (4) if the amount of money received does not exceed
21 \$500, such money may be retained and need not be paid into
22 the State treasury until the total amount of money so
23 received exceeds \$500, or until the next succeeding 1st or
24 15th day of each month (or until the next business day if
25 these days fall on Sunday or a holiday), whichever is
26 earlier, at which earlier time such money shall be paid

1 into the State treasury, except that if a local bank or
2 savings and loan association account has been authorized by
3 law, any balances shall be paid into the State treasury on
4 Monday of each week if more than \$500 is to be deposited in
5 any fund.

6 Single items of receipt exceeding \$10,000 received after 2 p.m.
7 on a working day may be deemed to have been received on the
8 next working day for purposes of fulfilling the requirement
9 that the item be deposited on the day of actual physical
10 receipt.

11 No money belonging to or left for the use of the State
12 shall be expended or applied except in consequence of an
13 appropriation made by law and upon the warrant of the State
14 Comptroller. However, payments made by the Comptroller to
15 persons by direct deposit need not be made upon the warrant of
16 the Comptroller, but if not made upon a warrant, shall be made
17 in accordance with Section 9.02 of the State Comptroller Act.
18 All moneys so paid into the State treasury shall, unless
19 required by some statute to be held in the State treasury in a
20 separate or special fund, be covered into the General Revenue
21 Fund in the State treasury. Moneys received in the form of
22 checks, drafts or similar instruments shall be properly
23 endorsed, if necessary, and delivered to the State Treasurer
24 for collection. The State Treasurer shall remit such collected
25 funds to the depositing officer, board, commission,
26 commissioner, department, institution, arm or agency by

1 Treasurers Draft or through electronic funds transfer. The
2 draft or notification of the electronic funds transfer shall be
3 provided to the State Comptroller to allow deposit into the
4 appropriate fund.

5 (b) Different time periods for the payment of public funds
6 into the State treasury or to the State Treasurer, in excess of
7 the periods established in subsection (a) of this Section, but
8 not in excess of 30 days after receipt of such funds, may be
9 established and revised from time to time by rules or
10 regulations promulgated jointly by the State Treasurer and the
11 State Comptroller in accordance with the Illinois
12 Administrative Procedure Act. The different time periods
13 established by rule or regulation under this subsection may
14 vary according to the nature and amounts of the funds received,
15 the locations at which the funds are received, whether
16 compliance with the deposit requirements specified in
17 subsection (a) of this Section would be cost effective, and
18 such other circumstances and conditions as the promulgating
19 authorities consider to be appropriate. The Treasurer and the
20 Comptroller shall review all such different time periods
21 established pursuant to this subsection every 2 years from the
22 establishment thereof and upon such review, unless it is
23 determined that it is economically unfeasible for the agency to
24 comply with the provisions of subsection (a), shall repeal such
25 different time period.

26 (Source: P.A. 100-22, eff. 1-1-18.)

1 Section 120. The Intergovernmental Drug Laws Enforcement
2 Act is amended by changing Sections 2.01, 4, 5, 5.1, and 6 as
3 follows:

4 (30 ILCS 715/2.01) (from Ch. 56 1/2, par. 1702.01)

5 Sec. 2.01. "Department" means the Department of State
6 Police and "Superintendent" "~~Director~~" means the
7 Superintendent ~~Director~~ of State Police.

8 (Source: P.A. 84-25.)

9 (30 ILCS 715/4) (from Ch. 56 1/2, par. 1704)

10 Sec. 4. The Department of State Police shall monitor the
11 operations of all MEG units and determine their eligibility to
12 receive State grants under this Act. From the moneys
13 appropriated annually by the General Assembly for this purpose,
14 the Superintendent ~~Director~~ shall determine and certify to the
15 Comptroller the amount of the grant to be made to each
16 designated MEG financial officer. The amount of the State grant
17 which a MEG may receive hereunder may not exceed 50% of the
18 total operating budget of that MEG.

19 (Source: P.A. 84-25.)

20 (30 ILCS 715/5) (from Ch. 56 1/2, par. 1705)

21 Sec. 5. The Department of State Police shall coordinate the
22 operations of all MEG units and may establish such reasonable

1 rules and regulations and conduct those investigations the
2 Superintendent ~~Director~~ deems necessary to carry out its duties
3 under this Act, including the establishment of forms for
4 reporting by each MEG to the Department.

5 (Source: P.A. 84-25.)

6 (30 ILCS 715/5.1) (from Ch. 56 1/2, par. 1705.1)

7 Sec. 5.1. The Superintendent ~~Director~~ may assign the
8 functions and duties created under this Act to be administered
9 by the Department of State Police, Division of Investigation.

10 (Source: P.A. 84-25.)

11 (30 ILCS 715/6) (from Ch. 56 1/2, par. 1706)

12 Sec. 6. The Superintendent ~~Director~~ shall report annually,
13 no later than February 1, to the Governor and the General
14 Assembly on the operations of the Metropolitan Enforcement
15 Groups, including a breakdown of the appropriation for the
16 current fiscal year indicating the amount of the State grant
17 each MEG received or will receive.

18 The requirement for reporting to the General Assembly shall
19 be satisfied by filing copies of the report with the Speaker,
20 the Minority Leader and the Clerk of the House of
21 Representatives and the President, the Minority Leader and the
22 Secretary of the Senate and the Legislative Research Unit, as
23 required by Section 3.1 of "An Act to revise the law in
24 relation to the General Assembly", approved February 25, 1874,

1 as amended, and filing such additional copies with the State
2 Government Report Distribution Center for the General Assembly
3 as is required under paragraph (t) of Section 7 of the State
4 Library Act.

5 (Source: P.A. 84-1438.)

6 Section 125. The Illinois Pension Code is amended by
7 changing Sections 14-103.10, 14-108.4, 14-110, and 14-111 and
8 by adding Section 14-155.1 as follows:

9 (40 ILCS 5/14-103.10) (from Ch. 108 1/2, par. 14-103.10)

10 (Text of Section WITHOUT the changes made by P.A. 98-599,
11 which has been held unconstitutional)

12 Sec. 14-103.10. Compensation.

13 (a) For periods of service prior to January 1, 1978, the
14 full rate of salary or wages payable to an employee for
15 personal services performed if he worked the full normal
16 working period for his position, subject to the following
17 maximum amounts: (1) prior to July 1, 1951, \$400 per month or
18 \$4,800 per year; (2) between July 1, 1951 and June 30, 1957
19 inclusive, \$625 per month or \$7,500 per year; (3) beginning
20 July 1, 1957, no limitation.

21 In the case of service of an employee in a position
22 involving part-time employment, compensation shall be
23 determined according to the employees' earnings record.

24 (b) For periods of service on and after January 1, 1978,

1 all remuneration for personal services performed defined as
2 "wages" under the Social Security Enabling Act, including that
3 part of such remuneration which is in excess of any maximum
4 limitation provided in such Act, and including any benefits
5 received by an employee under a sick pay plan in effect before
6 January 1, 1981, but excluding lump sum salary payments:

- 7 (1) for vacation,
8 (2) for accumulated unused sick leave,
9 (3) upon discharge or dismissal,
10 (4) for approved holidays.

11 (c) For periods of service on or after December 16, 1978,
12 compensation also includes any benefits, other than lump sum
13 salary payments made at termination of employment, which an
14 employee receives or is eligible to receive under a sick pay
15 plan authorized by law.

16 (d) For periods of service after September 30, 1985,
17 compensation also includes any remuneration for personal
18 services not included as "wages" under the Social Security
19 Enabling Act, which is deducted for purposes of participation
20 in a program established pursuant to Section 125 of the
21 Internal Revenue Code or its successor laws.

22 (e) For members for which Section 1-160 applies for periods
23 of service on and after January 1, 2011, all remuneration for
24 personal services performed defined as "wages" under the Social
25 Security Enabling Act, excluding remuneration that is in excess
26 of the annual earnings, salary, or wages of a member or

1 participant, as provided in subsection (b-5) of Section 1-160,
2 but including any benefits received by an employee under a sick
3 pay plan in effect before January 1, 1981. Compensation shall
4 exclude lump sum salary payments:

- 5 (1) for vacation;
- 6 (2) for accumulated unused sick leave;
- 7 (3) upon discharge or dismissal; and
- 8 (4) for approved holidays.

9 (f) Notwithstanding the other provisions of this Section,
10 for service on or after July 1, 2013, "compensation" does not
11 include any stipend payable to an employee for service on a
12 board or commission.

13 (g) Notwithstanding the other provisions of this Section,
14 except for the purposes of determining the contributions
15 required under Section 14-155.1, "compensation" does not
16 include payments that would qualify as "compensation", but for
17 the fact that the payments were made to a Superintendent of
18 State Police who receives a retirement annuity while serving in
19 that capacity.

20 (Source: P.A. 98-449, eff. 8-16-13.)

21 (40 ILCS 5/14-108.4) (from Ch. 108 1/2, par. 14-108.4)

22 Sec. 14-108.4. State police early retirement incentives.

23 (a) To be eligible for the benefits provided in this
24 Section, a person must:

- 25 (1) be a member of this System who, on any day during

1 October, 1992, is in active payroll status in a position of
2 employment with the Department of State Police for which
3 eligible creditable service is being earned under Section
4 14-110;

5 (2) have not previously retired under this Article;

6 (3) file a written application requesting the benefits
7 provided in this Section with the Superintendent ~~Director~~
8 of State Police and the Board on or before January 20,
9 1993;

10 (4) establish eligibility to receive a retirement
11 annuity under Section 14-110 by January 31, 1993 (for which
12 purpose any age enhancement or creditable service received
13 under this Section may be used) and elect to receive the
14 retirement annuity beginning not earlier than January 1,
15 1993 and not later than February 1, 1993, except that with
16 the written permission of the Superintendent ~~Director~~ of
17 State Police, the effective date of the retirement annuity
18 may be postponed to no later than July 1, 1993.

19 (b) An eligible person may establish up to 5 years of
20 creditable service under this Article, in increments of one
21 month, by making the contributions specified in subsection (c).
22 In addition, for each month of creditable service established
23 under this Section, a person's age at retirement shall be
24 deemed to be one month older than it actually is.

25 The creditable service established under this Section
26 shall be deemed eligible creditable service as defined in

1 Section 14-110, and may be used for all purposes under this
2 Article and the Retirement Systems Reciprocal Act, except for
3 the computation of final average compensation under Section
4 14-103.12, or the determination of compensation under this or
5 any other Article of this Code.

6 The age enhancement established under this Section may be
7 used for all purposes under this Article (including calculation
8 of a proportionate annuity payable by this System under the
9 Retirement Systems Reciprocal Act), except for purposes of the
10 level income option in Section 14-112, the reversionary annuity
11 under Section 14-113, and the required distributions under
12 Section 14-121.1. However, age enhancement established under
13 this Section shall not be used in determining benefits payable
14 under other Articles of this Code under the Retirement Systems
15 Reciprocal Act.

16 (c) For all creditable service established under this
17 Section, a person must pay to the System an employee
18 contribution to be determined by the System, based on the
19 member's final rate of compensation and one-half of the total
20 retirement contribution rate in effect for the member under
21 subdivision (a) (3) of Section 14-133 on the date of withdrawal.

22 If the member receives a lump sum payment for accumulated
23 vacation, sick leave and personal leave upon withdrawal from
24 service, and the net amount of that lump sum payment is at
25 least as great as the amount of the contribution required under
26 this Section, the entire contribution (or so much of it as does

1 not exceed the contribution limitations of Section 415 of the
2 Internal Revenue Code of 1986) must be paid by the employee
3 before the retirement annuity may become payable. If there is
4 no such lump sum payment, or if it is less than the
5 contribution required under this Section, the member may either
6 pay the entire contribution before the retirement annuity
7 becomes payable, or may instead make an initial payment before
8 the retirement annuity becomes payable, equal to the net amount
9 of the lump sum payment for accumulated vacation, sick leave
10 and personal leave (or so much of it as does not exceed the
11 contribution limitations of Section 415 of the Internal Revenue
12 Code of 1986), and have the remaining amount due deducted from
13 the retirement annuity in 24 equal monthly installments
14 beginning in the month in which the retirement annuity takes
15 effect.

16 However, if the net amount of the lump sum payment for
17 accumulated vacation, sick leave and personal leave equals or
18 exceeds the contribution required under this Section, but the
19 required contribution exceeds an applicable contribution
20 limitation contained in Section 415 of the Internal Revenue
21 Code of 1986, then the amount of the contribution in excess of
22 the Section 415 limitation shall instead be paid by the
23 annuitant in January of 1994. If this additional amount is not
24 paid as required, the retirement annuity shall be suspended
25 until the required contribution is received.

26 (d) Notwithstanding Section 14-111, an annuitant who has

1 received any age enhancement or creditable service under this
2 Section and who reenters service under this Article other than
3 as a temporary employee shall thereby forfeit such age
4 enhancement and creditable service, and become entitled to a
5 refund of the contributions made pursuant to this Section.

6 (e) The Board shall determine the unfunded accrued
7 liability created by the granting of early retirement benefits
8 to State policemen under this Section, and shall certify the
9 amount of that liability to the Department of State Police, the
10 State Comptroller, the State Treasurer, and the Bureau of the
11 Budget (now Governor's Office of Management and Budget) by June
12 1, 1993, or as soon thereafter as is practical. In addition to
13 any other payments to the System required under this Code, the
14 Department of State Police shall pay to the System the amount
15 of that unfunded accrued liability, out of funds appropriated
16 to the Department for that purpose, over a period of 7 years at
17 the rate of 14.3% of the certified amount per year, plus
18 interest on the unpaid balance at the actuarial rate as
19 calculated and certified annually by the Board. Beginning in
20 State fiscal year 1996, the liability created under this
21 subsection (e) shall be included in the calculation of the
22 required State contribution under Section 14-131 and no
23 additional payments need be made under this subsection.

24 (Source: P.A. 94-793, eff. 5-19-06.)

25 (40 ILCS 5/14-110) (from Ch. 108 1/2, par. 14-110)

1 Sec. 14-110. Alternative retirement annuity.

2 (a) Any member who has withdrawn from service with not less
3 than 20 years of eligible creditable service and has attained
4 age 55, and any member who has withdrawn from service with not
5 less than 25 years of eligible creditable service and has
6 attained age 50, regardless of whether the attainment of either
7 of the specified ages occurs while the member is still in
8 service, shall be entitled to receive at the option of the
9 member, in lieu of the regular or minimum retirement annuity, a
10 retirement annuity computed as follows:

11 (i) for periods of service as a noncovered employee: if
12 retirement occurs on or after January 1, 2001, 3% of final
13 average compensation for each year of creditable service;
14 if retirement occurs before January 1, 2001, 2 1/4% of
15 final average compensation for each of the first 10 years
16 of creditable service, 2 1/2% for each year above 10 years
17 to and including 20 years of creditable service, and 2 3/4%
18 for each year of creditable service above 20 years; and

19 (ii) for periods of eligible creditable service as a
20 covered employee: if retirement occurs on or after January
21 1, 2001, 2.5% of final average compensation for each year
22 of creditable service; if retirement occurs before January
23 1, 2001, 1.67% of final average compensation for each of
24 the first 10 years of such service, 1.90% for each of the
25 next 10 years of such service, 2.10% for each year of such
26 service in excess of 20 but not exceeding 30, and 2.30% for

1 each year in excess of 30.

2 Such annuity shall be subject to a maximum of 75% of final
3 average compensation if retirement occurs before January 1,
4 2001 or to a maximum of 80% of final average compensation if
5 retirement occurs on or after January 1, 2001.

6 These rates shall not be applicable to any service
7 performed by a member as a covered employee which is not
8 eligible creditable service. Service as a covered employee
9 which is not eligible creditable service shall be subject to
10 the rates and provisions of Section 14-108.

11 (b) For the purpose of this Section, "eligible creditable
12 service" means creditable service resulting from service in one
13 or more of the following positions:

14 (1) State policeman;

15 (2) fire fighter in the fire protection service of a
16 department;

17 (3) air pilot;

18 (4) special agent;

19 (5) investigator for the Secretary of State;

20 (6) conservation police officer;

21 (7) investigator for the Department of Revenue or the
22 Illinois Gaming Board;

23 (8) security employee of the Department of Human
24 Services;

25 (9) Central Management Services security police
26 officer;

1 (10) security employee of the Department of
2 Corrections or the Department of Juvenile Justice;

3 (11) dangerous drugs investigator;

4 (12) investigator for the Department of State Police;

5 (13) investigator for the Office of the Attorney
6 General;

7 (14) controlled substance inspector;

8 (15) investigator for the Office of the State's
9 Attorneys Appellate Prosecutor;

10 (16) Commerce Commission police officer;

11 (17) arson investigator;

12 (18) State highway maintenance worker.

13 A person employed in one of the positions specified in this
14 subsection is entitled to eligible creditable service for
15 service credit earned under this Article while undergoing the
16 basic police training course approved by the Illinois Law
17 Enforcement Training Standards Board, if completion of that
18 training is required of persons serving in that position. For
19 the purposes of this Code, service during the required basic
20 police training course shall be deemed performance of the
21 duties of the specified position, even though the person is not
22 a sworn peace officer at the time of the training.

23 (c) For the purposes of this Section:

24 (1) The term "State policeman" includes any title or
25 position in the Department of State Police that is held by
26 an individual employed under the State Police Act. The term

1 "State policeman" does not include the Superintendent of
2 State Police if that individual receives a retirement
3 annuity while serving as the Superintendent of State
4 Police.

5 (2) The term "fire fighter in the fire protection
6 service of a department" includes all officers in such fire
7 protection service including fire chiefs and assistant
8 fire chiefs.

9 (3) The term "air pilot" includes any employee whose
10 official job description on file in the Department of
11 Central Management Services, or in the department by which
12 he is employed if that department is not covered by the
13 Personnel Code, states that his principal duty is the
14 operation of aircraft, and who possesses a pilot's license;
15 however, the change in this definition made by this
16 amendatory Act of 1983 shall not operate to exclude any
17 noncovered employee who was an "air pilot" for the purposes
18 of this Section on January 1, 1984.

19 (4) The term "special agent" means any person who by
20 reason of employment by the Division of Narcotic Control,
21 the Bureau of Investigation or, after July 1, 1977, the
22 Division of Criminal Investigation, the Division of
23 Internal Investigation, the Division of Operations, or any
24 other Division or organizational entity in the Department
25 of State Police is vested by law with duties to maintain
26 public order, investigate violations of the criminal law of

1 this State, enforce the laws of this State, make arrests
2 and recover property. The term "special agent" includes any
3 title or position in the Department of State Police that is
4 held by an individual employed under the State Police Act.

5 (5) The term "investigator for the Secretary of State"
6 means any person employed by the Office of the Secretary of
7 State and vested with such investigative duties as render
8 him ineligible for coverage under the Social Security Act
9 by reason of Sections 218(d) (5) (A), 218(d) (8) (D) and
10 218(1) (1) of that Act.

11 A person who became employed as an investigator for the
12 Secretary of State between January 1, 1967 and December 31,
13 1975, and who has served as such until attainment of age
14 60, either continuously or with a single break in service
15 of not more than 3 years duration, which break terminated
16 before January 1, 1976, shall be entitled to have his
17 retirement annuity calculated in accordance with
18 subsection (a), notwithstanding that he has less than 20
19 years of credit for such service.

20 (6) The term "Conservation Police Officer" means any
21 person employed by the Division of Law Enforcement of the
22 Department of Natural Resources and vested with such law
23 enforcement duties as render him ineligible for coverage
24 under the Social Security Act by reason of Sections
25 218(d) (5) (A), 218(d) (8) (D), and 218(1) (1) of that Act. The
26 term "Conservation Police Officer" includes the positions

1 of Chief Conservation Police Administrator and Assistant
2 Conservation Police Administrator.

3 (7) The term "investigator for the Department of
4 Revenue" means any person employed by the Department of
5 Revenue and vested with such investigative duties as render
6 him ineligible for coverage under the Social Security Act
7 by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and
8 218(1)(1) of that Act.

9 The term "investigator for the Illinois Gaming Board"
10 means any person employed as such by the Illinois Gaming
11 Board and vested with such peace officer duties as render
12 the person ineligible for coverage under the Social
13 Security Act by reason of Sections 218(d)(5)(A),
14 218(d)(8)(D), and 218(1)(1) of that Act.

15 (8) The term "security employee of the Department of
16 Human Services" means any person employed by the Department
17 of Human Services who (i) is employed at the Chester Mental
18 Health Center and has daily contact with the residents
19 thereof, (ii) is employed within a security unit at a
20 facility operated by the Department and has daily contact
21 with the residents of the security unit, (iii) is employed
22 at a facility operated by the Department that includes a
23 security unit and is regularly scheduled to work at least
24 50% of his or her working hours within that security unit,
25 or (iv) is a mental health police officer. "Mental health
26 police officer" means any person employed by the Department

1 of Human Services in a position pertaining to the
2 Department's mental health and developmental disabilities
3 functions who is vested with such law enforcement duties as
4 render the person ineligible for coverage under the Social
5 Security Act by reason of Sections 218(d)(5)(A),
6 218(d)(8)(D) and 218(1)(1) of that Act. "Security unit"
7 means that portion of a facility that is devoted to the
8 care, containment, and treatment of persons committed to
9 the Department of Human Services as sexually violent
10 persons, persons unfit to stand trial, or persons not
11 guilty by reason of insanity. With respect to past
12 employment, references to the Department of Human Services
13 include its predecessor, the Department of Mental Health
14 and Developmental Disabilities.

15 The changes made to this subdivision (c)(8) by Public
16 Act 92-14 apply to persons who retire on or after January
17 1, 2001, notwithstanding Section 1-103.1.

18 (9) "Central Management Services security police
19 officer" means any person employed by the Department of
20 Central Management Services who is vested with such law
21 enforcement duties as render him ineligible for coverage
22 under the Social Security Act by reason of Sections
23 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.

24 (10) For a member who first became an employee under
25 this Article before July 1, 2005, the term "security
26 employee of the Department of Corrections or the Department

1 of Juvenile Justice" means any employee of the Department
2 of Corrections or the Department of Juvenile Justice or the
3 former Department of Personnel, and any member or employee
4 of the Prisoner Review Board, who has daily contact with
5 inmates or youth by working within a correctional facility
6 or Juvenile facility operated by the Department of Juvenile
7 Justice or who is a parole officer or an employee who has
8 direct contact with committed persons in the performance of
9 his or her job duties. For a member who first becomes an
10 employee under this Article on or after July 1, 2005, the
11 term means an employee of the Department of Corrections or
12 the Department of Juvenile Justice who is any of the
13 following: (i) officially headquartered at a correctional
14 facility or Juvenile facility operated by the Department of
15 Juvenile Justice, (ii) a parole officer, (iii) a member of
16 the apprehension unit, (iv) a member of the intelligence
17 unit, (v) a member of the sort team, or (vi) an
18 investigator.

19 (11) The term "dangerous drugs investigator" means any
20 person who is employed as such by the Department of Human
21 Services.

22 (12) The term "investigator for the Department of State
23 Police" means a person employed by the Department of State
24 Police who is vested under Section 4 of the Narcotic
25 Control Division Abolition Act with such law enforcement
26 powers as render him ineligible for coverage under the

1 Social Security Act by reason of Sections 218(d)(5)(A),
2 218(d)(8)(D) and 218(1)(1) of that Act.

3 (13) "Investigator for the Office of the Attorney
4 General" means any person who is employed as such by the
5 Office of the Attorney General and is vested with such
6 investigative duties as render him ineligible for coverage
7 under the Social Security Act by reason of Sections
8 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act. For
9 the period before January 1, 1989, the term includes all
10 persons who were employed as investigators by the Office of
11 the Attorney General, without regard to social security
12 status.

13 (14) "Controlled substance inspector" means any person
14 who is employed as such by the Department of Professional
15 Regulation and is vested with such law enforcement duties
16 as render him ineligible for coverage under the Social
17 Security Act by reason of Sections 218(d)(5)(A),
18 218(d)(8)(D) and 218(1)(1) of that Act. The term
19 "controlled substance inspector" includes the Program
20 Executive of Enforcement and the Assistant Program
21 Executive of Enforcement.

22 (15) The term "investigator for the Office of the
23 State's Attorneys Appellate Prosecutor" means a person
24 employed in that capacity on a full time basis under the
25 authority of Section 7.06 of the State's Attorneys
26 Appellate Prosecutor's Act.

1 (16) "Commerce Commission police officer" means any
2 person employed by the Illinois Commerce Commission who is
3 vested with such law enforcement duties as render him
4 ineligible for coverage under the Social Security Act by
5 reason of Sections 218(d)(5)(A), 218(d)(8)(D), and
6 218(1)(1) of that Act.

7 (17) "Arson investigator" means any person who is
8 employed as such by the Office of the State Fire Marshal
9 and is vested with such law enforcement duties as render
10 the person ineligible for coverage under the Social
11 Security Act by reason of Sections 218(d)(5)(A),
12 218(d)(8)(D), and 218(1)(1) of that Act. A person who was
13 employed as an arson investigator on January 1, 1995 and is
14 no longer in service but not yet receiving a retirement
15 annuity may convert his or her creditable service for
16 employment as an arson investigator into eligible
17 creditable service by paying to the System the difference
18 between the employee contributions actually paid for that
19 service and the amounts that would have been contributed if
20 the applicant were contributing at the rate applicable to
21 persons with the same social security status earning
22 eligible creditable service on the date of application.

23 (18) The term "State highway maintenance worker" means
24 a person who is either of the following:

25 (i) A person employed on a full-time basis by the
26 Illinois Department of Transportation in the position

1 of highway maintainer, highway maintenance lead
2 worker, highway maintenance lead/lead worker, heavy
3 construction equipment operator, power shovel
4 operator, or bridge mechanic; and whose principal
5 responsibility is to perform, on the roadway, the
6 actual maintenance necessary to keep the highways that
7 form a part of the State highway system in serviceable
8 condition for vehicular traffic.

9 (ii) A person employed on a full-time basis by the
10 Illinois State Toll Highway Authority in the position
11 of equipment operator/laborer H-4, equipment
12 operator/laborer H-6, welder H-4, welder H-6,
13 mechanical/electrical H-4, mechanical/electrical H-6,
14 water/sewer H-4, water/sewer H-6, sign maker/hanger
15 H-4, sign maker/hanger H-6, roadway lighting H-4,
16 roadway lighting H-6, structural H-4, structural H-6,
17 painter H-4, or painter H-6; and whose principal
18 responsibility is to perform, on the roadway, the
19 actual maintenance necessary to keep the Authority's
20 tollways in serviceable condition for vehicular
21 traffic.

22 (d) A security employee of the Department of Corrections or
23 the Department of Juvenile Justice, and a security employee of
24 the Department of Human Services who is not a mental health
25 police officer, shall not be eligible for the alternative
26 retirement annuity provided by this Section unless he or she

1 meets the following minimum age and service requirements at the
2 time of retirement:

3 (i) 25 years of eligible creditable service and age 55;

4 or

5 (ii) beginning January 1, 1987, 25 years of eligible
6 creditable service and age 54, or 24 years of eligible
7 creditable service and age 55; or

8 (iii) beginning January 1, 1988, 25 years of eligible
9 creditable service and age 53, or 23 years of eligible
10 creditable service and age 55; or

11 (iv) beginning January 1, 1989, 25 years of eligible
12 creditable service and age 52, or 22 years of eligible
13 creditable service and age 55; or

14 (v) beginning January 1, 1990, 25 years of eligible
15 creditable service and age 51, or 21 years of eligible
16 creditable service and age 55; or

17 (vi) beginning January 1, 1991, 25 years of eligible
18 creditable service and age 50, or 20 years of eligible
19 creditable service and age 55.

20 Persons who have service credit under Article 16 of this
21 Code for service as a security employee of the Department of
22 Corrections or the Department of Juvenile Justice, or the
23 Department of Human Services in a position requiring
24 certification as a teacher may count such service toward
25 establishing their eligibility under the service requirements
26 of this Section; but such service may be used only for

1 establishing such eligibility, and not for the purpose of
2 increasing or calculating any benefit.

3 (e) If a member enters military service while working in a
4 position in which eligible creditable service may be earned,
5 and returns to State service in the same or another such
6 position, and fulfills in all other respects the conditions
7 prescribed in this Article for credit for military service,
8 such military service shall be credited as eligible creditable
9 service for the purposes of the retirement annuity prescribed
10 in this Section.

11 (f) For purposes of calculating retirement annuities under
12 this Section, periods of service rendered after December 31,
13 1968 and before October 1, 1975 as a covered employee in the
14 position of special agent, conservation police officer, mental
15 health police officer, or investigator for the Secretary of
16 State, shall be deemed to have been service as a noncovered
17 employee, provided that the employee pays to the System prior
18 to retirement an amount equal to (1) the difference between the
19 employee contributions that would have been required for such
20 service as a noncovered employee, and the amount of employee
21 contributions actually paid, plus (2) if payment is made after
22 July 31, 1987, regular interest on the amount specified in item
23 (1) from the date of service to the date of payment.

24 For purposes of calculating retirement annuities under
25 this Section, periods of service rendered after December 31,
26 1968 and before January 1, 1982 as a covered employee in the

1 position of investigator for the Department of Revenue shall be
2 deemed to have been service as a noncovered employee, provided
3 that the employee pays to the System prior to retirement an
4 amount equal to (1) the difference between the employee
5 contributions that would have been required for such service as
6 a noncovered employee, and the amount of employee contributions
7 actually paid, plus (2) if payment is made after January 1,
8 1990, regular interest on the amount specified in item (1) from
9 the date of service to the date of payment.

10 (g) A State policeman may elect, not later than January 1,
11 1990, to establish eligible creditable service for up to 10
12 years of his service as a policeman under Article 3, by filing
13 a written election with the Board, accompanied by payment of an
14 amount to be determined by the Board, equal to (i) the
15 difference between the amount of employee and employer
16 contributions transferred to the System under Section 3-110.5,
17 and the amounts that would have been contributed had such
18 contributions been made at the rates applicable to State
19 policemen, plus (ii) interest thereon at the effective rate for
20 each year, compounded annually, from the date of service to the
21 date of payment.

22 Subject to the limitation in subsection (i), a State
23 policeman may elect, not later than July 1, 1993, to establish
24 eligible creditable service for up to 10 years of his service
25 as a member of the County Police Department under Article 9, by
26 filing a written election with the Board, accompanied by

1 payment of an amount to be determined by the Board, equal to
2 (i) the difference between the amount of employee and employer
3 contributions transferred to the System under Section 9-121.10
4 and the amounts that would have been contributed had those
5 contributions been made at the rates applicable to State
6 policemen, plus (ii) interest thereon at the effective rate for
7 each year, compounded annually, from the date of service to the
8 date of payment.

9 (h) Subject to the limitation in subsection (i), a State
10 policeman or investigator for the Secretary of State may elect
11 to establish eligible creditable service for up to 12 years of
12 his service as a policeman under Article 5, by filing a written
13 election with the Board on or before January 31, 1992, and
14 paying to the System by January 31, 1994 an amount to be
15 determined by the Board, equal to (i) the difference between
16 the amount of employee and employer contributions transferred
17 to the System under Section 5-236, and the amounts that would
18 have been contributed had such contributions been made at the
19 rates applicable to State policemen, plus (ii) interest thereon
20 at the effective rate for each year, compounded annually, from
21 the date of service to the date of payment.

22 Subject to the limitation in subsection (i), a State
23 policeman, conservation police officer, or investigator for
24 the Secretary of State may elect to establish eligible
25 creditable service for up to 10 years of service as a sheriff's
26 law enforcement employee under Article 7, by filing a written

1 election with the Board on or before January 31, 1993, and
2 paying to the System by January 31, 1994 an amount to be
3 determined by the Board, equal to (i) the difference between
4 the amount of employee and employer contributions transferred
5 to the System under Section 7-139.7, and the amounts that would
6 have been contributed had such contributions been made at the
7 rates applicable to State policemen, plus (ii) interest thereon
8 at the effective rate for each year, compounded annually, from
9 the date of service to the date of payment.

10 Subject to the limitation in subsection (i), a State
11 policeman, conservation police officer, or investigator for
12 the Secretary of State may elect to establish eligible
13 creditable service for up to 5 years of service as a police
14 officer under Article 3, a policeman under Article 5, a
15 sheriff's law enforcement employee under Article 7, a member of
16 the county police department under Article 9, or a police
17 officer under Article 15 by filing a written election with the
18 Board and paying to the System an amount to be determined by
19 the Board, equal to (i) the difference between the amount of
20 employee and employer contributions transferred to the System
21 under Section 3-110.6, 5-236, 7-139.8, 9-121.10, or 15-134.4
22 and the amounts that would have been contributed had such
23 contributions been made at the rates applicable to State
24 policemen, plus (ii) interest thereon at the effective rate for
25 each year, compounded annually, from the date of service to the
26 date of payment.

1 Subject to the limitation in subsection (i), an
2 investigator for the Office of the Attorney General, or an
3 investigator for the Department of Revenue, may elect to
4 establish eligible creditable service for up to 5 years of
5 service as a police officer under Article 3, a policeman under
6 Article 5, a sheriff's law enforcement employee under Article
7 7, or a member of the county police department under Article 9
8 by filing a written election with the Board within 6 months
9 after August 25, 2009 (the effective date of Public Act 96-745)
10 and paying to the System an amount to be determined by the
11 Board, equal to (i) the difference between the amount of
12 employee and employer contributions transferred to the System
13 under Section 3-110.6, 5-236, 7-139.8, or 9-121.10 and the
14 amounts that would have been contributed had such contributions
15 been made at the rates applicable to State policemen, plus (ii)
16 interest thereon at the actuarially assumed rate for each year,
17 compounded annually, from the date of service to the date of
18 payment.

19 Subject to the limitation in subsection (i), a State
20 policeman, conservation police officer, investigator for the
21 Office of the Attorney General, an investigator for the
22 Department of Revenue, or investigator for the Secretary of
23 State may elect to establish eligible creditable service for up
24 to 5 years of service as a person employed by a participating
25 municipality to perform police duties, or law enforcement
26 officer employed on a full-time basis by a forest preserve

1 district under Article 7, a county corrections officer, or a
2 court services officer under Article 9, by filing a written
3 election with the Board within 6 months after August 25, 2009
4 (the effective date of Public Act 96-745) and paying to the
5 System an amount to be determined by the Board, equal to (i)
6 the difference between the amount of employee and employer
7 contributions transferred to the System under Sections 7-139.8
8 and 9-121.10 and the amounts that would have been contributed
9 had such contributions been made at the rates applicable to
10 State policemen, plus (ii) interest thereon at the actuarially
11 assumed rate for each year, compounded annually, from the date
12 of service to the date of payment.

13 (i) The total amount of eligible creditable service
14 established by any person under subsections (g), (h), (j), (k),
15 and (l) of this Section shall not exceed 12 years.

16 (j) Subject to the limitation in subsection (i), an
17 investigator for the Office of the State's Attorneys Appellate
18 Prosecutor or a controlled substance inspector may elect to
19 establish eligible creditable service for up to 10 years of his
20 service as a policeman under Article 3 or a sheriff's law
21 enforcement employee under Article 7, by filing a written
22 election with the Board, accompanied by payment of an amount to
23 be determined by the Board, equal to (1) the difference between
24 the amount of employee and employer contributions transferred
25 to the System under Section 3-110.6 or 7-139.8, and the amounts
26 that would have been contributed had such contributions been

1 made at the rates applicable to State policemen, plus (2)
2 interest thereon at the effective rate for each year,
3 compounded annually, from the date of service to the date of
4 payment.

5 (k) Subject to the limitation in subsection (i) of this
6 Section, an alternative formula employee may elect to establish
7 eligible creditable service for periods spent as a full-time
8 law enforcement officer or full-time corrections officer
9 employed by the federal government or by a state or local
10 government located outside of Illinois, for which credit is not
11 held in any other public employee pension fund or retirement
12 system. To obtain this credit, the applicant must file a
13 written application with the Board by March 31, 1998,
14 accompanied by evidence of eligibility acceptable to the Board
15 and payment of an amount to be determined by the Board, equal
16 to (1) employee contributions for the credit being established,
17 based upon the applicant's salary on the first day as an
18 alternative formula employee after the employment for which
19 credit is being established and the rates then applicable to
20 alternative formula employees, plus (2) an amount determined by
21 the Board to be the employer's normal cost of the benefits
22 accrued for the credit being established, plus (3) regular
23 interest on the amounts in items (1) and (2) from the first day
24 as an alternative formula employee after the employment for
25 which credit is being established to the date of payment.

26 (l) Subject to the limitation in subsection (i), a security

1 employee of the Department of Corrections may elect, not later
2 than July 1, 1998, to establish eligible creditable service for
3 up to 10 years of his or her service as a policeman under
4 Article 3, by filing a written election with the Board,
5 accompanied by payment of an amount to be determined by the
6 Board, equal to (i) the difference between the amount of
7 employee and employer contributions transferred to the System
8 under Section 3-110.5, and the amounts that would have been
9 contributed had such contributions been made at the rates
10 applicable to security employees of the Department of
11 Corrections, plus (ii) interest thereon at the effective rate
12 for each year, compounded annually, from the date of service to
13 the date of payment.

14 (m) The amendatory changes to this Section made by this
15 amendatory Act of the 94th General Assembly apply only to: (1)
16 security employees of the Department of Juvenile Justice
17 employed by the Department of Corrections before the effective
18 date of this amendatory Act of the 94th General Assembly and
19 transferred to the Department of Juvenile Justice by this
20 amendatory Act of the 94th General Assembly; and (2) persons
21 employed by the Department of Juvenile Justice on or after the
22 effective date of this amendatory Act of the 94th General
23 Assembly who are required by subsection (b) of Section 3-2.5-15
24 of the Unified Code of Corrections to have any bachelor's or
25 advanced degree from an accredited college or university or, in
26 the case of persons who provide vocational training, who are

1 required to have adequate knowledge in the skill for which they
2 are providing the vocational training.

3 (n) A person employed in a position under subsection (b) of
4 this Section who has purchased service credit under subsection
5 (j) of Section 14-104 or subsection (b) of Section 14-105 in
6 any other capacity under this Article may convert up to 5 years
7 of that service credit into service credit covered under this
8 Section by paying to the Fund an amount equal to (1) the
9 additional employee contribution required under Section
10 14-133, plus (2) the additional employer contribution required
11 under Section 14-131, plus (3) interest on items (1) and (2) at
12 the actuarially assumed rate from the date of the service to
13 the date of payment.

14 (Source: P.A. 100-19, eff. 1-1-18.)

15 (40 ILCS 5/14-111) (from Ch. 108 1/2, par. 14-111)
16 Sec. 14-111. Re-entry After retirement.

17 (a) An annuitant who re-enters the service of a department
18 and receives compensation on a regular payroll shall receive no
19 payments of the retirement annuity during the time he is so
20 employed, with the following exceptions:

21 (1) An annuitant who is employed by a department while
22 he or she is a continuing participant in the General
23 Assembly Retirement System under Sections 2-117.1 and
24 14-105.4 will not be considered to have made a re-entry
25 after retirement within the meaning of this Section for the

1 duration of such continuing participation. Any person who
2 is a continuing participant under Sections 2-117.1 and
3 14-105.4 on the effective date of this amendatory Act of
4 1991 and whose retirement annuity has been suspended under
5 this Section shall be entitled to receive from the System a
6 sum equal to the annuity payments that have been withheld
7 under this Section, and shall receive the benefit of this
8 amendment without regard to Section 1-103.1.

9 (2) An annuitant who accepts temporary employment from
10 such a department for a period not exceeding 75 working
11 days in any calendar year is not considered to make a
12 re-entry after retirement within the meaning of this
13 Section. Any part of a day on temporary employment is
14 considered a full day of employment.

15 (3) An annuitant who serves as the Superintendent of
16 State Police is not considered to have made a re-entry
17 after retirement within the meaning of this Section for the
18 duration of his or her service as the Superintendent of
19 State Police.

20 (b) If such person re-enters the service of a department,
21 not as a temporary employee, contributions to the system shall
22 begin as of the date of re-employment and additional creditable
23 service shall begin to accrue. He shall assume the status of a
24 member entitled to all rights and privileges in the system,
25 including death and disability benefits, excluding a refund of
26 contributions.

1 Upon subsequent retirement, his retirement annuity shall
2 consist of:

3 (1) the amounts of the annuities terminated by re-entry
4 into service; and

5 (2) the amount of the additional retirement annuity
6 earned by the member during the period of additional
7 membership service which shall not be subject to
8 reversionary annuity if any.

9 The total retirement annuity shall not, however, exceed the
10 maximum applicable to the member at the time of original
11 retirement. In the computation of any such retirement annuity,
12 the time that the member was on retirement shall not interrupt
13 the continuity of service for the computation of final average
14 compensation and the additional membership service shall be
15 considered, together with service rendered before the previous
16 retirement, in establishing final average compensation.

17 A person who re-enters the service of a department within 3
18 years after retiring may qualify to have the retirement annuity
19 computed as though the member had not previously retired by
20 paying to the System, within 5 years after re-entry and prior
21 to subsequent retirement, in a lump sum or in installment
22 payments in accordance with such rules as may be adopted by the
23 Board, an amount equal to all retirement payments received,
24 including any payments received in accordance with subsection
25 (c) or (d) of Section 14-130, plus regular interest from the
26 date retirement payments were suspended to the date of

1 repayment.

2 (Source: P.A. 86-1488; 87-794.)

3 (40 ILCS 5/14-155.1 new)

4 Sec. 14-155.1. Defined contribution plan for
5 Superintendents of State Police. No later than January 1, 2019,
6 the System shall prepare and implement a defined contribution
7 plan for any Superintendent of State Police who receives a
8 retirement annuity while serving in that capacity.
9 Participation in the defined contribution plan under this
10 Section is in lieu of accruing any other benefits under this
11 Article. The defined contribution plan developed under this
12 Section shall be a plan that aggregates State and participant
13 contributions in individual participant accounts which, after
14 meeting any other requirements, are used for payouts after
15 retirement in accordance with this Section and any other
16 applicable laws.

17 (1) A participant shall contribute a minimum of 4% of
18 his or her compensation to the defined contribution plan.

19 (2) For a participant who has served as Superintendent
20 of State Police for at least one year, State contributions
21 shall be paid into that participant's account at a rate
22 expressed as a percentage of compensation. This rate shall
23 be set by the Governor, but shall be no higher than 6% of
24 compensation and shall be no lower than 2% of compensation.

25 (3) State contributions shall vest when those

1 contributions are paid into the participant's account.

2 (4) The defined contribution plan shall provide a
3 variety of options for investments. These options shall
4 include investments handled by the Illinois State Board of
5 Investment as well as private sector investment options.

6 (5) The defined contribution plan shall provide a
7 variety of options for payouts to retirees and their
8 survivors.

9 (6) To the extent authorized under federal law and as
10 authorized by the retirement system, the defined
11 contribution plan shall allow former participants in the
12 plan to transfer or roll over employee and employer
13 contributions, and the earnings thereon, into other
14 qualified retirement plans.

15 (7) The System shall reduce the participant
16 contributions credited to the participant's defined
17 contribution plan account by an amount determined by that
18 retirement system to cover the cost of offering the
19 benefits under this Section and any applicable
20 administrative fees.

21 (8) No person shall begin participating in the defined
22 contribution plan until it has attained qualified plan
23 status and received all necessary approvals from the U.S.
24 Internal Revenue Service.

25 Section 130. The Illinois Police Training Act is amended by

1 changing Section 3 as follows:

2 (50 ILCS 705/3) (from Ch. 85, par. 503)

3 Sec. 3. Board - composition - appointments - tenure -
4 vacancies. The Board shall be composed of 19 members selected
5 as follows: The Attorney General of the State of Illinois, the
6 Superintendent ~~Director~~ of State Police, the Director of
7 Corrections, the Superintendent of the Chicago Police
8 Department, the Sheriff of Cook County, the Director of the
9 Illinois Police Training Institute, the Clerk of the Circuit
10 Court of Cook County, and the following to be appointed by the
11 Governor: 2 mayors or village presidents of Illinois
12 municipalities, 2 Illinois county sheriffs from counties other
13 than Cook County, 2 managers of Illinois municipalities, 2
14 chiefs of municipal police departments in Illinois having no
15 Superintendent of the Police Department on the Board, 2
16 citizens of Illinois who shall be members of an organized
17 enforcement officers' association, one active member of a
18 statewide association representing sheriffs, and one active
19 member of a statewide association representing municipal
20 police chiefs. The appointments of the Governor shall be made
21 on the first Monday of August in 1965 with 3 of the
22 appointments to be for a period of one year, 3 for 2 years, and
23 3 for 3 years. Their successors shall be appointed in like
24 manner for terms to expire the first Monday of August each 3
25 years thereafter. All members shall serve until their

1 respective successors are appointed and qualify. Vacancies
2 shall be filled by the Governor for the unexpired terms.

3 (Source: P.A. 99-651, eff. 7-28-16.)

4 Section 135. The Uniform Peace Officers' Disciplinary Act
5 is amended by changing Section 7.5 as follows:

6 (50 ILCS 725/7.5)

7 (Section scheduled to be repealed on December 31, 2018)

8 Sec. 7.5. Commission on Police Professionalism.

9 (a) Recognizing the need to review performance standards
10 governing the professionalism of law enforcement agencies and
11 officers in the 21st century, the General Assembly hereby
12 creates the Commission on Police Professionalism.

13 (b) The Commission on Police Professionalism shall be
14 composed of the following members:

15 (1) one member of the Senate appointed by the President
16 of the Senate;

17 (2) one member of the Senate appointed by the Senate
18 Minority Leader;

19 (3) one member of the House of Representatives
20 appointed by the Speaker of the House of Representatives;

21 (4) one member of the House of Representatives
22 appointed by the House Minority Leader;

23 (5) one active duty law enforcement officer who is a
24 member of a certified collective bargaining unit appointed

1 by the Governor;

2 (6) one active duty law enforcement officer who is a
3 member of a certified collective bargaining unit appointed
4 by the President of the Senate;

5 (7) one active duty law enforcement officer who is a
6 member of a certified collective bargaining unit appointed
7 by the Senate Minority Leader;

8 (8) one active duty law enforcement officer who is a
9 member of a certified collective bargaining unit appointed
10 by the Speaker of the House of Representatives;

11 (9) one active duty law enforcement officer who is a
12 member of a certified collective bargaining unit appointed
13 by the House Minority Leader;

14 (10) the Superintendent ~~Director~~ of State Police, or
15 his or her designee;

16 (10.5) the Superintendent of the Chicago Police
17 Department, or his or her designee;

18 (11) the Executive Director of the Law Enforcement
19 Training Standards Board, or his or her designee;

20 (12) the Director of a statewide organization
21 representing Illinois sheriffs;

22 (13) the Director of a statewide organization
23 representing Illinois chiefs of police;

24 (14) the Director of a statewide fraternal
25 organization representing sworn law enforcement officers
26 in this State;

1 (15) the Director of a benevolent association
2 representing sworn police officers in this State;

3 (16) the Director of a fraternal organization
4 representing sworn law enforcement officers within the
5 City of Chicago; and

6 (17) the Director of a fraternal organization
7 exclusively representing sworn Illinois State Police
8 officers.

9 (c) The President of the Senate and the Speaker of the
10 House of Representatives shall each appoint a joint chairperson
11 to the Commission. The Law Enforcement Training Standards Board
12 shall provide administrative support to the Commission.

13 (d) The Commission shall meet regularly to review the
14 current training and certification process for law enforcement
15 officers, review the duties of the various types of law
16 enforcement officers, including auxiliary officers, review the
17 standards for the issuance of badges, shields, and other police
18 and agency identification, review officer-involved shooting
19 investigation policies, review policies and practices
20 concerning the use of force and misconduct by law enforcement
21 officers, and examine whether law enforcement officers should
22 be licensed. For the purposes of this subsection (d), "badge"
23 means an officer's department issued identification number
24 associated with his or her position as a police officer with
25 that Department.

26 (e) The Commission shall submit a report of its findings

1 and legislative recommendations to the General Assembly and
2 Governor on or before September 30, 2018.

3 (f) This Section is repealed on December 31, 2018.

4 (Source: P.A. 100-319, eff. 8-24-17.)

5 Section 140. The Currency Reporting Act is amended by
6 changing Sections 2, 3, 4, 5, 6, and 8 as follows:

7 (205 ILCS 685/2) (from Ch. 17, par. 7352)

8 Sec. 2. It is the purpose of this Act to require the
9 keeping and submission to the Superintendent ~~Director~~ of State
10 Police of certain reports and records of transactions involving
11 United States currency when such reports and records have a
12 high degree of usefulness in criminal, tax or regulatory
13 investigations or proceedings.

14 (Source: P.A. 87-619.)

15 (205 ILCS 685/3) (from Ch. 17, par. 7353)

16 Sec. 3. As used in this Act, the term:

17 (a) "Currency" means currency and coin of the United
18 States;

19 (b) "Department" means the Department of State Police;

20 (c) "Superintendent" "~~Director~~" means Superintendent
21 ~~Director~~ of State Police;

22 (d) "Financial Institution" means any:

23 (1) National or state bank or banking association;

1 (2) Agency or branch of a foreign bank, or
2 international bank;

3 (3) Industrial savings bank;

4 (4) Trust company;

5 (5) Federal or state savings and loan association;

6 (6) Federal or state credit union;

7 (7) Community or ambulatory currency exchange;

8 (8) Issuer, redeemer, or cashier of travelers' checks,
9 money orders, or similar instruments;

10 (9) Operator of a credit card system;

11 (10) Insurance company;

12 (11) Dealer in precious metals, stones, and jewels;

13 (12) Loan or finance company;

14 (13) Pawnbroker;

15 (14) Travel agency;

16 (15) Licensed sender of money;

17 (16) Telegraph company;

18 (17) Business engaged in vehicle or vessel sales,
19 including automobile, airplane and boat sales;

20 (18) Person involved in real estate closings,
21 settlements, sales, or auctions.

22 However, "Financial Institution" does not include an office,
23 department, agency or other entity of State government.

24 (Source: P.A. 87-619.)

25 (205 ILCS 685/4) (from Ch. 17, par. 7354)

1 Sec. 4. (a) Every financial institution shall keep a record
2 of every currency transaction involving more than \$10,000 and
3 shall file a report with the Department at such time and
4 containing such information as the Superintendent ~~Director~~ by
5 rule or regulation requires. Unless otherwise provided by rule,
6 a financial institution may exempt from the reporting
7 requirements of this Section deposits, withdrawals, exchanges,
8 or payments exempted from the reporting requirements of Title
9 31 U.S.C. 5313. Each financial institution shall maintain a
10 record of each exemption granted, including the name, address,
11 type of business, taxpayer identification number, and account
12 number of the customer granted the exemption; the type of
13 transactions exempted; and the dollar limit of each exempt
14 transaction. Such record of exemptions shall be made available
15 to the Department for inspection and copying.

16 (b) A financial institution in compliance with the
17 provisions of the Currency and Foreign Transactions Reporting
18 Act (31 U.S.C. 5311, et seq.) and Federal regulations
19 prescribed thereunder shall be deemed to be in compliance with
20 the provisions of this Section and rules or regulations
21 prescribed thereunder by the Superintendent ~~Director~~.

22 (Source: P.A. 87-619.)

23 (205 ILCS 685/5) (from Ch. 17, par. 7355)

24 Sec. 5. (a) No financial institution may issue or sell a
25 bank check, cashier's check, traveler's check, or money order

1 to any individual in connection with a transaction or group of
2 such contemporaneous transactions which involves United States
3 coins or currency (or such other monetary instruments as the
4 Superintendent ~~Director~~ may prescribe) in amounts or
5 denominations of \$3,000 or more unless:

6 (1) The individual has a transaction account with such
7 financial institution and the financial institution:

8 (i) Verifies that fact through a signature card or
9 other information maintained by such institution in
10 connection with the account of such individual; and

11 (ii) Records the method of verification in
12 accordance with regulations which the Superintendent
13 ~~Director~~ shall prescribe; or

14 (2) The individual furnishes the financial institution
15 with such forms of identification as the Director may
16 require in regulations which the Superintendent ~~Director~~
17 shall prescribe and the financial institution verifies and
18 records such information in accordance with regulations
19 which the Director shall prescribe.

20 (b) Any information required to be recorded by any
21 financial institution under subsection (a) of this Section 5
22 shall be reported to the Director at such time and in such
23 manner as the Superintendent ~~Director~~ may prescribe by rule or
24 regulation.

25 (c) The records required to be kept by this Act shall be
26 kept on the premises of the financial institutions and shall be

1 open to inspection by any law enforcement officer upon request
2 of the head of such agency, made in writing and stating the
3 particular information desired, the criminal or tax or
4 regulatory purpose for which the information is sought and the
5 official need for the information, which such information shall
6 be received by them in confidence and shall not be disclosed to
7 any person except for official purposes related to the
8 investigation, proceeding or matter in connection with which
9 the information is sought, and for which the agency shall
10 reimburse the financial institution for costs incurred in
11 searching for, making available, or reproducing requested
12 reports.

13 (d) For the purpose of this Act the term "transaction
14 account" has the meaning given to such term in Section
15 19(b)(1)(c) of the Federal Reserve Act.

16 (e) A financial institution in compliance with Section 5325
17 of the Currency and Foreign Transactions Reporting Act (31
18 U.S.C. 5311, et seq.) and Federal regulations prescribed
19 thereunder shall be deemed to be in compliance with the
20 provisions of this Section and rules or regulations prescribed
21 thereunder by the Superintendent ~~Director~~.

22 (Source: P.A. 87-619.)

23 (205 ILCS 685/6) (from Ch. 17, par. 7356)

24 Sec. 6. Authorized representatives of the Illinois State
25 Police, the Illinois Attorney General, the Illinois Department

1 of Revenue, the State's Attorney's Office or Sheriff's
2 Department of any county of this State, the police department
3 of any municipality of this State, the United States Department
4 of Justice (to include the United States Attorney General,
5 local United States' Attorneys, the Federal Bureau of
6 Investigation, and the Drug Enforcement Administration), and
7 the United States Department of the Treasury (to include the
8 United States Customs Service and the Internal Revenue Service)
9 shall, under rules and regulations prescribed by the
10 Superintendent ~~Director~~, be given access to information and
11 documents received by the Superintendent ~~Director~~ under this
12 Act or information and documents relating to financial
13 transactions received by the Superintendent ~~Director~~ from the
14 Federal Government as the result of any memorandum or agreement
15 of understanding between any Department of the United States
16 and the State of Illinois.

17 (Source: P.A. 87-619.)

18 (205 ILCS 685/8) (from Ch. 17, par. 7358)

19 Sec. 8. When the Superintendent ~~Director~~ believes a person
20 has violated, is violating, or will violate this Act or a rule
21 or regulation prescribed under this Act, the Superintendent
22 ~~Director~~ may request the Attorney General to bring a civil
23 action in circuit court to enjoin the violation or enforce
24 compliance with this Act or rule or regulation prescribed
25 thereunder. A person not complying with an injunction issued

1 under this Section is liable to the State of Illinois in a
2 civil suit for an amount not more than \$10,000.

3 (Source: P.A. 87-619.)

4 Section 145. The Health Care Worker Background Check Act is
5 amended by changing Section 65 as follows:

6 (225 ILCS 46/65)

7 Sec. 65. Health Care Worker Task Force. A Health Care
8 Worker Task Force shall be appointed to study and make
9 recommendations on statutory changes to this Act.

10 (a) The Task Force shall monitor the status of the
11 implementation of this Act and monitor complaint
12 investigations relating to this Act by the Department on Aging,
13 Department of Public Health, Department of Professional
14 Regulation, and the Department of Human Services to determine
15 the criminal background, if any, of health care workers who
16 have had findings of abuse, theft, or exploitation.

17 (b) The Task Force shall make recommendations concerning
18 modifications to the list of offenses enumerated in Section 25,
19 including time limits on all or some of the disqualifying
20 offenses, and any other necessary or desirable changes to the
21 Act.

22 (c) In the event that proposed rules or changes are
23 properly submitted to the Task Force and the Task Force fails
24 to advise the Department within 90 days after receipt of the

1 proposed rules or changes, final action shall be deemed to have
2 been taken by the Task Force concerning the proposed rules or
3 changes.

4 (d) The Task Force shall be composed of the following
5 members, who shall serve without pay:

6 (1) a chairman knowledgeable about health care issues,
7 who shall be appointed by the Governor;

8 (2) the Director of Public Health or his or her
9 designee;

10 (3) the Superintendent ~~Director~~ of State Police or his
11 or her designee;

12 (3.5) the Director of Healthcare and Family Services or
13 his or her designee;

14 (3.6) the Secretary of Human Services or his or her
15 designee;

16 (3.7) the Director of Aging or his or her designee;

17 (4) 2 representatives of health care providers, who
18 shall be appointed by the Governor;

19 (5) 2 representatives of health care employees, who
20 shall be appointed by the Governor;

21 (5.5) a representative of a Community Care homemaker
22 program, who shall be appointed by the Governor;

23 (6) a representative of the general public who has an
24 interest in health care, who shall be appointed by the
25 Governor; and

26 (7) 4 members of the General Assembly, one appointed by

1 the Speaker of the House, one appointed by the House
2 Minority Leader, one appointed by the President of the
3 Senate, and one appointed by the Senate Minority Leader.

4 (e) The Task Force shall meet at least quarterly, and more
5 frequently at the discretion of the chairperson. Task Force
6 members shall serve until a replacement is sworn and qualified.
7 Nine members appointed to the Task Force constitutes a quorum.
8 (Source: P.A. 95-331, eff. 8-21-07; 95-987, eff. 10-3-08.)

9 Section 150. The Liquor Control Act of 1934 is amended by
10 changing Section 10-1 as follows:

11 (235 ILCS 5/10-1) (from Ch. 43, par. 183)

12 Sec. 10-1. Violations; penalties. Whereas a substantial
13 threat to the sound and careful control, regulation, and
14 taxation of the manufacture, sale, and distribution of
15 alcoholic liquors exists by virtue of individuals who
16 manufacture, import, distribute, or sell alcoholic liquors
17 within the State without having first obtained a valid license
18 to do so, and whereas such threat is especially serious along
19 the borders of this State, and whereas such threat requires
20 immediate correction by this Act, by active investigation and
21 prosecution by law enforcement officials and prosecutors, and
22 by prompt and strict enforcement through the courts of this
23 State to punish violators and to deter such conduct in the
24 future:

1 (a) Any person who manufactures, imports for distribution
2 or use, transports from outside this State into this State, or
3 distributes or sells 108 liters (28.53 gallons) or more of
4 wine, 45 liters (11.88 gallons) or more of distilled spirits,
5 or 118 liters (31.17 gallons) or more of beer at any place
6 within the State without having first obtained a valid license
7 to do so under the provisions of this Act shall be guilty of a
8 Class 4 felony for each offense. However, any person who was
9 duly licensed under this Act and whose license expired within
10 30 days prior to a violation shall be guilty of a business
11 offense and fined not more than \$1,000 for the first such
12 offense and shall be guilty of a Class 4 felony for each
13 subsequent offense.

14 Any person who manufactures, imports for distribution,
15 transports from outside this State into this State for sale or
16 resale in this State, or distributes or sells less than 108
17 liters (28.53 gallons) of wine, less than 45 liters (11.88
18 gallons) of distilled spirits, or less than 118 liters (31.17
19 gallons) of beer at any place within the State without having
20 first obtained a valid license to do so under the provisions of
21 this Act shall be guilty of a business offense and fined not
22 more than \$1,000 for the first such offense and shall be guilty
23 of a Class 4 felony for each subsequent offense. This
24 subsection does not apply to a motor carrier or freight
25 forwarder, as defined in Section 13102 of Title 49 of the
26 United States Code, an air carrier, as defined in Section 40102

1 of Title 49 of the United States Code, or a rail carrier, as
2 defined in Section 10102 of Title 49 of the United States Code.

3 Any person who both has been issued an initial cease and
4 desist notice from the State Commission and for compensation
5 ships alcoholic liquor into this State without a license
6 authorized by Section 5-1 issued by the State Commission or in
7 violation of that license is guilty of a Class 4 felony for
8 each offense.

9 (b) (1) Any retailer, licensed in this State, who knowingly
10 causes to furnish, give, sell, or otherwise being within the
11 State, any alcoholic liquor destined to be used, distributed,
12 consumed or sold in another state, unless such alcoholic liquor
13 was received in this State by a duly licensed distributor, or
14 importing distributors shall have his license suspended for 7
15 days for the first offense and for the second offense, shall
16 have his license revoked by the Commission.

17 (2) In the event the Commission receives a certified copy
18 of a final order from a foreign jurisdiction that an Illinois
19 retail licensee has been found to have violated that foreign
20 jurisdiction's laws, rules, or regulations concerning the
21 importation of alcoholic liquor into that foreign
22 jurisdiction, the violation may be grounds for the Commission
23 to revoke, suspend, or refuse to issue or renew a license, to
24 impose a fine, or to take any additional action provided by
25 this Act with respect to the Illinois retail license or
26 licensee. Any such action on the part of the Commission shall

1 be in accordance with this Act and implementing rules.

2 For the purposes of paragraph (2): (i) "foreign
3 jurisdiction" means a state, territory, or possession of the
4 United States, the District of Columbia, or the Commonwealth of
5 Puerto Rico, and (ii) "final order" means an order or judgment
6 of a court or administrative body that determines the rights of
7 the parties respecting the subject matter of the proceeding,
8 that remains in full force and effect, and from which no appeal
9 can be taken.

10 (c) Any person who shall make any false statement or
11 otherwise violates any of the provisions of this Act in
12 obtaining any license hereunder, or who having obtained a
13 license hereunder shall violate any of the provisions of this
14 Act with respect to the manufacture, possession, distribution
15 or sale of alcoholic liquor, or with respect to the maintenance
16 of the licensed premises, or shall violate any other provision
17 of this Act, shall for a first offense be guilty of a petty
18 offense and fined not more than \$500, and for a second or
19 subsequent offense shall be guilty of a Class B misdemeanor.

20 (c-5) Any owner of an establishment that serves alcohol on
21 its premises, if more than 50% of the establishment's gross
22 receipts within the prior 3 months is from the sale of alcohol,
23 who knowingly fails to prohibit concealed firearms on its
24 premises or who knowingly makes a false statement or record to
25 avoid the prohibition of concealed firearms on its premises
26 under the Firearm Concealed Carry Act shall be guilty of a

1 business offense with a fine up to \$5,000.

2 (d) Each day any person engages in business as a
3 manufacturer, foreign importer, importing distributor,
4 distributor or retailer in violation of the provisions of this
5 Act shall constitute a separate offense.

6 (e) Any person, under the age of 21 years who, for the
7 purpose of buying, accepting or receiving alcoholic liquor from
8 a licensee, represents that he is 21 years of age or over shall
9 be guilty of a Class A misdemeanor.

10 (f) In addition to the penalties herein provided, any
11 person licensed as a wine-maker in either class who
12 manufactures more wine than authorized by his license shall be
13 guilty of a business offense and shall be fined \$1 for each
14 gallon so manufactured.

15 (g) A person shall be exempt from prosecution for a
16 violation of this Act if he is a peace officer in the
17 enforcement of the criminal laws and such activity is approved
18 in writing by one of the following:

19 (1) In all counties, the respective State's Attorney;

20 (2) The Superintendent ~~Director~~ of State Police under
21 Section 2605-10, 2605-15, 2605-75, 2605-100, 2605-105,
22 2605-110, 2605-115, 2605-120, 2605-130, 2605-140,
23 2605-190, 2605-200, 2605-205, 2605-210, 2605-215,
24 2605-250, 2605-275, 2605-300, 2605-305, 2605-315,
25 2605-325, 2605-335, 2605-340, 2605-350, 2605-355,
26 2605-360, 2605-365, 2605-375, 2605-390, 2605-400,

1 2605-405, 2605-420, 2605-430, 2605-435, 2605-500,
2 2605-525, or 2605-550 of the Department of State Police Law
3 (20 ILCS 2605/2605-10, 2605/2605-15, 2605/2605-75,
4 2605/2605-100, 2605/2605-105, 2605/2605-110,
5 2605/2605-115, 2605/2605-120, 2605/2605-130,
6 2605/2605-140, 2605/2605-190, 2605/2605-200,
7 2605/2605-205, 2605/2605-210, 2605/2605-215,
8 2605/2605-250, 2605/2605-275, 2605/2605-300,
9 2605/2605-305, 2605/2605-315, 2605/2605-325,
10 2605/2605-335, 2605/2605-340, 2605/2605-350,
11 2605/2605-355, 2605/2605-360, 2605/2605-365,
12 2605/2605-375, 2605/2605-390, 2605/2605-400,
13 2605/2605-405, 2605/2605-420, 2605/2605-430,
14 2605/2605-435, 2605/2605-500, 2605/2605-525, or
15 2605/2605-550); or

16 (3) In cities over 1,000,000, the Superintendent of
17 Police.

18 (Source: P.A. 98-63, eff. 7-9-13; 99-904, eff. 1-1-17.)

19 Section 155. The Intergovernmental Missing Child Recovery
20 Act of 1984 is amended by changing Sections 2, 6, and 8 as
21 follows:

22 (325 ILCS 40/2) (from Ch. 23, par. 2252)

23 Sec. 2. As used in this Act:

24 (a) "Department" means the Department of State Police.

1 (b) "Superintendent" ~~"Director"~~ means the Superintendent
2 ~~Director~~ of the Department of State Police.

3 (c) "Unit of local government" is defined as in Article
4 VII, Section 1 of the Illinois Constitution and includes both
5 home rule units and units which are not home rule units. The
6 term is also defined to include all public school districts
7 subject to the provisions of the School Code.

8 (d) "Child" means a person under 21 years of age.

9 (e) A "LEADS terminal" is an interactive computerized
10 communication and processing unit which permits a direct
11 on-line communication with the Department of State Police's
12 central data repository, the Law Enforcement Agencies Data
13 System (LEADS).

14 (f) A "primary contact agency" means a law enforcement
15 agency which maintains a LEADS terminal, or has immediate
16 access to one on a 24-hour-per-day, 7-day-per-week basis by
17 written agreement with another law enforcement agency.

18 (g) (Blank).

19 (h) "Missing child" means any person under 21 years of age
20 whose whereabouts are unknown to his or her parents or legal
21 guardian.

22 (i) "Exploitation" means activities and actions which
23 include, but are not limited to, child pornography, aggravated
24 child pornography, child prostitution, child sexual abuse,
25 drug and substance abuse by children, and child suicide.

26 (j) (Blank).

1 (Source: P.A. 96-1551, eff. 7-1-11; 97-938, eff. 1-1-13.)

2 (325 ILCS 40/6) (from Ch. 23, par. 2256)

3 Sec. 6. The Department shall:

4 (a) Establish and maintain a statewide Law Enforcement
5 Agencies Data System (LEADS) for the purpose of effecting an
6 immediate law enforcement response to reports of missing
7 children. The Department shall implement an automated data
8 exchange system to compile, to maintain and to make available
9 for dissemination to Illinois and out-of-State law enforcement
10 agencies, data which can assist appropriate agencies in
11 recovering missing children.

12 (b) Establish contacts and exchange information regarding
13 lost, missing or runaway children with nationally recognized
14 "missing person and runaway" service organizations and monitor
15 national research and publicize important developments.

16 (c) Provide a uniform reporting format for the entry of
17 pertinent information regarding reports of missing children
18 into LEADS.

19 (d) Develop and implement a policy whereby a statewide or
20 regional alert would be used in situations relating to the
21 disappearances of children, based on criteria and in a format
22 established by the Department. Such a format shall include, but
23 not be limited to, the age and physical description of the
24 missing child and the suspected circumstances of the
25 disappearance.

1 (e) Notify all law enforcement agencies that reports of
2 missing persons shall be entered as soon as the minimum level
3 of data specified by the Department is available to the
4 reporting agency and that no waiting period for entry of such
5 data exists.

6 (f) Provide a procedure for prompt confirmation of the
7 receipt and entry of the missing child report into LEADS to the
8 parent or guardian of the missing child.

9 (g) Compile and retain information regarding missing
10 children in a separate data file, in a manner that allows such
11 information to be used by law enforcement and other agencies
12 deemed appropriate by the Superintendent ~~Director~~, for
13 investigative purposes. Such files shall be updated to reflect
14 and include information relating to the disposition of the
15 case.

16 (h) Compile and maintain an historic data repository
17 relating to missing children in order (1) to develop and
18 improve techniques utilized by law enforcement agencies when
19 responding to reports of missing children and (2) to provide a
20 factual and statistical base for research that would address
21 the problem of missing children.

22 (i) Create a quality control program to monitor timeliness
23 of entries of missing children reports into LEADS and conduct
24 performance audits of all entering agencies.

25 (j) Prepare a periodic information bulletin concerning
26 missing children who it determines may be present in this

1 State, compiling such bulletin from information contained in
2 both the National Crime Information Center computer and from
3 reports, alerts and other information entered into LEADS or
4 otherwise compiled and retained by the Department pursuant to
5 this Act. The bulletin shall indicate the name, age, physical
6 description, suspected circumstances of disappearance if that
7 information is available, a photograph if one is available, the
8 name of the law enforcement agency investigating the case, and
9 such other information as the Superintendent ~~Director~~
10 considers appropriate concerning each missing child who the
11 Department determines may be present in this State. The
12 Department shall send a copy of each periodic information
13 bulletin to the State Board of Education for its use in
14 accordance with Section 2-3.48 of the School Code. The
15 Department shall provide a copy of the bulletin, upon request,
16 to law enforcement agencies of this or any other state or of
17 the federal government, and may provide a copy of the bulletin,
18 upon request, to other persons or entities, if deemed
19 appropriate by the Superintendent ~~Director~~, and may establish
20 limitations on its use and a reasonable fee for so providing
21 the same, except that no fee shall be charged for providing the
22 periodic information bulletin to the State Board of Education,
23 appropriate units of local government, State agencies, or law
24 enforcement agencies of this or any other state or of the
25 federal government.

26 (k) Provide for the entry into LEADS of the names and

1 addresses of sex offenders as defined in the Sex Offender
2 Registration Act who are required to register under that Act.
3 The information shall be immediately accessible to law
4 enforcement agencies and peace officers of this State or any
5 other state or of the federal government. Similar information
6 may be requested from any other state or of the federal
7 government for purposes of this Act.

8 (1) Provide for the entry into LEADS of the names and
9 addresses of violent offenders against youth as defined in the
10 Murderer and Violent Offender Against Youth Registration Act
11 who are required to register under that Act. The information
12 shall be immediately accessible to law enforcement agencies and
13 peace officers of this State or any other state or of the
14 federal government. Similar information may be requested from
15 any other state or of the federal government for purposes of
16 this Act.

17 (Source: P.A. 97-154, eff. 1-1-12.)

18 (325 ILCS 40/8) (from Ch. 23, par. 2258)

19 Sec. 8. The Superintendent ~~Director~~ shall report by June 30
20 of each year to the Governor and the General Assembly on the
21 operations of the State Missing Persons Clearinghouse for the
22 previous calendar year.

23 (Source: P.A. 97-938, eff. 1-1-13.)

24 Section 160. The Vital Records Act is amended by changing

1 Section 15.1 as follows:

2 (410 ILCS 535/15.1) (from Ch. 111 1/2, par. 73-15.1)

3 Sec. 15.1. (1) The Superintendent ~~Director~~ of the
4 ~~Department~~ of State Police or his designee may obtain a
5 registration of a fictitious vital record for the purpose and
6 in the manner prescribed in this Section.

7 (2) A registration of a fictitious vital record may be
8 obtained pursuant to this Section only for law enforcement
9 purposes in providing: (a) witnesses with new identification to
10 protect them during and following criminal investigations or
11 proceedings; and (b) law enforcement officers with new
12 identification to enable them to escape detection while
13 performing criminal investigations.

14 (3) The Superintendent ~~Director~~ of State Police or his
15 designee may apply to the circuit court on behalf of a person
16 for an order directing the State Registrar of Vital Records to
17 establish a fictitious vital record if it is determined by the
18 Superintendent ~~Director~~ that normal procedures of
19 investigation or protection are inadequate or reasonably
20 appear to be unlikely to succeed if tried or are too dangerous
21 to employ. The court shall fix a time and place for hearing the
22 application and, if it finds that the application should be
23 granted, shall order the State Registrar of Vital Records to
24 establish the vital record requested. The order shall include
25 the data to be registered, and shall be delivered in person by

1 the designee of the Superintendent ~~Director of the Department~~
2 of State Police to the State Registrar of Vital Records. Upon
3 receipt of such order, the State Registrar of Vital Records
4 shall establish a vital record as if such data had been
5 registered pursuant to Section 12 or 18 of this Act or pursuant
6 to Section 210 or 413 of the Illinois Marriage and Dissolution
7 of Marriage Act.

8 (4) The general public shall be excluded from any hearing
9 on an application for an order under this Section and only
10 persons, including representatives of agencies, who in the
11 opinion of the court have a direct interest in the matter of
12 the application shall be admitted to the hearing.

13 (5) The court's file relating to any proceeding under this
14 Section shall be impounded by the clerk of the court and shall
15 be opened for examination only upon specific order of the
16 court, which order shall name the person or persons who are to
17 be permitted to examine such file. Certified copies of any
18 paper or document contained in any file so impounded shall be
19 made only on like order.

20 (6) Any documentation concerning a vital record registered
21 pursuant to this Section, including any court order entered
22 under subsection (3), maintained by the Department of State
23 Police or by the State Registrar of Vital Records shall be
24 sealed. Such documentation maintained by the Registrar of Vital
25 Records shall be opened for examination only upon specific
26 order of the court, which order shall name the person or

1 persons who are to be permitted to examine such file. Such
2 documentation maintained by the Department of State Police
3 shall be opened for examination only upon the written
4 permission of the Superintendent ~~Director~~ of that Department or
5 his designee.

6 (7) The Registrar of Vital Records shall immediately notify
7 the Superintendent ~~Director of the Department~~ of State Police
8 or his designee upon receiving any request for a copy of or
9 information concerning any vital record registered pursuant to
10 this Section.

11 (8) If the court order directing the State Registrar of
12 Vital Records to establish a fictitious vital record does not
13 specify a time for the destruction or elimination of such vital
14 record, the fictitious vital record shall be destroyed or
15 eliminated at the conclusion of the investigation or when the
16 Superintendent ~~Director of the Department~~ of State Police
17 determines that such record is no longer necessary. After the
18 destruction of such record, the Superintendent ~~Director of the~~
19 ~~Department~~ of State Police shall so notify the court which
20 entered the order directing the establishment of the fictitious
21 vital record.

22 (Source: P.A. 85-829.)

23 Section 165. The Hazardous Materials Emergency Act is
24 amended by changing Section 4 as follows:

1 (430 ILCS 50/4) (from Ch. 127, par. 1254)

2 (Section scheduled to be repealed on January 1, 2018)

3 Sec. 4. There is hereby created a Hazardous Materials
4 Advisory Board, composed of 21 members as follows: the Director
5 of the Illinois Emergency Management Agency, or his designee;
6 the Director of Agriculture or his designee; the Chairman of
7 the Illinois Commerce Commission or his designee; the Director
8 of Public Health or his designee; the Director of the
9 Environmental Protection Agency or his designee; the Secretary
10 of Transportation or his designee; the State Fire Marshal or
11 his designee; the Superintendent ~~Director~~ of State Police or
12 his designee; the Director of Natural Resources or his
13 designee; the Illinois Attorney General or his designee; the
14 Director of Nuclear Safety or his designee; the Executive
15 Director of the Illinois Law Enforcement Training Standards
16 Board or his designee; the Director of the Illinois Fire
17 Service Institute, University of Illinois, or his designee; and
18 a representative from the Illinois Association of Chiefs of
19 Police; the Illinois Fire Chiefs Association; the Illinois
20 Sheriffs' Association; the Illinois Emergency Services
21 Management Association; and 4 members appointed by the
22 Governor, one of whom shall represent volunteer firefighters,
23 one of whom shall represent the local emergency response
24 service and two shall represent the business community. The
25 Chairman shall be selected by the membership from those members
26 not representing a State agency.

1 The Board shall meet within 90 days of January 1, 1985 (the
2 effective date of Public Act 83-1368) to select a chairman,
3 other officers and establish an organization structure as the
4 members deem necessary and thereafter at the call of the chair
5 or any 11 members. A person who has been designated by the
6 Director of his department to represent the Director on the
7 Board shall be entitled to vote on all questions before the
8 Board. Eleven members of the Board constitute a quorum, except
9 that where members have not been appointed or designated to the
10 Board, a quorum shall be constituted by a simple majority of
11 the appointed or designated membership.

12 The Board shall advise and make recommendations to the
13 Agency regarding the reporting of an accident involving
14 hazardous materials and to the Department regarding the
15 placarding of transportation of hazardous materials. The Board
16 shall design a program and develop a Statewide plan providing
17 for a coordinating system among State agencies and departments
18 and units of local government, for response to accidents
19 involving hazardous materials. Every attempt shall be made to
20 avoid requiring any person to report an accident involving
21 hazardous materials to more than one State agency. If at all
22 possible, the primary agency receiving the reports shall be the
23 Illinois Emergency Management Agency, and that agency shall
24 relay reports to other State and local agencies.

25 The Board shall form from among its members, an Emergency
26 Response Training and Standards Committee. The Secretary of

1 Transportation or his designee, the State Fire Marshal or his
2 designee, and the representatives from the Chiefs of Police,
3 Fire Chiefs and Sheriffs' Association shall also serve on the
4 Committee. It shall be the duty of this Committee, with final
5 approval of the Board, to recommend standardized training
6 courses for firefighters, police officers, and other hazardous
7 material emergency response personnel of the State and local
8 governments; to recommend standards for hazardous material
9 emergency response equipment; and recommend standards for
10 achievement levels for the various hazardous material
11 emergency response personnel. The standardized courses shall
12 include training for firefighters, police officers, and other
13 hazardous material emergency response personnel described in
14 the federal regulations relating to the placarding system that
15 has been promulgated under the Hazardous Materials
16 Transportation Act (P.L. 93-633).

17 The Board shall review and recommend the material to be
18 provided under Sections 5.04, 5.05, and 5.06 of this Act and
19 assure the development of a plan for those activities in
20 Section 5.07 of this Act.

21 The Board shall have the duty to study and recommend to the
22 various State agencies, local governments and the General
23 Assembly any aspect of placarding in transportation, hazard
24 signage systems, the training of hazardous material emergency
25 response personnel, the equipment used in hazardous material
26 emergency response, the planning for hazardous material

1 emergency response, and the dissemination of information
2 concerning these areas.

3 The Department of Transportation and the Illinois
4 Emergency Management Agency shall furnish meeting facilities,
5 staff, and other administrative needs of the Board. The Agency
6 or the Department shall inform the Board whenever the Agency or
7 the Department is considering the adoption of any regulations
8 under this Act. The Agency or the Department shall send a copy
9 of all proposed regulations to each member of the Board; the
10 Board shall be represented at all public hearings regarding
11 proposals for and changes in Agency or the Department
12 regulations. The Board may, at its discretion, present the
13 Agency or the Department with its written evaluation of the
14 proposed regulations or changes.

15 Before the Department exempts any hazardous material from
16 the placarding regulations, under Section 3 of this Act, the
17 Board must approve the regulations providing for the exemption.
18 (Source: P.A. 99-642, eff. 7-28-16. Repealed by P.A. 100-129,
19 eff. 1-1-18.)

20 Section 170. The Firearm Owners Identification Card Act is
21 amended by changing Sections 10, 11, 13.3, and 15b as follows:

22 (430 ILCS 65/10) (from Ch. 38, par. 83-10)

23 Sec. 10. Appeal to Superintendent ~~director~~; hearing;
24 relief from firearm prohibitions.

1 (a) Whenever an application for a Firearm Owner's
2 Identification Card is denied, whenever the Department fails to
3 act on an application within 30 days of its receipt, or
4 whenever such a Card is revoked or seized as provided for in
5 Section 8 of this Act, the aggrieved party may appeal to the
6 Superintendent ~~Director~~ of State Police for a hearing upon such
7 denial, revocation or seizure, unless the denial, revocation,
8 or seizure was based upon a forcible felony, stalking,
9 aggravated stalking, domestic battery, any violation of the
10 Illinois Controlled Substances Act, the Methamphetamine
11 Control and Community Protection Act, or the Cannabis Control
12 Act that is classified as a Class 2 or greater felony, any
13 felony violation of Article 24 of the Criminal Code of 1961 or
14 the Criminal Code of 2012, or any adjudication as a delinquent
15 minor for the commission of an offense that if committed by an
16 adult would be a felony, in which case the aggrieved party may
17 petition the circuit court in writing in the county of his or
18 her residence for a hearing upon such denial, revocation, or
19 seizure.

20 (b) At least 30 days before any hearing in the circuit
21 court, the petitioner shall serve the relevant State's Attorney
22 with a copy of the petition. The State's Attorney may object to
23 the petition and present evidence. At the hearing the court
24 shall determine whether substantial justice has been done.
25 Should the court determine that substantial justice has not
26 been done, the court shall issue an order directing the

1 Department of State Police to issue a Card. However, the court
2 shall not issue the order if the petitioner is otherwise
3 prohibited from obtaining, possessing, or using a firearm under
4 federal law.

5 (c) Any person prohibited from possessing a firearm under
6 Sections 24-1.1 or 24-3.1 of the Criminal Code of 2012 or
7 acquiring a Firearm Owner's Identification Card under Section 8
8 of this Act may apply to the Superintendent ~~Director~~ of State
9 Police or petition the circuit court in the county where the
10 petitioner resides, whichever is applicable in accordance with
11 subsection (a) of this Section, requesting relief from such
12 prohibition and the Superintendent ~~Director~~ or court may grant
13 such relief if it is established by the applicant to the
14 court's or Superintendent's ~~Director's~~ satisfaction that:

15 (0.05) when in the circuit court, the State's Attorney
16 has been served with a written copy of the petition at
17 least 30 days before any such hearing in the circuit court
18 and at the hearing the State's Attorney was afforded an
19 opportunity to present evidence and object to the petition;

20 (1) the applicant has not been convicted of a forcible
21 felony under the laws of this State or any other
22 jurisdiction within 20 years of the applicant's
23 application for a Firearm Owner's Identification Card, or
24 at least 20 years have passed since the end of any period
25 of imprisonment imposed in relation to that conviction;

26 (2) the circumstances regarding a criminal conviction,

1 where applicable, the applicant's criminal history and his
2 reputation are such that the applicant will not be likely
3 to act in a manner dangerous to public safety;

4 (3) granting relief would not be contrary to the public
5 interest; and

6 (4) granting relief would not be contrary to federal
7 law.

8 (c-5) (1) An active law enforcement officer employed by a
9 unit of government, who is denied, revoked, or has his or her
10 Firearm Owner's Identification Card seized under subsection
11 (e) of Section 8 of this Act may apply to the Superintendent
12 ~~Director~~ of State Police requesting relief if the officer did
13 not act in a manner threatening to the officer, another person,
14 or the public as determined by the treating clinical
15 psychologist or physician, and as a result of his or her work
16 is referred by the employer for or voluntarily seeks mental
17 health evaluation or treatment by a licensed clinical
18 psychologist, psychiatrist, or qualified examiner, and:

19 (A) the officer has not received treatment
20 involuntarily at a mental health facility, regardless of
21 the length of admission; or has not been voluntarily
22 admitted to a mental health facility for more than 30 days
23 and not for more than one incident within the past 5 years;
24 and

25 (B) the officer has not left the mental institution
26 against medical advice.

1 (2) The Superintendent ~~Director~~ of State Police shall grant
2 expedited relief to active law enforcement officers described
3 in paragraph (1) of this subsection (c-5) upon a determination
4 by the Superintendent ~~Director~~ that the officer's possession of
5 a firearm does not present a threat to themselves, others, or
6 public safety. The Superintendent ~~Director~~ shall act on the
7 request for relief within 30 business days of receipt of:

8 (A) a notarized statement from the officer in the form
9 prescribed by the Superintendent ~~Director~~ detailing the
10 circumstances that led to the hospitalization;

11 (B) all documentation regarding the admission,
12 evaluation, treatment and discharge from the treating
13 licensed clinical psychologist or psychiatrist of the
14 officer;

15 (C) a psychological fitness for duty evaluation of the
16 person completed after the time of discharge; and

17 (D) written confirmation in the form prescribed by the
18 Superintendent ~~Director~~ from the treating licensed
19 clinical psychologist or psychiatrist that the provisions
20 set forth in paragraph (1) of this subsection (c-5) have
21 been met, the person successfully completed treatment, and
22 their professional opinion regarding the person's ability
23 to possess firearms.

24 (3) Officers eligible for the expedited relief in paragraph
25 (2) of this subsection (c-5) have the burden of proof on
26 eligibility and must provide all information required. The

1 Superintendent ~~Director~~ may not consider granting expedited
2 relief until the proof and information is received.

3 (4) "Clinical psychologist", "psychiatrist", and
4 "qualified examiner" shall have the same meaning as provided in
5 Chapter I of the Mental Health and Developmental Disabilities
6 Code.

7 (c-10) (1) An applicant, who is denied, revoked, or has his
8 or her Firearm Owner's Identification Card seized under
9 subsection (e) of Section 8 of this Act based upon a
10 determination of a developmental disability or an intellectual
11 disability may apply to the Superintendent ~~Director~~ of State
12 Police requesting relief.

13 (2) The Superintendent ~~Director~~ shall act on the request
14 for relief within 60 business days of receipt of written
15 certification, in the form prescribed by the Superintendent
16 ~~Director~~, from a physician or clinical psychologist, or
17 qualified examiner, that the aggrieved party's developmental
18 disability or intellectual disability condition is determined
19 by a physician, clinical psychologist, or qualified to be mild.
20 If a fact-finding conference is scheduled to obtain additional
21 information concerning the circumstances of the denial or
22 revocation, the 60 business days the Superintendent ~~Director~~
23 has to act shall be tolled until the completion of the
24 fact-finding conference.

25 (3) The Superintendent ~~Director~~ may grant relief if the
26 aggrieved party's developmental disability or intellectual

1 disability is mild as determined by a physician, clinical
2 psychologist, or qualified examiner and it is established by
3 the applicant to the Superintendent's ~~Director's~~ satisfaction
4 that:

5 (A) granting relief would not be contrary to the public
6 interest; and

7 (B) granting relief would not be contrary to federal
8 law.

9 (4) The Superintendent ~~Director~~ may not grant relief if the
10 condition is determined by a physician, clinical psychologist,
11 or qualified examiner to be moderate, severe, or profound.

12 (5) The changes made to this Section by this amendatory Act
13 of the 99th General Assembly apply to requests for relief
14 pending on or before the effective date of this amendatory Act,
15 except that the 60-day period for the Superintendent ~~Director~~
16 to act on requests pending before the effective date shall
17 begin on the effective date of this amendatory Act.

18 (d) When a minor is adjudicated delinquent for an offense
19 which if committed by an adult would be a felony, the court
20 shall notify the Department of State Police.

21 (e) The court shall review the denial of an application or
22 the revocation of a Firearm Owner's Identification Card of a
23 person who has been adjudicated delinquent for an offense that
24 if committed by an adult would be a felony if an application
25 for relief has been filed at least 10 years after the
26 adjudication of delinquency and the court determines that the

1 applicant should be granted relief from disability to obtain a
2 Firearm Owner's Identification Card. If the court grants
3 relief, the court shall notify the Department of State Police
4 that the disability has been removed and that the applicant is
5 eligible to obtain a Firearm Owner's Identification Card.

6 (f) Any person who is subject to the disabilities of 18
7 U.S.C. 922(d)(4) and 922(g)(4) of the federal Gun Control Act
8 of 1968 because of an adjudication or commitment that occurred
9 under the laws of this State or who was determined to be
10 subject to the provisions of subsections (e), (f), or (g) of
11 Section 8 of this Act may apply to the Department of State
12 Police requesting relief from that prohibition. The
13 Superintendent ~~Director~~ shall grant the relief if it is
14 established by a preponderance of the evidence that the person
15 will not be likely to act in a manner dangerous to public
16 safety and that granting relief would not be contrary to the
17 public interest. In making this determination, the
18 Superintendent ~~Director~~ shall receive evidence concerning (i)
19 the circumstances regarding the firearms disabilities from
20 which relief is sought; (ii) the petitioner's mental health and
21 criminal history records, if any; (iii) the petitioner's
22 reputation, developed at a minimum through character witness
23 statements, testimony, or other character evidence; and (iv)
24 changes in the petitioner's condition or circumstances since
25 the disqualifying events relevant to the relief sought. If
26 relief is granted under this subsection or by order of a court

1 under this Section, the Superintendent ~~Director~~ shall as soon
2 as practicable but in no case later than 15 business days,
3 update, correct, modify, or remove the person's record in any
4 database that the Department of State Police makes available to
5 the National Instant Criminal Background Check System and
6 notify the United States Attorney General that the basis for
7 the record being made available no longer applies. The
8 Department of State Police shall adopt rules for the
9 administration of this Section.

10 (Source: P.A. 98-63, eff. 7-9-13; 99-29, eff. 7-10-15; 99-78,
11 eff. 7-20-15.)

12 (430 ILCS 65/11) (from Ch. 38, par. 83-11)

13 Sec. 11. Judicial review of final administrative
14 decisions.

15 (a) All final administrative decisions of the Department
16 under this Act, except final administrative decisions of the
17 Superintendent ~~Director~~ of State Police to deny a person's
18 application for relief under subsection (f) of Section 10 of
19 this Act, shall be subject to judicial review under the
20 provisions of the Administrative Review Law, and all amendments
21 and modifications thereof, and the rules adopted pursuant
22 thereto. The term "administrative decision" is defined as in
23 Section 3-101 of the Code of Civil Procedure.

24 (b) Any final administrative decision by the
25 Superintendent ~~Director~~ of State Police to deny a person's

1 application for relief under subsection (f) of Section 10 of
2 this Act is subject to de novo judicial review by the circuit
3 court, and any party may offer evidence that is otherwise
4 proper and admissible without regard to whether that evidence
5 is part of the administrative record.

6 (c) The Superintendent ~~Director~~ of State Police shall
7 submit a report to the General Assembly on March 1 of each
8 year, beginning March 1, 1991, listing all final decisions by a
9 court of this State upholding, reversing, or reversing in part
10 any administrative decision made by the Department of State
11 Police.

12 (Source: P.A. 97-1131, eff. 1-1-13.)

13 (430 ILCS 65/13.3)

14 Sec. 13.3. Municipal ordinance submission. Within 6 months
15 after the effective date of this amendatory Act of the 92nd
16 General Assembly, every municipality must submit to the
17 Department of State Police a copy of every ordinance adopted by
18 the municipality that regulates the acquisition, possession,
19 sale, or transfer of firearms within the municipality and must
20 submit, 30 days after adoption, every such ordinance adopted
21 after its initial submission of ordinances under this Section.
22 The Department of State Police shall compile these ordinances
23 and publish them in a form available to the public free of
24 charge and shall periodically update this compilation of
25 ordinances in a manner prescribed by the Superintendent

1 ~~Director~~ of State Police.

2 (Source: P.A. 92-238, eff. 8-3-01.)

3 (430 ILCS 65/15b)

4 Sec. 15b. Certified abstracts. Any certified abstract
5 issued by the Superintendent ~~Director~~ of State Police or
6 transmitted electronically by the Superintendent ~~Director~~ of
7 State Police under this Section to a court or on request of a
8 law enforcement agency for the record of a named person as to
9 the status of the person's Firearm Owner's Identification Card
10 is prima facie evidence of the facts stated in the certified
11 abstract and if the name appearing in the abstract is the same
12 as that of a person named in an information or warrant, the
13 abstract is prima facie evidence that the person named in the
14 information or warrant is the same person as the person named
15 in the abstract and is admissible for any prosecution under
16 this Act or any other applicable violation of law and may be
17 admitted as proof of any prior conviction or proof of records,
18 notices, or orders recorded on individual Firearm Owner's
19 Identification Card records maintained by the Department of
20 State Police.

21 (Source: P.A. 92-839, eff. 8-22-02.)

22 Section 175. The Firearm Concealed Carry Act is amended by
23 changing Sections 5 and 87 as follows:

1 (430 ILCS 66/5)

2 Sec. 5. Definitions. As used in this Act:

3 "Applicant" means a person who is applying for a license to
4 carry a concealed firearm under this Act.

5 "Board" means the Concealed Carry Licensing Review Board.

6 "Concealed firearm" means a loaded or unloaded handgun
7 carried on or about a person completely or mostly concealed
8 from view of the public or on or about a person within a
9 vehicle.

10 "Department" means the Department of State Police.

11 "Superintendent" ~~"Director"~~ means the Superintendent
12 ~~Director~~ of State Police.

13 "Handgun" means any device which is designed to expel a
14 projectile or projectiles by the action of an explosion,
15 expansion of gas, or escape of gas that is designed to be held
16 and fired by the use of a single hand. "Handgun" does not
17 include:

18 (1) a stun gun or taser;

19 (2) a machine gun as defined in item (i) of paragraph
20 (7) of subsection (a) of Section 24-1 of the Criminal Code
21 of 2012;

22 (3) a short-barreled rifle or shotgun as defined in
23 item (ii) of paragraph (7) of subsection (a) of Section
24 24-1 of the Criminal Code of 2012; or

25 (4) any pneumatic gun, spring gun, paint ball gun, or
26 B-B gun which expels a single globular projectile not

1 exceeding .18 inch in diameter, or which has a maximum
2 muzzle velocity of less than 700 feet per second, or which
3 expels breakable paint balls containing washable marking
4 colors.

5 "Law enforcement agency" means any federal, State, or local
6 law enforcement agency, including offices of State's Attorneys
7 and the Office of the Attorney General.

8 "License" means a license issued by the Department of State
9 Police to carry a concealed handgun.

10 "Licensee" means a person issued a license to carry a
11 concealed handgun.

12 "Municipality" has the meaning ascribed to it in Section 1
13 of Article VII of the Illinois Constitution.

14 "Unit of local government" has the meaning ascribed to it
15 in Section 1 of Article VII of the Illinois Constitution.

16 (Source: P.A. 98-63, eff. 7-9-13.)

17 (430 ILCS 66/87)

18 Sec. 87. Administrative and judicial review.

19 (a) Whenever an application for a concealed carry license
20 is denied, whenever the Department fails to act on an
21 application within 90 days of its receipt, or whenever a
22 license is revoked or suspended as provided in this Act, the
23 aggrieved party may appeal to the Superintendent ~~Director~~ for a
24 hearing upon the denial, revocation, suspension, or failure to
25 act on the application, unless the denial was made by the

1 Concealed Carry Licensing Review Board, in which case the
2 aggrieved party may petition the circuit court in writing in
3 the county of his or her residence for a hearing upon the
4 denial.

5 (b) All final administrative decisions of the Department or
6 the Concealed Carry Licensing Review Board under this Act shall
7 be subject to judicial review under the provisions of the
8 Administrative Review Law. The term "administrative decision"
9 is defined as in Section 3-101 of the Code of Civil Procedure.
10 (Source: P.A. 98-63, eff. 7-9-13.)

11 Section 180. The Illinois Vehicle Code is amended by
12 changing Sections 3-648, 4-109, 4-302, 6-106.1a, 11-501.2, and
13 11-501.8 as follows:

14 (625 ILCS 5/3-648)

15 Sec. 3-648. Education license plates.

16 (a) The Secretary, upon receipt of an application made in
17 the form prescribed by the Secretary, may issue special
18 registration plates designated as Education license plates.
19 The special plates issued under this Section shall be affixed
20 only to passenger vehicles of the first division and motor
21 vehicles of the second division weighing not more than 8,000
22 pounds. Plates issued under this Section shall expire according
23 to the multi-year procedure established by Section 3-414.1 of
24 this Code.

1 (b) The design and color of the plates shall be determined
2 by a contest that every elementary school pupil in the State of
3 Illinois is eligible to enter. The designs submitted for the
4 contest shall be judged on September 30, 2002, and the winning
5 design shall be selected by a committee composed of the
6 Secretary, the Superintendent ~~Director~~ of State Police, 2
7 members of the Senate, one member chosen by the President of
8 the Senate and one member chosen by the Senate Minority Leader,
9 and 2 members of the House of Representatives, one member
10 chosen by the Speaker of the House and one member chosen by the
11 House Minority Leader. The Secretary may allow the plates to be
12 issued as vanity or personalized plates under Section 3-405.1
13 of the Code. The Secretary shall prescribe stickers or decals
14 as provided under Section 3-412 of this Code.

15 (c) An applicant for the special plate shall be charged a
16 \$40 fee for original issuance, in addition to the appropriate
17 registration fee. Of this \$40 additional original issuance fee,
18 \$15 shall be deposited into the Secretary of State Special
19 License Plate Fund, to be used by the Secretary to help defray
20 the administrative processing costs, and \$25 shall be deposited
21 into the Golden Apple Scholars of Illinois Fund. For each
22 registration renewal period, a \$40 fee, in addition to the
23 appropriate registration fee, shall be charged. Of this \$40
24 additional renewal fee, \$2 shall be deposited into the
25 Secretary of State Special License Plate Fund and \$38 shall be
26 deposited into the Golden Apple Scholars of Illinois Fund. Each

1 fiscal year, once deposits from the additional original
2 issuance and renewal fees into the Secretary of State Special
3 License Plate Fund have reached \$500,000, all the amounts
4 received for the additional fees for the balance of the fiscal
5 year shall be deposited into the Golden Apple Scholars of
6 Illinois Fund.

7 (d) The Golden Apple Scholars of Illinois Fund is created
8 as a special fund in the State treasury. All moneys in the
9 Golden Apple Scholars of Illinois Fund shall be apportioned
10 according to Section 52 of the Higher Education Student
11 Assistance Act.

12 (Source: P.A. 98-533, eff. 8-23-13.)

13 (625 ILCS 5/4-109)

14 Sec. 4-109. Motor Vehicle Theft Prevention Program. The
15 Secretary of State, in conjunction with the Motor Vehicle Theft
16 Prevention and Insurance Verification Council, is hereby
17 authorized to establish and operate a Motor Vehicle Theft
18 Prevention Program as follows:

19 (a) Voluntary program participation.

20 (b) The registered owner of a motor vehicle interested in
21 participating in the program shall sign an informed consent
22 agreement designed by the Secretary of State under subsection
23 (e) of this Section indicating that the motor vehicle
24 registered to him is not normally operated between the hours of
25 1:00 a.m. and 5:00 a.m. The form and fee, if any, shall be

1 submitted to the Secretary of State for processing.

2 (c) Upon processing the form, the Secretary of State shall
3 issue to the registered owner a decal. The registered owner
4 shall affix the decal in a conspicuous place on his motor
5 vehicle as prescribed by the Secretary of State.

6 (d) Whenever any law enforcement officer shall see a motor
7 vehicle displaying a decal issued under the provisions of
8 subsection (c) of this Section being operated upon the public
9 highways of this State between the hours of 1:00 a.m. and 5:00
10 a.m., the officer is authorized to stop that motor vehicle and
11 to request the driver to produce a valid driver's license and
12 motor vehicle registration card if required to be carried in
13 the vehicle. Whenever the operator of a motor vehicle
14 displaying a decal is unable to produce the documentation set
15 forth in this Section, the police officer shall investigate
16 further to determine if the person operating the motor vehicle
17 is the registered owner or has the authorization of the owner
18 to operate the vehicle.

19 (e) The Secretary of State, in consultation with the
20 Superintendent ~~Director of the Department~~ of State Police and
21 Motor Vehicle Theft Prevention and Insurance Verification
22 Council, shall design the manner and form of the informed
23 consent agreement required under subsection (b) of this Section
24 and the decal required under subsection (c) of this Section.

25 (f) The Secretary of State shall provide for the recording
26 of registered owners of motor vehicles who participate in the

1 program. The records shall be available to all law enforcement
2 departments, agencies, and forces. The Secretary of State shall
3 cooperate with and assist all law enforcement officers and
4 other agencies in tracing or examining any questionable motor
5 vehicles in order to determine the ownership of the motor
6 vehicles.

7 (g) A fee not to exceed \$10 may be charged for the informed
8 consent form and decal provided under this Section. The fee, if
9 any, shall be set by the Motor Vehicle Theft Prevention and
10 Insurance Verification Council and shall be collected by the
11 Secretary of State and deposited into the Motor Vehicle Theft
12 Prevention and Insurance Verification Trust Fund.

13 (h) The Secretary of State, in consultation with the
14 Superintendent ~~Director of the Department~~ of State Police and
15 the Motor Vehicle Theft Prevention and Insurance Verification
16 Council shall promulgate rules and regulations to effectuate
17 the purposes of this Section.

18 (Source: P.A. 100-373, eff. 1-1-18.)

19 (625 ILCS 5/4-302) (from Ch. 95 1/2, par. 4-302)

20 Sec. 4-302. Vehicle Recycling Board. There is hereby
21 created the Vehicle Recycling Board of the State of Illinois
22 composed of the Secretary of Transportation, the
23 Superintendent ~~Director~~ of State Police, the Director of Public
24 Health, the Director of the Environmental Protection Agency,
25 the Superintendent of State Troopers or their designated

1 representatives. The Governor shall designate the Chairman and
2 Secretary of the Board.

3 The Board shall appoint an advisory committee, of no less
4 than 10 members, to include an official representative of the
5 Office of the Secretary of State as designated by the
6 Secretary; and other appropriate representatives from such
7 sources as: statewide associations of city, county and township
8 governing bodies; knowledgeable successful leaders from the
9 auto recycling private sector; the State associations of chiefs
10 of police, county sheriffs, police officers; and State agencies
11 having a direct or indirect relationship with vehicle
12 recycling.

13 (Source: P.A. 84-25.)

14 (625 ILCS 5/6-106.1a)

15 Sec. 6-106.1a. Cancellation of school bus driver permit;
16 trace of alcohol.

17 (a) A person who has been issued a school bus driver permit
18 by the Secretary of State in accordance with Section 6-106.1 of
19 this Code and who drives or is in actual physical control of a
20 school bus or any other vehicle owned or operated by or for a
21 public or private school, or a school operated by a religious
22 institution, when the vehicle is being used over a regularly
23 scheduled route for the transportation of persons enrolled as
24 students in grade 12 or below, in connection with any activity
25 of the entities listed, upon the public highways of this State

1 shall be deemed to have given consent to a chemical test or
2 tests of blood, breath, other bodily substance, or urine for
3 the purpose of determining the alcohol content of the person's
4 blood if arrested, as evidenced by the issuance of a Uniform
5 Traffic Ticket for any violation of this Code or a similar
6 provision of a local ordinance, if a police officer has
7 probable cause to believe that the driver has consumed any
8 amount of an alcoholic beverage based upon evidence of the
9 driver's physical condition or other first hand knowledge of
10 the police officer. The test or tests shall be administered at
11 the direction of the arresting officer. The law enforcement
12 agency employing the officer shall designate which of the
13 aforesaid tests shall be administered. A urine or other bodily
14 substance test may be administered even after a blood or breath
15 test or both has been administered.

16 (b) A person who is dead, unconscious, or who is otherwise
17 in a condition rendering that person incapable of refusal,
18 shall be deemed not to have withdrawn the consent provided by
19 paragraph (a) of this Section and the test or tests may be
20 administered subject to the following provisions:

21 (1) Chemical analysis of the person's blood, urine,
22 breath, or other bodily substance, to be considered valid
23 under the provisions of this Section, shall have been
24 performed according to standards promulgated by the
25 Department of State Police by an individual possessing a
26 valid permit issued by the Department of State Police for

1 this purpose. The Superintendent ~~Director~~ of State Police
2 is authorized to approve satisfactory techniques or
3 methods, to ascertain the qualifications and competence of
4 individuals to conduct analyses, to issue permits that
5 shall be subject to termination or revocation at the
6 direction of the Department of State Police, and to certify
7 the accuracy of breath testing equipment. The Department of
8 State Police shall prescribe rules as necessary.

9 (2) When a person submits to a blood test at the
10 request of a law enforcement officer under the provisions
11 of this Section, only a physician authorized to practice
12 medicine, a licensed physician assistant, a licensed
13 advanced practice registered nurse, a registered nurse, or
14 other qualified person trained in venipuncture and acting
15 under the direction of a licensed physician may withdraw
16 blood for the purpose of determining the alcohol content.
17 This limitation does not apply to the taking of breath,
18 other bodily substance, or urine specimens.

19 (3) The person tested may have a physician, qualified
20 technician, chemist, registered nurse, or other qualified
21 person of his or her own choosing administer a chemical
22 test or tests in addition to any test or tests administered
23 at the direction of a law enforcement officer. The test
24 administered at the request of the person may be admissible
25 into evidence at a hearing conducted in accordance with
26 Section 2-118 of this Code. The failure or inability to

1 obtain an additional test by a person shall not preclude
2 the consideration of the previously performed chemical
3 test.

4 (4) Upon a request of the person who submits to a
5 chemical test or tests at the request of a law enforcement
6 officer, full information concerning the test or tests
7 shall be made available to the person or that person's
8 attorney by the requesting law enforcement agency within 72
9 hours of receipt of the test result.

10 (5) Alcohol concentration means either grams of
11 alcohol per 100 milliliters of blood or grams of alcohol
12 per 210 liters of breath.

13 (6) If a driver is receiving medical treatment as a
14 result of a motor vehicle accident, a physician licensed to
15 practice medicine, licensed physician assistant, licensed
16 advanced practice registered nurse, registered nurse, or
17 other qualified person trained in venipuncture and acting
18 under the direction of a licensed physician shall withdraw
19 blood for testing purposes to ascertain the presence of
20 alcohol upon the specific request of a law enforcement
21 officer. However, that testing shall not be performed
22 until, in the opinion of the medical personnel on scene,
23 the withdrawal can be made without interfering with or
24 endangering the well-being of the patient.

25 (c) A person requested to submit to a test as provided in
26 this Section shall be warned by the law enforcement officer

1 requesting the test that a refusal to submit to the test, or
2 submission to the test resulting in an alcohol concentration of
3 more than 0.00, may result in the loss of that person's
4 privilege to possess a school bus driver permit. The loss of
5 the individual's privilege to possess a school bus driver
6 permit shall be imposed in accordance with Section 6-106.1b of
7 this Code. A person requested to submit to a test under this
8 Section shall also acknowledge, in writing, receipt of the
9 warning required under this subsection (c). If the person
10 refuses to acknowledge receipt of the warning, the law
11 enforcement officer shall make a written notation on the
12 warning that the person refused to sign the warning. A person's
13 refusal to sign the warning shall not be evidence that the
14 person was not read the warning.

15 (d) If the person refuses testing or submits to a test that
16 discloses an alcohol concentration of more than 0.00, the law
17 enforcement officer shall immediately submit a sworn report to
18 the Secretary of State on a form prescribed by the Secretary of
19 State certifying that the test or tests were requested under
20 subsection (a) and the person refused to submit to a test or
21 tests or submitted to testing which disclosed an alcohol
22 concentration of more than 0.00. The law enforcement officer
23 shall submit the same sworn report when a person who has been
24 issued a school bus driver permit and who was operating a
25 school bus or any other vehicle owned or operated by or for a
26 public or private school, or a school operated by a religious

1 institution, when the vehicle is being used over a regularly
2 scheduled route for the transportation of persons enrolled as
3 students in grade 12 or below, in connection with any activity
4 of the entities listed, submits to testing under Section
5 11-501.1 of this Code and the testing discloses an alcohol
6 concentration of more than 0.00 and less than the alcohol
7 concentration at which driving or being in actual physical
8 control of a motor vehicle is prohibited under paragraph (1) of
9 subsection (a) of Section 11-501.

10 Upon receipt of the sworn report of a law enforcement
11 officer, the Secretary of State shall enter the school bus
12 driver permit sanction on the individual's driving record and
13 the sanction shall be effective on the 46th day following the
14 date notice of the sanction was given to the person.

15 The law enforcement officer submitting the sworn report
16 shall serve immediate notice of this school bus driver permit
17 sanction on the person and the sanction shall be effective on
18 the 46th day following the date notice was given.

19 In cases where the blood alcohol concentration of more than
20 0.00 is established by a subsequent analysis of blood, other
21 bodily substance, or urine, the police officer or arresting
22 agency shall give notice as provided in this Section or by
23 deposit in the United States mail of that notice in an envelope
24 with postage prepaid and addressed to that person at his or her
25 last known address and the loss of the school bus driver permit
26 shall be effective on the 46th day following the date notice

1 was given.

2 Upon receipt of the sworn report of a law enforcement
3 officer, the Secretary of State shall also give notice of the
4 school bus driver permit sanction to the driver and the
5 driver's current employer by mailing a notice of the effective
6 date of the sanction to the individual. However, shall the
7 sworn report be defective by not containing sufficient
8 information or be completed in error, the notice of the school
9 bus driver permit sanction may not be mailed to the person or
10 his current employer or entered to the driving record, but
11 rather the sworn report shall be returned to the issuing law
12 enforcement agency.

13 (e) A driver may contest this school bus driver permit
14 sanction by requesting an administrative hearing with the
15 Secretary of State in accordance with Section 2-118 of this
16 Code. An individual whose blood alcohol concentration is shown
17 to be more than 0.00 is not subject to this Section if he or she
18 consumed alcohol in the performance of a religious service or
19 ceremony. An individual whose blood alcohol concentration is
20 shown to be more than 0.00 shall not be subject to this Section
21 if the individual's blood alcohol concentration resulted only
22 from ingestion of the prescribed or recommended dosage of
23 medicine that contained alcohol. The petition for that hearing
24 shall not stay or delay the effective date of the impending
25 suspension. The scope of this hearing shall be limited to the
26 issues of:

1 (1) whether the police officer had probable cause to
2 believe that the person was driving or in actual physical
3 control of a school bus or any other vehicle owned or
4 operated by or for a public or private school, or a school
5 operated by a religious institution, when the vehicle is
6 being used over a regularly scheduled route for the
7 transportation of persons enrolled as students in grade 12
8 or below, in connection with any activity of the entities
9 listed, upon the public highways of the State and the
10 police officer had reason to believe that the person was in
11 violation of any provision of this Code or a similar
12 provision of a local ordinance; and

13 (2) whether the person was issued a Uniform Traffic
14 Ticket for any violation of this Code or a similar
15 provision of a local ordinance; and

16 (3) whether the police officer had probable cause to
17 believe that the driver had consumed any amount of an
18 alcoholic beverage based upon the driver's physical
19 actions or other first-hand knowledge of the police
20 officer; and

21 (4) whether the person, after being advised by the
22 officer that the privilege to possess a school bus driver
23 permit would be canceled if the person refused to submit to
24 and complete the test or tests, did refuse to submit to or
25 complete the test or tests to determine the person's
26 alcohol concentration; and

1 (5) whether the person, after being advised by the
2 officer that the privileges to possess a school bus driver
3 permit would be canceled if the person submits to a
4 chemical test or tests and the test or tests disclose an
5 alcohol concentration of more than 0.00 and the person did
6 submit to and complete the test or tests that determined an
7 alcohol concentration of more than 0.00; and

8 (6) whether the test result of an alcohol concentration
9 of more than 0.00 was based upon the person's consumption
10 of alcohol in the performance of a religious service or
11 ceremony; and

12 (7) whether the test result of an alcohol concentration
13 of more than 0.00 was based upon the person's consumption
14 of alcohol through ingestion of the prescribed or
15 recommended dosage of medicine.

16 The Secretary of State may adopt administrative rules
17 setting forth circumstances under which the holder of a school
18 bus driver permit is not required to appear in person at the
19 hearing.

20 Provided that the petitioner may subpoena the officer, the
21 hearing may be conducted upon a review of the law enforcement
22 officer's own official reports. Failure of the officer to
23 answer the subpoena shall be grounds for a continuance if, in
24 the hearing officer's discretion, the continuance is
25 appropriate. At the conclusion of the hearing held under
26 Section 2-118 of this Code, the Secretary of State may rescind,

1 continue, or modify the school bus driver permit sanction.

2 (f) The results of any chemical testing performed in
3 accordance with subsection (a) of this Section are not
4 admissible in any civil or criminal proceeding, except that the
5 results of the testing may be considered at a hearing held
6 under Section 2-118 of this Code. However, the results of the
7 testing may not be used to impose driver's license sanctions
8 under Section 11-501.1 of this Code. A law enforcement officer
9 may, however, pursue a statutory summary suspension or
10 revocation of driving privileges under Section 11-501.1 of this
11 Code if other physical evidence or first hand knowledge forms
12 the basis of that suspension or revocation.

13 (g) This Section applies only to drivers who have been
14 issued a school bus driver permit in accordance with Section
15 6-106.1 of this Code at the time of the issuance of the Uniform
16 Traffic Ticket for a violation of this Code or a similar
17 provision of a local ordinance, and a chemical test request is
18 made under this Section.

19 (h) The action of the Secretary of State in suspending,
20 revoking, canceling, or denying any license, permit,
21 registration, or certificate of title shall be subject to
22 judicial review in the Circuit Court of Sangamon County or in
23 the Circuit Court of Cook County, and the provisions of the
24 Administrative Review Law and its rules are hereby adopted and
25 shall apply to and govern every action for the judicial review
26 of final acts or decisions of the Secretary of State under this

1 Section.

2 (Source: P.A. 99-467, eff. 1-1-16; 99-697, eff. 7-29-16;
3 100-513, eff. 1-1-18.)

4 (625 ILCS 5/11-501.2) (from Ch. 95 1/2, par. 11-501.2)

5 Sec. 11-501.2. Chemical and other tests.

6 (a) Upon the trial of any civil or criminal action or
7 proceeding arising out of an arrest for an offense as defined
8 in Section 11-501 or a similar local ordinance or proceedings
9 pursuant to Section 2-118.1, evidence of the concentration of
10 alcohol, other drug or drugs, or intoxicating compound or
11 compounds, or any combination thereof in a person's blood or
12 breath at the time alleged, as determined by analysis of the
13 person's blood, urine, breath, or other bodily substance, shall
14 be admissible. Where such test is made the following provisions
15 shall apply:

16 1. Chemical analyses of the person's blood, urine,
17 breath, or other bodily substance to be considered valid
18 under the provisions of this Section shall have been
19 performed according to standards promulgated by the
20 Department of State Police by a licensed physician,
21 registered nurse, trained phlebotomist, licensed
22 paramedic, or other individual possessing a valid permit
23 issued by that Department for this purpose. The
24 Superintendent ~~Director~~ of State Police is authorized to
25 approve satisfactory techniques or methods, to ascertain

1 the qualifications and competence of individuals to
2 conduct such analyses, to issue permits which shall be
3 subject to termination or revocation at the discretion of
4 that Department and to certify the accuracy of breath
5 testing equipment. The Department of State Police shall
6 prescribe regulations as necessary to implement this
7 Section.

8 2. When a person in this State shall submit to a blood
9 test at the request of a law enforcement officer under the
10 provisions of Section 11-501.1, only a physician
11 authorized to practice medicine, a licensed physician
12 assistant, a licensed advanced practice registered nurse,
13 a registered nurse, trained phlebotomist, or licensed
14 paramedic, or other qualified person approved by the
15 Department of State Police may withdraw blood for the
16 purpose of determining the alcohol, drug, or alcohol and
17 drug content therein. This limitation shall not apply to
18 the taking of breath, other bodily substance, or urine
19 specimens.

20 When a blood test of a person who has been taken to an
21 adjoining state for medical treatment is requested by an
22 Illinois law enforcement officer, the blood may be
23 withdrawn only by a physician authorized to practice
24 medicine in the adjoining state, a licensed physician
25 assistant, a licensed advanced practice registered nurse,
26 a registered nurse, a trained phlebotomist acting under the

1 direction of the physician, or licensed paramedic. The law
2 enforcement officer requesting the test shall take custody
3 of the blood sample, and the blood sample shall be analyzed
4 by a laboratory certified by the Department of State Police
5 for that purpose.

6 3. The person tested may have a physician, or a
7 qualified technician, chemist, registered nurse, or other
8 qualified person of their own choosing administer a
9 chemical test or tests in addition to any administered at
10 the direction of a law enforcement officer. The failure or
11 inability to obtain an additional test by a person shall
12 not preclude the admission of evidence relating to the test
13 or tests taken at the direction of a law enforcement
14 officer.

15 4. Upon the request of the person who shall submit to a
16 chemical test or tests at the request of a law enforcement
17 officer, full information concerning the test or tests
18 shall be made available to the person or such person's
19 attorney.

20 5. Alcohol concentration shall mean either grams of
21 alcohol per 100 milliliters of blood or grams of alcohol
22 per 210 liters of breath.

23 6. Tetrahydrocannabinol concentration means either 5
24 nanograms or more of delta-9-tetrahydrocannabinol per
25 milliliter of whole blood or 10 nanograms or more of
26 delta-9-tetrahydrocannabinol per milliliter of other

1 bodily substance.

2 (a-5) Law enforcement officials may use standardized field
3 sobriety tests approved by the National Highway Traffic Safety
4 Administration when conducting investigations of a violation
5 of Section 11-501 or similar local ordinance by drivers
6 suspected of driving under the influence of cannabis. The
7 General Assembly finds that standardized field sobriety tests
8 approved by the National Highway Traffic Safety Administration
9 are divided attention tasks that are intended to determine if a
10 person is under the influence of cannabis. The purpose of these
11 tests is to determine the effect of the use of cannabis on a
12 person's capacity to think and act with ordinary care and
13 therefore operate a motor vehicle safely. Therefore, the
14 results of these standardized field sobriety tests,
15 appropriately administered, shall be admissible in the trial of
16 any civil or criminal action or proceeding arising out of an
17 arrest for a cannabis-related offense as defined in Section
18 11-501 or a similar local ordinance or proceedings under
19 Section 2-118.1 or 2-118.2. Where a test is made the following
20 provisions shall apply:

21 1. The person tested may have a physician, or a
22 qualified technician, chemist, registered nurse, or other
23 qualified person of their own choosing administer a
24 chemical test or tests in addition to the standardized
25 field sobriety test or tests administered at the direction
26 of a law enforcement officer. The failure or inability to

1 obtain an additional test by a person does not preclude the
2 admission of evidence relating to the test or tests taken
3 at the direction of a law enforcement officer.

4 2. Upon the request of the person who shall submit to a
5 standardized field sobriety test or tests at the request of
6 a law enforcement officer, full information concerning the
7 test or tests shall be made available to the person or the
8 person's attorney.

9 3. At the trial of any civil or criminal action or
10 proceeding arising out of an arrest for an offense as
11 defined in Section 11-501 or a similar local ordinance or
12 proceedings under Section 2-118.1 or 2-118.2 in which the
13 results of these standardized field sobriety tests are
14 admitted, the cardholder may present and the trier of fact
15 may consider evidence that the card holder lacked the
16 physical capacity to perform the standardized field
17 sobriety tests.

18 (b) Upon the trial of any civil or criminal action or
19 proceeding arising out of acts alleged to have been committed
20 by any person while driving or in actual physical control of a
21 vehicle while under the influence of alcohol, the concentration
22 of alcohol in the person's blood or breath at the time alleged
23 as shown by analysis of the person's blood, urine, breath, or
24 other bodily substance shall give rise to the following
25 presumptions:

26 1. If there was at that time an alcohol concentration

1 of 0.05 or less, it shall be presumed that the person was
2 not under the influence of alcohol.

3 2. If there was at that time an alcohol concentration
4 in excess of 0.05 but less than 0.08, such facts shall not
5 give rise to any presumption that the person was or was not
6 under the influence of alcohol, but such fact may be
7 considered with other competent evidence in determining
8 whether the person was under the influence of alcohol.

9 3. If there was at that time an alcohol concentration
10 of 0.08 or more, it shall be presumed that the person was
11 under the influence of alcohol.

12 4. The foregoing provisions of this Section shall not
13 be construed as limiting the introduction of any other
14 relevant evidence bearing upon the question whether the
15 person was under the influence of alcohol.

16 (b-5) Upon the trial of any civil or criminal action or
17 proceeding arising out of acts alleged to have been committed
18 by any person while driving or in actual physical control of a
19 vehicle while under the influence of alcohol, other drug or
20 drugs, intoxicating compound or compounds or any combination
21 thereof, the concentration of cannabis in the person's whole
22 blood or other bodily substance at the time alleged as shown by
23 analysis of the person's blood or other bodily substance shall
24 give rise to the following presumptions:

25 1. If there was a tetrahydrocannabinol concentration
26 of 5 nanograms or more in whole blood or 10 nanograms or

1 more in an other bodily substance as defined in this
2 Section, it shall be presumed that the person was under the
3 influence of cannabis.

4 2. If there was at that time a tetrahydrocannabinol
5 concentration of less than 5 nanograms in whole blood or
6 less than 10 nanograms in an other bodily substance, such
7 facts shall not give rise to any presumption that the
8 person was or was not under the influence of cannabis, but
9 such fact may be considered with other competent evidence
10 in determining whether the person was under the influence
11 of cannabis.

12 (c) 1. If a person under arrest refuses to submit to a
13 chemical test under the provisions of Section 11-501.1,
14 evidence of refusal shall be admissible in any civil or
15 criminal action or proceeding arising out of acts alleged to
16 have been committed while the person under the influence of
17 alcohol, other drug or drugs, or intoxicating compound or
18 compounds, or any combination thereof was driving or in actual
19 physical control of a motor vehicle.

20 2. Notwithstanding any ability to refuse under this Code to
21 submit to these tests or any ability to revoke the implied
22 consent to these tests, if a law enforcement officer has
23 probable cause to believe that a motor vehicle driven by or in
24 actual physical control of a person under the influence of
25 alcohol, other drug or drugs, or intoxicating compound or
26 compounds, or any combination thereof has caused the death or

1 personal injury to another, the law enforcement officer shall
2 request, and that person shall submit, upon the request of a
3 law enforcement officer, to a chemical test or tests of his or
4 her blood, breath, other bodily substance, or urine for the
5 purpose of determining the alcohol content thereof or the
6 presence of any other drug or combination of both.

7 This provision does not affect the applicability of or
8 imposition of driver's license sanctions under Section
9 11-501.1 of this Code.

10 3. For purposes of this Section, a personal injury includes
11 any Type A injury as indicated on the traffic accident report
12 completed by a law enforcement officer that requires immediate
13 professional attention in either a doctor's office or a medical
14 facility. A Type A injury includes severe bleeding wounds,
15 distorted extremities, and injuries that require the injured
16 party to be carried from the scene.

17 (d) If a person refuses standardized field sobriety tests
18 under Section 11-501.9 of this Code, evidence of refusal shall
19 be admissible in any civil or criminal action or proceeding
20 arising out of acts committed while the person was driving or
21 in actual physical control of a vehicle and alleged to have
22 been impaired by the use of cannabis.

23 (e) Department of State Police compliance with the changes
24 in this amendatory Act of the 99th General Assembly concerning
25 testing of other bodily substances and tetrahydrocannabinol
26 concentration by Department of State Police laboratories is

1 subject to appropriation and until the Department of State
2 Police adopt standards and completion validation. Any
3 laboratories that test for the presence of cannabis or other
4 drugs under this Article, the Snowmobile Registration and
5 Safety Act, or the Boat Registration and Safety Act must comply
6 with ISO/IEC 17025:2005.

7 (Source: P.A. 99-697, eff. 7-29-16; 100-513, eff. 1-1-18.)

8 (625 ILCS 5/11-501.8)

9 Sec. 11-501.8. Suspension of driver's license; persons
10 under age 21.

11 (a) A person who is less than 21 years of age and who
12 drives or is in actual physical control of a motor vehicle upon
13 the public highways of this State shall be deemed to have given
14 consent to a chemical test or tests of blood, breath, other
15 bodily substance, or urine for the purpose of determining the
16 alcohol content of the person's blood if arrested, as evidenced
17 by the issuance of a Uniform Traffic Ticket for any violation
18 of the Illinois Vehicle Code or a similar provision of a local
19 ordinance, if a police officer has probable cause to believe
20 that the driver has consumed any amount of an alcoholic
21 beverage based upon evidence of the driver's physical condition
22 or other first hand knowledge of the police officer. The test
23 or tests shall be administered at the direction of the
24 arresting officer. The law enforcement agency employing the
25 officer shall designate which of the aforesaid tests shall be

1 administered. Up to 2 additional tests of urine or other bodily
2 substance may be administered even after a blood or breath test
3 or both has been administered.

4 (b) A person who is dead, unconscious, or who is otherwise
5 in a condition rendering that person incapable of refusal,
6 shall be deemed not to have withdrawn the consent provided by
7 paragraph (a) of this Section and the test or tests may be
8 administered subject to the following provisions:

9 (i) Chemical analysis of the person's blood, urine,
10 breath, or other bodily substance, to be considered valid
11 under the provisions of this Section, shall have been
12 performed according to standards promulgated by the
13 Department of State Police by an individual possessing a
14 valid permit issued by that Department for this purpose.
15 The Superintendent ~~Director~~ of State Police is authorized
16 to approve satisfactory techniques or methods, to
17 ascertain the qualifications and competence of individuals
18 to conduct analyses, to issue permits that shall be subject
19 to termination or revocation at the direction of that
20 Department, and to certify the accuracy of breath testing
21 equipment. The Department of State Police shall prescribe
22 regulations as necessary.

23 (ii) When a person submits to a blood test at the
24 request of a law enforcement officer under the provisions
25 of this Section, only a physician authorized to practice
26 medicine, a licensed physician assistant, a licensed

1 advanced practice registered nurse, a registered nurse, or
2 other qualified person trained in venipuncture and acting
3 under the direction of a licensed physician may withdraw
4 blood for the purpose of determining the alcohol content
5 therein. This limitation does not apply to the taking of
6 breath, other bodily substance, or urine specimens.

7 (iii) The person tested may have a physician, qualified
8 technician, chemist, registered nurse, or other qualified
9 person of his or her own choosing administer a chemical
10 test or tests in addition to any test or tests administered
11 at the direction of a law enforcement officer. The failure
12 or inability to obtain an additional test by a person shall
13 not preclude the consideration of the previously performed
14 chemical test.

15 (iv) Upon a request of the person who submits to a
16 chemical test or tests at the request of a law enforcement
17 officer, full information concerning the test or tests
18 shall be made available to the person or that person's
19 attorney.

20 (v) Alcohol concentration means either grams of
21 alcohol per 100 milliliters of blood or grams of alcohol
22 per 210 liters of breath.

23 (vi) If a driver is receiving medical treatment as a
24 result of a motor vehicle accident, a physician licensed to
25 practice medicine, licensed physician assistant, licensed
26 advanced practice registered nurse, registered nurse, or

1 other qualified person trained in venipuncture and acting
2 under the direction of a licensed physician shall withdraw
3 blood for testing purposes to ascertain the presence of
4 alcohol upon the specific request of a law enforcement
5 officer. However, that testing shall not be performed
6 until, in the opinion of the medical personnel on scene,
7 the withdrawal can be made without interfering with or
8 endangering the well-being of the patient.

9 (c) A person requested to submit to a test as provided
10 above shall be warned by the law enforcement officer requesting
11 the test that a refusal to submit to the test, or submission to
12 the test resulting in an alcohol concentration of more than
13 0.00, may result in the loss of that person's privilege to
14 operate a motor vehicle and may result in the disqualification
15 of the person's privilege to operate a commercial motor
16 vehicle, as provided in Section 6-514 of this Code, if the
17 person is a CDL holder. The loss of driving privileges shall be
18 imposed in accordance with Section 6-208.2 of this Code.

19 A person requested to submit to a test shall also
20 acknowledge, in writing, receipt of the warning required under
21 this Section. If the person refuses to acknowledge receipt of
22 the warning, the law enforcement officer shall make a written
23 notation on the warning that the person refused to sign the
24 warning. A person's refusal to sign the warning shall not be
25 evidence that the person was not read the warning.

26 (d) If the person refuses testing or submits to a test that

1 discloses an alcohol concentration of more than 0.00, the law
2 enforcement officer shall immediately submit a sworn report to
3 the Secretary of State on a form prescribed by the Secretary of
4 State, certifying that the test or tests were requested under
5 subsection (a) and the person refused to submit to a test or
6 tests or submitted to testing which disclosed an alcohol
7 concentration of more than 0.00. The law enforcement officer
8 shall submit the same sworn report when a person under the age
9 of 21 submits to testing under Section 11-501.1 of this Code
10 and the testing discloses an alcohol concentration of more than
11 0.00 and less than 0.08.

12 Upon receipt of the sworn report of a law enforcement
13 officer, the Secretary of State shall enter the suspension and
14 disqualification on the individual's driving record and the
15 suspension and disqualification shall be effective on the 46th
16 day following the date notice of the suspension was given to
17 the person. If this suspension is the individual's first
18 driver's license suspension under this Section, reports
19 received by the Secretary of State under this Section shall,
20 except during the time the suspension is in effect, be
21 privileged information and for use only by the courts, police
22 officers, prosecuting authorities, the Secretary of State, or
23 the individual personally, unless the person is a CDL holder,
24 is operating a commercial motor vehicle or vehicle required to
25 be placarded for hazardous materials, in which case the
26 suspension shall not be privileged. Reports received by the

1 Secretary of State under this Section shall also be made
2 available to the parent or guardian of a person under the age
3 of 18 years that holds an instruction permit or a graduated
4 driver's license, regardless of whether the suspension is in
5 effect.

6 The law enforcement officer submitting the sworn report
7 shall serve immediate notice of this suspension on the person
8 and the suspension and disqualification shall be effective on
9 the 46th day following the date notice was given.

10 In cases where the blood alcohol concentration of more than
11 0.00 is established by a subsequent analysis of blood, other
12 bodily substance, or urine, the police officer or arresting
13 agency shall give notice as provided in this Section or by
14 deposit in the United States mail of that notice in an envelope
15 with postage prepaid and addressed to that person at his last
16 known address and the loss of driving privileges shall be
17 effective on the 46th day following the date notice was given.

18 Upon receipt of the sworn report of a law enforcement
19 officer, the Secretary of State shall also give notice of the
20 suspension and disqualification to the driver by mailing a
21 notice of the effective date of the suspension and
22 disqualification to the individual. However, should the sworn
23 report be defective by not containing sufficient information or
24 be completed in error, the notice of the suspension and
25 disqualification shall not be mailed to the person or entered
26 to the driving record, but rather the sworn report shall be

1 returned to the issuing law enforcement agency.

2 (e) A driver may contest this suspension and
3 disqualification by requesting an administrative hearing with
4 the Secretary of State in accordance with Section 2-118 of this
5 Code. An individual whose blood alcohol concentration is shown
6 to be more than 0.00 is not subject to this Section if he or she
7 consumed alcohol in the performance of a religious service or
8 ceremony. An individual whose blood alcohol concentration is
9 shown to be more than 0.00 shall not be subject to this Section
10 if the individual's blood alcohol concentration resulted only
11 from ingestion of the prescribed or recommended dosage of
12 medicine that contained alcohol. The petition for that hearing
13 shall not stay or delay the effective date of the impending
14 suspension. The scope of this hearing shall be limited to the
15 issues of:

16 (1) whether the police officer had probable cause to
17 believe that the person was driving or in actual physical
18 control of a motor vehicle upon the public highways of the
19 State and the police officer had reason to believe that the
20 person was in violation of any provision of the Illinois
21 Vehicle Code or a similar provision of a local ordinance;
22 and

23 (2) whether the person was issued a Uniform Traffic
24 Ticket for any violation of the Illinois Vehicle Code or a
25 similar provision of a local ordinance; and

26 (3) whether the police officer had probable cause to

1 believe that the driver had consumed any amount of an
2 alcoholic beverage based upon the driver's physical
3 actions or other first-hand knowledge of the police
4 officer; and

5 (4) whether the person, after being advised by the
6 officer that the privilege to operate a motor vehicle would
7 be suspended if the person refused to submit to and
8 complete the test or tests, did refuse to submit to or
9 complete the test or tests to determine the person's
10 alcohol concentration; and

11 (5) whether the person, after being advised by the
12 officer that the privileges to operate a motor vehicle
13 would be suspended if the person submits to a chemical test
14 or tests and the test or tests disclose an alcohol
15 concentration of more than 0.00, did submit to and complete
16 the test or tests that determined an alcohol concentration
17 of more than 0.00; and

18 (6) whether the test result of an alcohol concentration
19 of more than 0.00 was based upon the person's consumption
20 of alcohol in the performance of a religious service or
21 ceremony; and

22 (7) whether the test result of an alcohol concentration
23 of more than 0.00 was based upon the person's consumption
24 of alcohol through ingestion of the prescribed or
25 recommended dosage of medicine.

26 At the conclusion of the hearing held under Section 2-118

1 of this Code, the Secretary of State may rescind, continue, or
2 modify the suspension and disqualification. If the Secretary of
3 State does not rescind the suspension and disqualification, a
4 restricted driving permit may be granted by the Secretary of
5 State upon application being made and good cause shown. A
6 restricted driving permit may be granted to relieve undue
7 hardship by allowing driving for employment, educational, and
8 medical purposes as outlined in item (3) of part (c) of Section
9 6-206 of this Code. The provisions of item (3) of part (c) of
10 Section 6-206 of this Code and of subsection (f) of that
11 Section shall apply. The Secretary of State shall promulgate
12 rules providing for participation in an alcohol education and
13 awareness program or activity, a drug education and awareness
14 program or activity, or both as a condition to the issuance of
15 a restricted driving permit for suspensions imposed under this
16 Section.

17 (f) The results of any chemical testing performed in
18 accordance with subsection (a) of this Section are not
19 admissible in any civil or criminal proceeding, except that the
20 results of the testing may be considered at a hearing held
21 under Section 2-118 of this Code. However, the results of the
22 testing may not be used to impose driver's license sanctions
23 under Section 11-501.1 of this Code. A law enforcement officer
24 may, however, pursue a statutory summary suspension or
25 revocation of driving privileges under Section 11-501.1 of this
26 Code if other physical evidence or first hand knowledge forms

1 the basis of that suspension or revocation.

2 (g) This Section applies only to drivers who are under age
3 21 at the time of the issuance of a Uniform Traffic Ticket for
4 a violation of the Illinois Vehicle Code or a similar provision
5 of a local ordinance, and a chemical test request is made under
6 this Section.

7 (h) The action of the Secretary of State in suspending,
8 revoking, cancelling, or disqualifying any license or permit
9 shall be subject to judicial review in the Circuit Court of
10 Sangamon County or in the Circuit Court of Cook County, and the
11 provisions of the Administrative Review Law and its rules are
12 hereby adopted and shall apply to and govern every action for
13 the judicial review of final acts or decisions of the Secretary
14 of State under this Section.

15 (Source: P.A. 99-467, eff. 1-1-16; 99-697, eff. 7-29-16;
16 100-513, eff. 1-1-18.)

17 Section 185. The Statewide Relocation Towing Licensure
18 Commission Act is amended by changing Section 5 as follows:

19 (625 ILCS 65/5)

20 (Section scheduled to be repealed on January 1, 2018)

21 Sec. 5. The Statewide Relocation Towing Licensure
22 Commission.

23 (a) There is hereby created the Statewide Relocation Towing
24 Licensure Commission.

1 (b) Within 60 days after the effective date of this Act,
2 the members of the Commission shall be appointed with the
3 following members:

4 (1) one member of the General Assembly, appointed by
5 the President of the Senate;

6 (2) one member of the General Assembly, appointed by
7 the Minority Leader of the Senate;

8 (3) one member of the General Assembly, appointed by
9 the Speaker of the House of Representatives;

10 (4) one member of the General Assembly, appointed by
11 the Minority Leader of the House of Representatives;

12 (5) the Mayor of the City of Chicago, or his or her
13 designee;

14 (6) the Secretary of Transportation, or his or her
15 designee;

16 (7) the Superintendent ~~Director~~ of State Police, or his
17 or her designee;

18 (8) two members of the public who represent the towing
19 industry, appointed by the President of the Professional
20 Towing and Recovery Operators of Illinois;

21 (9) two members of the public who represent the
22 property casualty insurance industry, appointed by the
23 Executive Director of the Illinois Insurance Association;

24 (10) the President of the Illinois Municipal League, or
25 his or her designee;

26 (11) the President of the Illinois Sheriffs'

1 Association, or his or her designee;

2 (12) the Cook County State's Attorney, or his or her
3 designee;

4 (13) the Chairman of the Illinois Commerce Commission,
5 or his or her designee; and

6 (14) the President of the Northwest Municipal
7 Conference, or his or her designee.

8 (c) The members of the Commission shall receive no
9 compensation for serving as members of the Commission.

10 (d) The Illinois Commerce Commission shall provide
11 administrative and other support to the Commission.

12 (Source: P.A. 99-848, eff. 8-19-16.)

13 Section 190. The Clerks of Courts Act is amended by
14 changing Section 27.3a as follows:

15 (705 ILCS 105/27.3a)

16 Sec. 27.3a. Fees for automated record keeping, probation
17 and court services operations, State and Conservation Police
18 operations, and e-business programs.

19 1. The expense of establishing and maintaining automated
20 record keeping systems in the offices of the clerks of the
21 circuit court shall be borne by the county. To defray such
22 expense in any county having established such an automated
23 system or which elects to establish such a system, the county
24 board may require the clerk of the circuit court in their

1 county to charge and collect a court automation fee of not less
2 than \$1 nor more than \$25 to be charged and collected by the
3 clerk of the court. Such fee shall be paid at the time of
4 filing the first pleading, paper or other appearance filed by
5 each party in all civil cases or by the defendant in any
6 felony, traffic, misdemeanor, municipal ordinance, or
7 conservation case upon a judgment of guilty or grant of
8 supervision, provided that the record keeping system which
9 processes the case category for which the fee is charged is
10 automated or has been approved for automation by the county
11 board, and provided further that no additional fee shall be
12 required if more than one party is presented in a single
13 pleading, paper or other appearance. Such fee shall be
14 collected in the manner in which all other fees or costs are
15 collected.

16 1.1. Starting on July 6, 2012 (the effective date of Public
17 Act 97-761) and pursuant to an administrative order from the
18 chief judge of the circuit or the presiding judge of the county
19 authorizing such collection, a clerk of the circuit court in
20 any county that imposes a fee pursuant to subsection 1 of this
21 Section shall also charge and collect an additional \$10
22 operations fee for probation and court services department
23 operations.

24 This additional fee shall be paid by the defendant in any
25 felony, traffic, misdemeanor, local ordinance, or conservation
26 case upon a judgment of guilty or grant of supervision, except

1 such \$10 operations fee shall not be charged and collected in
2 cases governed by Supreme Court Rule 529 in which the bail
3 amount is \$120 or less.

4 1.2. With respect to the fee imposed and collected under
5 subsection 1.1 of this Section, each clerk shall transfer all
6 fees monthly to the county treasurer for deposit into the
7 probation and court services fund created under Section 15.1 of
8 the Probation and Probation Officers Act, and such monies shall
9 be disbursed from the fund only at the direction of the chief
10 judge of the circuit or another judge designated by the Chief
11 Circuit Judge in accordance with the policies and guidelines
12 approved by the Supreme Court.

13 1.5. Starting on June 1, 2014, a clerk of the circuit court
14 in any county that imposes a fee pursuant to subsection 1 of
15 this Section, shall charge and collect an additional fee in an
16 amount equal to the amount of the fee imposed pursuant to
17 subsection 1 of this Section, except the fee imposed under this
18 subsection may not be more than \$15. This additional fee shall
19 be paid by the defendant in any felony, traffic, misdemeanor,
20 or local ordinance case upon a judgment of guilty or grant of
21 supervision. This fee shall not be paid by the defendant for
22 any violation listed in subsection 1.6 of this Section.

23 1.6. Starting on June 1, 2014, a clerk of the circuit court
24 in any county that imposes a fee pursuant to subsection 1 of
25 this Section shall charge and collect an additional fee in an
26 amount equal to the amount of the fee imposed pursuant to

1 subsection 1 of this Section, except the fee imposed under this
2 subsection may not be more than \$15. This additional fee shall
3 be paid by the defendant upon a judgment of guilty or grant of
4 supervision for a violation under the State Parks Act, the
5 Recreational Trails of Illinois Act, the Illinois Explosives
6 Act, the Timber Buyers Licensing Act, the Forest Products
7 Transportation Act, the Firearm Owners Identification Card
8 Act, the Environmental Protection Act, the Fish and Aquatic
9 Life Code, the Wildlife Code, the Cave Protection Act, the
10 Illinois Exotic Weed Act, the Illinois Forestry Development
11 Act, the Ginseng Harvesting Act, the Illinois Lake Management
12 Program Act, the Illinois Natural Areas Preservation Act, the
13 Illinois Open Land Trust Act, the Open Space Lands Acquisition
14 and Development Act, the Illinois Prescribed Burning Act, the
15 State Forest Act, the Water Use Act of 1983, the Illinois
16 Veteran, Youth, and Young Adult Conservation Jobs Act, the
17 Snowmobile Registration and Safety Act, the Boat Registration
18 and Safety Act, the Illinois Dangerous Animals Act, the Hunter
19 and Fishermen Interference Prohibition Act, the Wrongful Tree
20 Cutting Act, or Section 11-1426.1, 11-1426.2, 11-1427,
21 11-1427.1, 11-1427.2, 11-1427.3, 11-1427.4, or 11-1427.5 of
22 the Illinois Vehicle Code, or Section 48-3 or 48-10 of the
23 Criminal Code of 2012.

24 1.7. Starting on the 30th day after the effective date of
25 this amendatory Act of the 99th General Assembly, a clerk of
26 the circuit court in any county that imposes a fee pursuant to

1 subsection 1 of this Section shall also charge and collect an
2 additional \$9 e-business fee. The fee shall be paid at the time
3 of filing the first pleading, paper, or other appearance filed
4 by each party in all civil cases, except no additional fee
5 shall be required if more than one party is presented in a
6 single pleading, paper, or other appearance. The fee shall be
7 collected in the manner in which all other fees or costs are
8 collected. The fee shall be in addition to all other fees and
9 charges of the clerk, and assessable as costs, and may be
10 waived only if the judge specifically provides for the waiver
11 of the e-business fee. The fee shall not be charged in any
12 matter coming to the clerk on a change of venue, nor in any
13 proceeding to review the decision of any administrative
14 officer, agency, or body.

15 2. With respect to the fee imposed under subsection 1 of
16 this Section, each clerk shall commence such charges and
17 collections upon receipt of written notice from the chairman of
18 the county board together with a certified copy of the board's
19 resolution, which the clerk shall file of record in his office.

20 3. With respect to the fee imposed under subsection 1 of
21 this Section, such fees shall be in addition to all other fees
22 and charges of such clerks, and assessable as costs, and may be
23 waived only if the judge specifically provides for the waiver
24 of the court automation fee. The fees shall be remitted monthly
25 by such clerk to the county treasurer, to be retained by him in
26 a special fund designated as the court automation fund. The

1 fund shall be audited by the county auditor, and the board
2 shall make expenditure from the fund in payment of any cost
3 related to the automation of court records, including hardware,
4 software, research and development costs and personnel related
5 thereto, provided that the expenditure is approved by the clerk
6 of the court and by the chief judge of the circuit court or his
7 designate.

8 4. With respect to the fee imposed under subsection 1 of
9 this Section, such fees shall not be charged in any matter
10 coming to any such clerk on change of venue, nor in any
11 proceeding to review the decision of any administrative
12 officer, agency or body.

13 5. With respect to the additional fee imposed under
14 subsection 1.5 of this Section, the fee shall be remitted by
15 the circuit clerk to the State Treasurer within one month after
16 receipt for deposit into the State Police Operations Assistance
17 Fund.

18 6. With respect to the additional fees imposed under
19 subsection 1.5 of this Section, the Superintendent ~~Director~~ of
20 State Police may direct the use of these fees for homeland
21 security purposes by transferring these fees on a quarterly
22 basis from the State Police Operations Assistance Fund into the
23 Illinois Law Enforcement Alarm Systems (ILEAS) Fund for
24 homeland security initiatives programs. The transferred fees
25 shall be allocated, subject to the approval of the ILEAS
26 Executive Board, as follows: (i) 66.6% shall be used for

1 homeland security initiatives and (ii) 33.3% shall be used for
2 airborne operations. The ILEAS Executive Board shall annually
3 supply the Superintendent ~~Director~~ of State Police with a
4 report of the use of these fees.

5 7. With respect to the additional fee imposed under
6 subsection 1.6 of this Section, the fee shall be remitted by
7 the circuit clerk to the State Treasurer within one month after
8 receipt for deposit into the Conservation Police Operations
9 Assistance Fund.

10 8. With respect to the fee imposed under subsection 1.7 of
11 this Section, the clerk shall remit the fee to the State
12 Treasurer within one month after receipt for deposit into the
13 Supreme Court Special Purposes Fund. Unless otherwise
14 authorized by this Act, the moneys deposited into the Supreme
15 Court Special Purposes Fund under this subsection are not
16 subject to administrative charges or chargebacks under Section
17 20 of the State Treasurer Act.

18 (Source: P.A. 98-375, eff. 8-16-13; 98-606, eff. 6-1-14;
19 98-1016, eff. 8-22-14; 99-859, eff. 8-19-16.)

20 Section 195. The Juvenile Court Act of 1987 is amended by
21 changing Sections 1-3 and 5-105 as follows:

22 (705 ILCS 405/1-3) (from Ch. 37, par. 801-3)

23 Sec. 1-3. Definitions. Terms used in this Act, unless the
24 context otherwise requires, have the following meanings

1 ascribed to them:

2 (1) "Adjudicatory hearing" means a hearing to determine
3 whether the allegations of a petition under Section 2-13, 3-15
4 or 4-12 that a minor under 18 years of age is abused, neglected
5 or dependent, or requires authoritative intervention, or
6 addicted, respectively, are supported by a preponderance of the
7 evidence or whether the allegations of a petition under Section
8 5-520 that a minor is delinquent are proved beyond a reasonable
9 doubt.

10 (2) "Adult" means a person 21 years of age or older.

11 (3) "Agency" means a public or private child care facility
12 legally authorized or licensed by this State for placement or
13 institutional care or for both placement and institutional
14 care.

15 (4) "Association" means any organization, public or
16 private, engaged in welfare functions which include services to
17 or on behalf of children but does not include "agency" as
18 herein defined.

19 (4.05) Whenever a "best interest" determination is
20 required, the following factors shall be considered in the
21 context of the child's age and developmental needs:

22 (a) the physical safety and welfare of the child,
23 including food, shelter, health, and clothing;

24 (b) the development of the child's identity;

25 (c) the child's background and ties, including
26 familial, cultural, and religious;

- 1 (d) the child's sense of attachments, including:
- 2 (i) where the child actually feels love,
- 3 attachment, and a sense of being valued (as opposed to
- 4 where adults believe the child should feel such love,
- 5 attachment, and a sense of being valued);
- 6 (ii) the child's sense of security;
- 7 (iii) the child's sense of familiarity;
- 8 (iv) continuity of affection for the child;
- 9 (v) the least disruptive placement alternative for
- 10 the child;
- 11 (e) the child's wishes and long-term goals;
- 12 (f) the child's community ties, including church,
- 13 school, and friends;
- 14 (g) the child's need for permanence which includes the
- 15 child's need for stability and continuity of relationships
- 16 with parent figures and with siblings and other relatives;
- 17 (h) the uniqueness of every family and child;
- 18 (i) the risks attendant to entering and being in
- 19 substitute care; and
- 20 (j) the preferences of the persons available to care
- 21 for the child.

22 (4.1) "Chronic truant" shall have the definition ascribed

23 to it in Section 26-2a of the School Code.

24 (5) "Court" means the circuit court in a session or

25 division assigned to hear proceedings under this Act.

26 (6) "Dispositional hearing" means a hearing to determine

1 whether a minor should be adjudged to be a ward of the court,
2 and to determine what order of disposition should be made in
3 respect to a minor adjudged to be a ward of the court.

4 (7) "Emancipated minor" means any minor 16 years of age or
5 over who has been completely or partially emancipated under the
6 Emancipation of Minors Act or under this Act.

7 (7.05) "Foster parent" includes a relative caregiver
8 selected by the Department of Children and Family Services to
9 provide care for the minor.

10 (8) "Guardianship of the person" of a minor means the duty
11 and authority to act in the best interests of the minor,
12 subject to residual parental rights and responsibilities, to
13 make important decisions in matters having a permanent effect
14 on the life and development of the minor and to be concerned
15 with his or her general welfare. It includes but is not
16 necessarily limited to:

17 (a) the authority to consent to marriage, to enlistment
18 in the armed forces of the United States, or to a major
19 medical, psychiatric, and surgical treatment; to represent
20 the minor in legal actions; and to make other decisions of
21 substantial legal significance concerning the minor;

22 (b) the authority and duty of reasonable visitation,
23 except to the extent that these have been limited in the
24 best interests of the minor by court order;

25 (c) the rights and responsibilities of legal custody
26 except where legal custody has been vested in another

1 person or agency; and

2 (d) the power to consent to the adoption of the minor,
3 but only if expressly conferred on the guardian in
4 accordance with Section 2-29, 3-30, or 4-27.

5 (9) "Legal custody" means the relationship created by an
6 order of court in the best interests of the minor which imposes
7 on the custodian the responsibility of physical possession of a
8 minor and the duty to protect, train and discipline him and to
9 provide him with food, shelter, education and ordinary medical
10 care, except as these are limited by residual parental rights
11 and responsibilities and the rights and responsibilities of the
12 guardian of the person, if any.

13 (9.1) "Mentally capable adult relative" means a person 21
14 years of age or older who is not suffering from a mental
15 illness that prevents him or her from providing the care
16 necessary to safeguard the physical safety and welfare of a
17 minor who is left in that person's care by the parent or
18 parents or other person responsible for the minor's welfare.

19 (10) "Minor" means a person under the age of 21 years
20 subject to this Act.

21 (11) "Parent" means a father or mother of a child and
22 includes any adoptive parent. It also includes a person (i)
23 whose parentage is presumed or has been established under the
24 law of this or another jurisdiction or (ii) who has registered
25 with the Putative Father Registry in accordance with Section
26 12.1 of the Adoption Act and whose paternity has not been ruled

1 out under the law of this or another jurisdiction. It does not
2 include a parent whose rights in respect to the minor have been
3 terminated in any manner provided by law. It does not include a
4 person who has been or could be determined to be a parent under
5 the Illinois Parentage Act of 1984 or the Illinois Parentage
6 Act of 2015, or similar parentage law in any other state, if
7 that person has been convicted of or pled nolo contendere to a
8 crime that resulted in the conception of the child under
9 Section 11-1.20, 11-1.30, 11-1.40, 11-11, 12-13, 12-14,
10 12-14.1, subsection (a) or (b) (but not subsection (c)) of
11 Section 11-1.50 or 12-15, or subsection (a), (b), (c), (e), or
12 (f) (but not subsection (d)) of Section 11-1.60 or 12-16 of the
13 Criminal Code of 1961 or the Criminal Code of 2012, or similar
14 statute in another jurisdiction unless upon motion of any
15 party, other than the offender, to the juvenile court
16 proceedings the court finds it is in the child's best interest
17 to deem the offender a parent for purposes of the juvenile
18 court proceedings.

19 (11.1) "Permanency goal" means a goal set by the court as
20 defined in subdivision (2) of Section 2-28.

21 (11.2) "Permanency hearing" means a hearing to set the
22 permanency goal and to review and determine (i) the
23 appropriateness of the services contained in the plan and
24 whether those services have been provided, (ii) whether
25 reasonable efforts have been made by all the parties to the
26 service plan to achieve the goal, and (iii) whether the plan

1 and goal have been achieved.

2 (12) "Petition" means the petition provided for in Section
3 2-13, 3-15, 4-12 or 5-520, including any supplemental petitions
4 thereunder in Section 3-15, 4-12 or 5-520.

5 (12.1) "Physically capable adult relative" means a person
6 21 years of age or older who does not have a severe physical
7 disability or medical condition, or is not suffering from
8 alcoholism or drug addiction, that prevents him or her from
9 providing the care necessary to safeguard the physical safety
10 and welfare of a minor who is left in that person's care by the
11 parent or parents or other person responsible for the minor's
12 welfare.

13 (12.2) "Post Permanency Sibling Contact Agreement" has the
14 meaning ascribed to the term in Section 7.4 of the Children and
15 Family Services Act.

16 (12.3) "Residential treatment center" means a licensed
17 setting that provides 24-hour ~~24-hour~~ care to children in a
18 group home or institution, including a facility licensed as a
19 child care institution under Section 2.06 of the Child Care Act
20 of 1969, a licensed group home under Section 2.16 of the Child
21 Care Act of 1969, a secure child care facility as defined in
22 paragraph (18) of this Section, or any similar facility in
23 another state. "Residential treatment center" does not include
24 a relative foster home or a licensed foster family home.

25 (13) "Residual parental rights and responsibilities" means
26 those rights and responsibilities remaining with the parent

1 after the transfer of legal custody or guardianship of the
2 person, including, but not necessarily limited to, the right to
3 reasonable visitation (which may be limited by the court in the
4 best interests of the minor as provided in subsection (8) (b) of
5 this Section), the right to consent to adoption, the right to
6 determine the minor's religious affiliation, and the
7 responsibility for his support.

8 (14) "Shelter" means the temporary care of a minor in
9 physically unrestricting facilities pending court disposition
10 or execution of court order for placement.

11 (14.05) "Shelter placement" means a temporary or emergency
12 placement for a minor, including an emergency foster home
13 placement.

14 (14.1) "Sibling Contact Support Plan" has the meaning
15 ascribed to the term in Section 7.4 of the Children and Family
16 Services Act.

17 (15) "Station adjustment" means the informal handling of an
18 alleged offender by a juvenile police officer.

19 (16) "Ward of the court" means a minor who is so adjudged
20 under Section 2-22, 3-23, 4-20 or 5-705, after a finding of the
21 requisite jurisdictional facts, and thus is subject to the
22 dispositional powers of the court under this Act.

23 (17) "Juvenile police officer" means a sworn police officer
24 who has completed a Basic Recruit Training Course, has been
25 assigned to the position of juvenile police officer by his or
26 her chief law enforcement officer and has completed the

1 necessary juvenile officers training as prescribed by the
2 Illinois Law Enforcement Training Standards Board, or in the
3 case of a State police officer, juvenile officer training
4 approved by the Superintendent ~~Director of the Department~~ of
5 State Police.

6 (18) "Secure child care facility" means any child care
7 facility licensed by the Department of Children and Family
8 Services to provide secure living arrangements for children
9 under 18 years of age who are subject to placement in
10 facilities under the Children and Family Services Act and who
11 are not subject to placement in facilities for whom standards
12 are established by the Department of Corrections under Section
13 3-15-2 of the Unified Code of Corrections. "Secure child care
14 facility" also means a facility that is designed and operated
15 to ensure that all entrances and exits from the facility, a
16 building, or a distinct part of the building are under the
17 exclusive control of the staff of the facility, whether or not
18 the child has the freedom of movement within the perimeter of
19 the facility, building, or distinct part of the building.

20 (Source: P.A. 99-85, eff. 1-1-16; 100-136, eff. 8-8-17;
21 100-229, eff. 1-1-18; revised 10-10-17.)

22 (705 ILCS 405/5-105)

23 Sec. 5-105. Definitions. As used in this Article:

24 (1) "Aftercare release" means the conditional and
25 revocable release of an adjudicated delinquent juvenile

1 committed to the Department of Juvenile Justice under the
2 supervision of the Department of Juvenile Justice.

3 (1.5) "Court" means the circuit court in a session or
4 division assigned to hear proceedings under this Act, and
5 includes the term Juvenile Court.

6 (2) "Community service" means uncompensated labor for
7 a community service agency as hereinafter defined.

8 (2.5) "Community service agency" means a
9 not-for-profit organization, community organization,
10 church, charitable organization, individual, public
11 office, or other public body whose purpose is to enhance
12 the physical or mental health of a delinquent minor or to
13 rehabilitate the minor, or to improve the environmental
14 quality or social welfare of the community which agrees to
15 accept community service from juvenile delinquents and to
16 report on the progress of the community service to the
17 State's Attorney pursuant to an agreement or to the court
18 or to any agency designated by the court or to the
19 authorized diversion program that has referred the
20 delinquent minor for community service.

21 (3) "Delinquent minor" means any minor who prior to his
22 or her 18th birthday has violated or attempted to violate,
23 regardless of where the act occurred, any federal, State,
24 county or municipal law or ordinance.

25 (4) "Department" means the Department of Human
26 Services unless specifically referenced as another

1 department.

2 (5) "Detention" means the temporary care of a minor who
3 is alleged to be or has been adjudicated delinquent and who
4 requires secure custody for the minor's own protection or
5 the community's protection in a facility designed to
6 physically restrict the minor's movements, pending
7 disposition by the court or execution of an order of the
8 court for placement or commitment. Design features that
9 physically restrict movement include, but are not limited
10 to, locked rooms and the secure handcuffing of a minor to a
11 rail or other stationary object. In addition, "detention"
12 includes the court ordered care of an alleged or
13 adjudicated delinquent minor who requires secure custody
14 pursuant to Section 5-125 of this Act.

15 (6) "Diversion" means the referral of a juvenile,
16 without court intervention, into a program that provides
17 services designed to educate the juvenile and develop a
18 productive and responsible approach to living in the
19 community.

20 (7) "Juvenile detention home" means a public facility
21 with specially trained staff that conforms to the county
22 juvenile detention standards adopted by the Department of
23 Juvenile Justice.

24 (8) "Juvenile justice continuum" means a set of
25 delinquency prevention programs and services designed for
26 the purpose of preventing or reducing delinquent acts,

1 including criminal activity by youth gangs, as well as
2 intervention, rehabilitation, and prevention services
3 targeted at minors who have committed delinquent acts, and
4 minors who have previously been committed to residential
5 treatment programs for delinquents. The term includes
6 children-in-need-of-services and
7 families-in-need-of-services programs; aftercare and
8 reentry services; substance abuse and mental health
9 programs; community service programs; community service
10 work programs; and alternative-dispute resolution programs
11 serving youth-at-risk of delinquency and their families,
12 whether offered or delivered by State or local governmental
13 entities, public or private for-profit or not-for-profit
14 organizations, or religious or charitable organizations.
15 This term would also encompass any program or service
16 consistent with the purpose of those programs and services
17 enumerated in this subsection.

18 (9) "Juvenile police officer" means a sworn police
19 officer who has completed a Basic Recruit Training Course,
20 has been assigned to the position of juvenile police
21 officer by his or her chief law enforcement officer and has
22 completed the necessary juvenile officers training as
23 prescribed by the Illinois Law Enforcement Training
24 Standards Board, or in the case of a State police officer,
25 juvenile officer training approved by the Superintendent
26 ~~Director~~ of State Police.

1 (10) "Minor" means a person under the age of 21 years
2 subject to this Act.

3 (11) "Non-secure custody" means confinement where the
4 minor is not physically restricted by being placed in a
5 locked cell or room, by being handcuffed to a rail or other
6 stationary object, or by other means. Non-secure custody
7 may include, but is not limited to, electronic monitoring,
8 foster home placement, home confinement, group home
9 placement, or physical restriction of movement or activity
10 solely through facility staff.

11 (12) "Public or community service" means uncompensated
12 labor for a not-for-profit organization or public body
13 whose purpose is to enhance physical or mental stability of
14 the offender, environmental quality or the social welfare
15 and which agrees to accept public or community service from
16 offenders and to report on the progress of the offender and
17 the public or community service to the court or to the
18 authorized diversion program that has referred the
19 offender for public or community service. "Public or
20 community service" does not include blood donation or
21 assignment to labor at a blood bank. For the purposes of
22 this Act, "blood bank" has the meaning ascribed to the term
23 in Section 2-124 of the Illinois Clinical Laboratory and
24 Blood Bank Act.

25 (13) "Sentencing hearing" means a hearing to determine
26 whether a minor should be adjudged a ward of the court, and

1 to determine what sentence should be imposed on the minor.
2 It is the intent of the General Assembly that the term
3 "sentencing hearing" replace the term "dispositional
4 hearing" and be synonymous with that definition as it was
5 used in the Juvenile Court Act of 1987.

6 (14) "Shelter" means the temporary care of a minor in
7 physically unrestricting facilities pending court
8 disposition or execution of court order for placement.

9 (15) "Site" means a not-for-profit organization,
10 public body, church, charitable organization, or
11 individual agreeing to accept community service from
12 offenders and to report on the progress of ordered or
13 required public or community service to the court or to the
14 authorized diversion program that has referred the
15 offender for public or community service.

16 (16) "Station adjustment" means the informal or formal
17 handling of an alleged offender by a juvenile police
18 officer.

19 (17) "Trial" means a hearing to determine whether the
20 allegations of a petition under Section 5-520 that a minor
21 is delinquent are proved beyond a reasonable doubt. It is
22 the intent of the General Assembly that the term "trial"
23 replace the term "adjudicatory hearing" and be synonymous
24 with that definition as it was used in the Juvenile Court
25 Act of 1987.

26 The changes made to this Section by Public Act 98-61 apply

1 to violations or attempted violations committed on or after
2 January 1, 2014 (the effective date of Public Act 98-61).

3 (Source: P.A. 98-61, eff. 1-1-14; 98-558, eff. 1-1-14; 98-685,
4 eff. 1-1-15; 98-756, eff. 7-16-14; 98-824, eff. 1-1-15; 99-78,
5 eff. 7-20-15.)

6 Section 200. The Criminal Code of 2012 is amended by
7 changing Sections 14-3, 17-6.3, 24-1.1, 29B-1, 36-1.1, 36-1.3,
8 36-2.2, and 36-7 as follows:

9 (720 ILCS 5/14-3)

10 Sec. 14-3. Exemptions. The following activities shall be
11 exempt from the provisions of this Article:

12 (a) Listening to radio, wireless electronic
13 communications, and television communications of any sort
14 where the same are publicly made;

15 (b) Hearing conversation when heard by employees of any
16 common carrier by wire incidental to the normal course of their
17 employment in the operation, maintenance or repair of the
18 equipment of such common carrier by wire so long as no
19 information obtained thereby is used or divulged by the hearer;

20 (c) Any broadcast by radio, television or otherwise whether
21 it be a broadcast or recorded for the purpose of later
22 broadcasts of any function where the public is in attendance
23 and the conversations are overheard incidental to the main
24 purpose for which such broadcasts are then being made;

1 (d) Recording or listening with the aid of any device to
2 any emergency communication made in the normal course of
3 operations by any federal, state or local law enforcement
4 agency or institutions dealing in emergency services,
5 including, but not limited to, hospitals, clinics, ambulance
6 services, fire fighting agencies, any public utility,
7 emergency repair facility, civilian defense establishment or
8 military installation;

9 (e) Recording the proceedings of any meeting required to be
10 open by the Open Meetings Act, as amended;

11 (f) Recording or listening with the aid of any device to
12 incoming telephone calls of phone lines publicly listed or
13 advertised as consumer "hotlines" by manufacturers or
14 retailers of food and drug products. Such recordings must be
15 destroyed, erased or turned over to local law enforcement
16 authorities within 24 hours from the time of such recording and
17 shall not be otherwise disseminated. Failure on the part of the
18 individual or business operating any such recording or
19 listening device to comply with the requirements of this
20 subsection shall eliminate any civil or criminal immunity
21 conferred upon that individual or business by the operation of
22 this Section;

23 (g) With prior notification to the State's Attorney of the
24 county in which it is to occur, recording or listening with the
25 aid of any device to any conversation where a law enforcement
26 officer, or any person acting at the direction of law

1 enforcement, is a party to the conversation and has consented
2 to it being intercepted or recorded under circumstances where
3 the use of the device is necessary for the protection of the
4 law enforcement officer or any person acting at the direction
5 of law enforcement, in the course of an investigation of a
6 forcible felony, a felony offense of involuntary servitude,
7 involuntary sexual servitude of a minor, or trafficking in
8 persons under Section 10-9 of this Code, an offense involving
9 prostitution, solicitation of a sexual act, or pandering, a
10 felony violation of the Illinois Controlled Substances Act, a
11 felony violation of the Cannabis Control Act, a felony
12 violation of the Methamphetamine Control and Community
13 Protection Act, any "streetgang related" or "gang-related"
14 felony as those terms are defined in the Illinois Streetgang
15 Terrorism Omnibus Prevention Act, or any felony offense
16 involving any weapon listed in paragraphs (1) through (11) of
17 subsection (a) of Section 24-1 of this Code. Any recording or
18 evidence derived as the result of this exemption shall be
19 inadmissible in any proceeding, criminal, civil or
20 administrative, except (i) where a party to the conversation
21 suffers great bodily injury or is killed during such
22 conversation, or (ii) when used as direct impeachment of a
23 witness concerning matters contained in the interception or
24 recording. The Superintendent ~~Director of the Department~~ of
25 State Police shall issue regulations as are necessary
26 concerning the use of devices, retention of tape recordings,

1 and reports regarding their use;

2 (g-5) (Blank);

3 (g-6) With approval of the State's Attorney of the county
4 in which it is to occur, recording or listening with the aid of
5 any device to any conversation where a law enforcement officer,
6 or any person acting at the direction of law enforcement, is a
7 party to the conversation and has consented to it being
8 intercepted or recorded in the course of an investigation of
9 child pornography, aggravated child pornography, indecent
10 solicitation of a child, luring of a minor, sexual exploitation
11 of a child, aggravated criminal sexual abuse in which the
12 victim of the offense was at the time of the commission of the
13 offense under 18 years of age, or criminal sexual abuse by
14 force or threat of force in which the victim of the offense was
15 at the time of the commission of the offense under 18 years of
16 age. In all such cases, an application for an order approving
17 the previous or continuing use of an eavesdropping device must
18 be made within 48 hours of the commencement of such use. In the
19 absence of such an order, or upon its denial, any continuing
20 use shall immediately terminate. The Superintendent ~~Director~~
21 of State Police shall issue rules as are necessary concerning
22 the use of devices, retention of recordings, and reports
23 regarding their use. Any recording or evidence obtained or
24 derived in the course of an investigation of child pornography,
25 aggravated child pornography, indecent solicitation of a
26 child, luring of a minor, sexual exploitation of a child,

1 aggravated criminal sexual abuse in which the victim of the
2 offense was at the time of the commission of the offense under
3 18 years of age, or criminal sexual abuse by force or threat of
4 force in which the victim of the offense was at the time of the
5 commission of the offense under 18 years of age shall, upon
6 motion of the State's Attorney or Attorney General prosecuting
7 any case involving child pornography, aggravated child
8 pornography, indecent solicitation of a child, luring of a
9 minor, sexual exploitation of a child, aggravated criminal
10 sexual abuse in which the victim of the offense was at the time
11 of the commission of the offense under 18 years of age, or
12 criminal sexual abuse by force or threat of force in which the
13 victim of the offense was at the time of the commission of the
14 offense under 18 years of age be reviewed in camera with notice
15 to all parties present by the court presiding over the criminal
16 case, and, if ruled by the court to be relevant and otherwise
17 admissible, it shall be admissible at the trial of the criminal
18 case. Absent such a ruling, any such recording or evidence
19 shall not be admissible at the trial of the criminal case;

20 (h) Recordings made simultaneously with the use of an
21 in-car video camera recording of an oral conversation between a
22 uniformed peace officer, who has identified his or her office,
23 and a person in the presence of the peace officer whenever (i)
24 an officer assigned a patrol vehicle is conducting an
25 enforcement stop; or (ii) patrol vehicle emergency lights are
26 activated or would otherwise be activated if not for the need

1 to conceal the presence of law enforcement.

2 For the purposes of this subsection (h), "enforcement stop"
3 means an action by a law enforcement officer in relation to
4 enforcement and investigation duties, including but not
5 limited to, traffic stops, pedestrian stops, abandoned vehicle
6 contacts, motorist assists, commercial motor vehicle stops,
7 roadside safety checks, requests for identification, or
8 responses to requests for emergency assistance;

9 (h-5) Recordings of utterances made by a person while in
10 the presence of a uniformed peace officer and while an occupant
11 of a police vehicle including, but not limited to, (i)
12 recordings made simultaneously with the use of an in-car video
13 camera and (ii) recordings made in the presence of the peace
14 officer utilizing video or audio systems, or both, authorized
15 by the law enforcement agency;

16 (h-10) Recordings made simultaneously with a video camera
17 recording during the use of a taser or similar weapon or device
18 by a peace officer if the weapon or device is equipped with
19 such camera;

20 (h-15) Recordings made under subsection (h), (h-5), or
21 (h-10) shall be retained by the law enforcement agency that
22 employs the peace officer who made the recordings for a storage
23 period of 90 days, unless the recordings are made as a part of
24 an arrest or the recordings are deemed evidence in any
25 criminal, civil, or administrative proceeding and then the
26 recordings must only be destroyed upon a final disposition and

1 an order from the court. Under no circumstances shall any
2 recording be altered or erased prior to the expiration of the
3 designated storage period. Upon completion of the storage
4 period, the recording medium may be erased and reissued for
5 operational use;

6 (i) Recording of a conversation made by or at the request
7 of a person, not a law enforcement officer or agent of a law
8 enforcement officer, who is a party to the conversation, under
9 reasonable suspicion that another party to the conversation is
10 committing, is about to commit, or has committed a criminal
11 offense against the person or a member of his or her immediate
12 household, and there is reason to believe that evidence of the
13 criminal offense may be obtained by the recording;

14 (j) The use of a telephone monitoring device by either (1)
15 a corporation or other business entity engaged in marketing or
16 opinion research or (2) a corporation or other business entity
17 engaged in telephone solicitation, as defined in this
18 subsection, to record or listen to oral telephone solicitation
19 conversations or marketing or opinion research conversations
20 by an employee of the corporation or other business entity
21 when:

22 (i) the monitoring is used for the purpose of service
23 quality control of marketing or opinion research or
24 telephone solicitation, the education or training of
25 employees or contractors engaged in marketing or opinion
26 research or telephone solicitation, or internal research

1 related to marketing or opinion research or telephone
2 solicitation; and

3 (ii) the monitoring is used with the consent of at
4 least one person who is an active party to the marketing or
5 opinion research conversation or telephone solicitation
6 conversation being monitored.

7 No communication or conversation or any part, portion, or
8 aspect of the communication or conversation made, acquired, or
9 obtained, directly or indirectly, under this exemption (j), may
10 be, directly or indirectly, furnished to any law enforcement
11 officer, agency, or official for any purpose or used in any
12 inquiry or investigation, or used, directly or indirectly, in
13 any administrative, judicial, or other proceeding, or divulged
14 to any third party.

15 When recording or listening authorized by this subsection
16 (j) on telephone lines used for marketing or opinion research
17 or telephone solicitation purposes results in recording or
18 listening to a conversation that does not relate to marketing
19 or opinion research or telephone solicitation; the person
20 recording or listening shall, immediately upon determining
21 that the conversation does not relate to marketing or opinion
22 research or telephone solicitation, terminate the recording or
23 listening and destroy any such recording as soon as is
24 practicable.

25 Business entities that use a telephone monitoring or
26 telephone recording system pursuant to this exemption (j) shall

1 provide current and prospective employees with notice that the
2 monitoring or recordings may occur during the course of their
3 employment. The notice shall include prominent signage
4 notification within the workplace.

5 Business entities that use a telephone monitoring or
6 telephone recording system pursuant to this exemption (j) shall
7 provide their employees or agents with access to personal-only
8 telephone lines which may be pay telephones, that are not
9 subject to telephone monitoring or telephone recording.

10 For the purposes of this subsection (j), "telephone
11 solicitation" means a communication through the use of a
12 telephone by live operators:

- 13 (i) soliciting the sale of goods or services;
14 (ii) receiving orders for the sale of goods or
15 services;
16 (iii) assisting in the use of goods or services; or
17 (iv) engaging in the solicitation, administration, or
18 collection of bank or retail credit accounts.

19 For the purposes of this subsection (j), "marketing or
20 opinion research" means a marketing or opinion research
21 interview conducted by a live telephone interviewer engaged by
22 a corporation or other business entity whose principal business
23 is the design, conduct, and analysis of polls and surveys
24 measuring the opinions, attitudes, and responses of
25 respondents toward products and services, or social or
26 political issues, or both;

1 (k) Electronic recordings, including but not limited to, a
2 motion picture, videotape, digital, or other visual or audio
3 recording, made of a custodial interrogation of an individual
4 at a police station or other place of detention by a law
5 enforcement officer under Section 5-401.5 of the Juvenile Court
6 Act of 1987 or Section 103-2.1 of the Code of Criminal
7 Procedure of 1963;

8 (l) Recording the interview or statement of any person when
9 the person knows that the interview is being conducted by a law
10 enforcement officer or prosecutor and the interview takes place
11 at a police station that is currently participating in the
12 Custodial Interview Pilot Program established under the
13 Illinois Criminal Justice Information Act;

14 (m) An electronic recording, including but not limited to,
15 a motion picture, videotape, digital, or other visual or audio
16 recording, made of the interior of a school bus while the
17 school bus is being used in the transportation of students to
18 and from school and school-sponsored activities, when the
19 school board has adopted a policy authorizing such recording,
20 notice of such recording policy is included in student
21 handbooks and other documents including the policies of the
22 school, notice of the policy regarding recording is provided to
23 parents of students, and notice of such recording is clearly
24 posted on the door of and inside the school bus.

25 Recordings made pursuant to this subsection (m) shall be
26 confidential records and may only be used by school officials

1 (or their designees) and law enforcement personnel for
2 investigations, school disciplinary actions and hearings,
3 proceedings under the Juvenile Court Act of 1987, and criminal
4 prosecutions, related to incidents occurring in or around the
5 school bus;

6 (n) Recording or listening to an audio transmission from a
7 microphone placed by a person under the authority of a law
8 enforcement agency inside a bait car surveillance vehicle while
9 simultaneously capturing a photographic or video image;

10 (o) The use of an eavesdropping camera or audio device
11 during an ongoing hostage or barricade situation by a law
12 enforcement officer or individual acting on behalf of a law
13 enforcement officer when the use of such device is necessary to
14 protect the safety of the general public, hostages, or law
15 enforcement officers or anyone acting on their behalf;

16 (p) Recording or listening with the aid of any device to
17 incoming telephone calls of phone lines publicly listed or
18 advertised as the "CPS Violence Prevention Hotline", but only
19 where the notice of recording is given at the beginning of each
20 call as required by Section 34-21.8 of the School Code. The
21 recordings may be retained only by the Chicago Police
22 Department or other law enforcement authorities, and shall not
23 be otherwise retained or disseminated;

24 (q) (1) With prior request to and written or verbal approval
25 of the State's Attorney of the county in which the conversation
26 is anticipated to occur, recording or listening with the aid of

1 an eavesdropping device to a conversation in which a law
2 enforcement officer, or any person acting at the direction of a
3 law enforcement officer, is a party to the conversation and has
4 consented to the conversation being intercepted or recorded in
5 the course of an investigation of a qualified offense. The
6 State's Attorney may grant this approval only after determining
7 that reasonable cause exists to believe that inculpatory
8 conversations concerning a qualified offense will occur with a
9 specified individual or individuals within a designated period
10 of time.

11 (2) Request for approval. To invoke the exception contained
12 in this subsection (q), a law enforcement officer shall make a
13 request for approval to the appropriate State's Attorney. The
14 request may be written or verbal; however, a written
15 memorialization of the request must be made by the State's
16 Attorney. This request for approval shall include whatever
17 information is deemed necessary by the State's Attorney but
18 shall include, at a minimum, the following information about
19 each specified individual whom the law enforcement officer
20 believes will commit a qualified offense:

21 (A) his or her full or partial name, nickname or alias;

22 (B) a physical description; or

23 (C) failing either (A) or (B) of this paragraph (2),
24 any other supporting information known to the law
25 enforcement officer at the time of the request that gives
26 rise to reasonable cause to believe that the specified

1 individual will participate in an inculpatory conversation
2 concerning a qualified offense.

3 (3) Limitations on approval. Each written approval by the
4 State's Attorney under this subsection (q) shall be limited to:

5 (A) a recording or interception conducted by a
6 specified law enforcement officer or person acting at the
7 direction of a law enforcement officer;

8 (B) recording or intercepting conversations with the
9 individuals specified in the request for approval,
10 provided that the verbal approval shall be deemed to
11 include the recording or intercepting of conversations
12 with other individuals, unknown to the law enforcement
13 officer at the time of the request for approval, who are
14 acting in conjunction with or as co-conspirators with the
15 individuals specified in the request for approval in the
16 commission of a qualified offense;

17 (C) a reasonable period of time but in no event longer
18 than 24 consecutive hours;

19 (D) the written request for approval, if applicable, or
20 the written memorialization must be filed, along with the
21 written approval, with the circuit clerk of the
22 jurisdiction on the next business day following the
23 expiration of the authorized period of time, and shall be
24 subject to review by the Chief Judge or his or her designee
25 as deemed appropriate by the court.

26 (3.5) The written memorialization of the request for

1 approval and the written approval by the State's Attorney may
2 be in any format, including via facsimile, email, or otherwise,
3 so long as it is capable of being filed with the circuit clerk.

4 (3.10) Beginning March 1, 2015, each State's Attorney shall
5 annually submit a report to the General Assembly disclosing:

6 (A) the number of requests for each qualified offense
7 for approval under this subsection; and

8 (B) the number of approvals for each qualified offense
9 given by the State's Attorney.

10 (4) Admissibility of evidence. No part of the contents of
11 any wire, electronic, or oral communication that has been
12 recorded or intercepted as a result of this exception may be
13 received in evidence in any trial, hearing, or other proceeding
14 in or before any court, grand jury, department, officer,
15 agency, regulatory body, legislative committee, or other
16 authority of this State, or a political subdivision of the
17 State, other than in a prosecution of:

18 (A) the qualified offense for which approval was given
19 to record or intercept a conversation under this subsection
20 (q);

21 (B) a forcible felony committed directly in the course
22 of the investigation of the qualified offense for which
23 approval was given to record or intercept a conversation
24 under this subsection (q); or

25 (C) any other forcible felony committed while the
26 recording or interception was approved in accordance with

1 this subsection (q), but for this specific category of
2 prosecutions, only if the law enforcement officer or person
3 acting at the direction of a law enforcement officer who
4 has consented to the conversation being intercepted or
5 recorded suffers great bodily injury or is killed during
6 the commission of the charged forcible felony.

7 (5) Compliance with the provisions of this subsection is a
8 prerequisite to the admissibility in evidence of any part of
9 the contents of any wire, electronic or oral communication that
10 has been intercepted as a result of this exception, but nothing
11 in this subsection shall be deemed to prevent a court from
12 otherwise excluding the evidence on any other ground recognized
13 by State or federal law, nor shall anything in this subsection
14 be deemed to prevent a court from independently reviewing the
15 admissibility of the evidence for compliance with the Fourth
16 Amendment to the U.S. Constitution or with Article I, Section 6
17 of the Illinois Constitution.

18 (6) Use of recordings or intercepts unrelated to qualified
19 offenses. Whenever any private conversation or private
20 electronic communication has been recorded or intercepted as a
21 result of this exception that is not related to an offense for
22 which the recording or intercept is admissible under paragraph
23 (4) of this subsection (q), no part of the contents of the
24 communication and evidence derived from the communication may
25 be received in evidence in any trial, hearing, or other
26 proceeding in or before any court, grand jury, department,

1 officer, agency, regulatory body, legislative committee, or
2 other authority of this State, or a political subdivision of
3 the State, nor may it be publicly disclosed in any way.

4 (6.5) The Department of State Police shall adopt rules as
5 are necessary concerning the use of devices, retention of
6 recordings, and reports regarding their use under this
7 subsection (q).

8 (7) Definitions. For the purposes of this subsection (q)
9 only:

10 "Forcible felony" includes and is limited to those
11 offenses contained in Section 2-8 of the Criminal Code of
12 1961 as of the effective date of this amendatory Act of the
13 97th General Assembly, and only as those offenses have been
14 defined by law or judicial interpretation as of that date.

15 "Qualified offense" means and is limited to:

16 (A) a felony violation of the Cannabis Control Act,
17 the Illinois Controlled Substances Act, or the
18 Methamphetamine Control and Community Protection Act,
19 except for violations of:

20 (i) Section 4 of the Cannabis Control Act;

21 (ii) Section 402 of the Illinois Controlled
22 Substances Act; and

23 (iii) Section 60 of the Methamphetamine
24 Control and Community Protection Act; and

25 (B) first degree murder, solicitation of murder
26 for hire, predatory criminal sexual assault of a child,

1 criminal sexual assault, aggravated criminal sexual
2 assault, aggravated arson, kidnapping, aggravated
3 kidnapping, child abduction, trafficking in persons,
4 involuntary servitude, involuntary sexual servitude of
5 a minor, or gunrunning.

6 "State's Attorney" includes and is limited to the
7 State's Attorney or an assistant State's Attorney
8 designated by the State's Attorney to provide verbal
9 approval to record or intercept conversations under this
10 subsection (q).

11 (8) Sunset. This subsection (q) is inoperative on and after
12 January 1, 2020. No conversations intercepted pursuant to this
13 subsection (q), while operative, shall be inadmissible in a
14 court of law by virtue of the inoperability of this subsection
15 (q) on January 1, 2020.

16 (9) Recordings, records, and custody. Any private
17 conversation or private electronic communication intercepted
18 by a law enforcement officer or a person acting at the
19 direction of law enforcement shall, if practicable, be recorded
20 in such a way as will protect the recording from editing or
21 other alteration. Any and all original recordings made under
22 this subsection (q) shall be inventoried without unnecessary
23 delay pursuant to the law enforcement agency's policies for
24 inventorying evidence. The original recordings shall not be
25 destroyed except upon an order of a court of competent
26 jurisdiction; and

1 (r) Electronic recordings, including but not limited to,
2 motion picture, videotape, digital, or other visual or audio
3 recording, made of a lineup under Section 107A-2 of the Code of
4 Criminal Procedure of 1963.

5 (Source: P.A. 100-572, eff. 12-29-17.)

6 (720 ILCS 5/17-6.3)

7 Sec. 17-6.3. WIC fraud.

8 (a) For the purposes of this Section, the Special
9 Supplemental Food Program for Women, Infants and Children
10 administered by the Illinois Department of Public Health or
11 Department of Human Services shall be referred to as "WIC".

12 (b) A person commits WIC fraud if he or she knowingly (i)
13 uses, acquires, possesses, or transfers WIC Food Instruments or
14 authorizations to participate in WIC in any manner not
15 authorized by law or the rules of the Illinois Department of
16 Public Health or Department of Human Services or (ii) uses,
17 acquires, possesses, or transfers altered WIC Food Instruments
18 or authorizations to participate in WIC.

19 (c) Administrative malfeasance.

20 (1) A person commits administrative malfeasance if he
21 or she knowingly or recklessly misappropriates, misuses,
22 or unlawfully withholds or converts to his or her own use
23 or to the use of another any public funds made available
24 for WIC.

25 (2) An official or employee of the State or a unit of

1 local government who knowingly aids, abets, assists, or
2 participates in a known violation of this Section is
3 subject to disciplinary proceedings under the rules of the
4 applicable State agency or unit of local government.

5 (d) Unauthorized possession of identification document. A
6 person commits unauthorized possession of an identification
7 document if he or she knowingly possesses, with intent to
8 commit a misdemeanor or felony, another person's
9 identification document issued by the Illinois Department of
10 Public Health or Department of Human Services. For purposes of
11 this Section, "identification document" includes, but is not
12 limited to, an authorization to participate in WIC or a card or
13 other document that identifies a person as being entitled to
14 WIC benefits.

15 (e) Penalties.

16 (1) If an individual, firm, corporation, association,
17 agency, institution, or other legal entity is found by a
18 court to have engaged in an act, practice, or course of
19 conduct declared unlawful under subsection (a), (b), or (c)
20 of this Section and:

21 (A) the total amount of money involved in the
22 violation, including the monetary value of the WIC Food
23 Instruments and the value of commodities, is less than
24 \$150, the violation is a Class A misdemeanor; a second
25 or subsequent violation is a Class 4 felony;

26 (B) the total amount of money involved in the

1 violation, including the monetary value of the WIC Food
2 Instruments and the value of commodities, is \$150 or
3 more but less than \$1,000, the violation is a Class 4
4 felony; a second or subsequent violation is a Class 3
5 felony;

6 (C) the total amount of money involved in the
7 violation, including the monetary value of the WIC Food
8 Instruments and the value of commodities, is \$1,000 or
9 more but less than \$5,000, the violation is a Class 3
10 felony; a second or subsequent violation is a Class 2
11 felony;

12 (D) the total amount of money involved in the
13 violation, including the monetary value of the WIC Food
14 Instruments and the value of commodities, is \$5,000 or
15 more but less than \$10,000, the violation is a Class 2
16 felony; a second or subsequent violation is a Class 1
17 felony; or

18 (E) the total amount of money involved in the
19 violation, including the monetary value of the WIC Food
20 Instruments and the value of commodities, is \$10,000 or
21 more, the violation is a Class 1 felony and the
22 defendant shall be permanently ineligible to
23 participate in WIC.

24 (2) A violation of subsection (d) is a Class 4 felony.

25 (3) The State's Attorney of the county in which the
26 violation of this Section occurred or the Attorney General

1 shall bring actions arising under this Section in the name
2 of the People of the State of Illinois.

3 (4) For purposes of determining the classification of
4 an offense under this subsection (e), all of the money
5 received as a result of the unlawful act, practice, or
6 course of conduct, including the value of any WIC Food
7 Instruments and the value of commodities, shall be
8 aggregated.

9 (f) Seizure and forfeiture of property.

10 (1) A person who commits a felony violation of this
11 Section is subject to the property forfeiture provisions
12 set forth in Article 124B of the Code of Criminal Procedure
13 of 1963.

14 (2) Property subject to forfeiture under this
15 subsection (f) may be seized by the Superintendent ~~Director~~
16 of State Police or any local law enforcement agency upon
17 process or seizure warrant issued by any court having
18 jurisdiction over the property. The Superintendent
19 ~~Director~~ or a local law enforcement agency may seize
20 property under this subsection (f) without process under
21 any of the following circumstances:

22 (A) If the seizure is incident to inspection under
23 an administrative inspection warrant.

24 (B) If the property subject to seizure has been the
25 subject of a prior judgment in favor of the State in a
26 criminal proceeding or in an injunction or forfeiture

1 proceeding under Article 124B of the Code of Criminal
2 Procedure of 1963.

3 (C) If there is probable cause to believe that the
4 property is directly or indirectly dangerous to health
5 or safety.

6 (D) If there is probable cause to believe that the
7 property is subject to forfeiture under this
8 subsection (f) and Article 124B of the Code of Criminal
9 Procedure of 1963 and the property is seized under
10 circumstances in which a warrantless seizure or arrest
11 would be reasonable.

12 (E) In accordance with the Code of Criminal
13 Procedure of 1963.

14 (g) Future participation as WIC vendor. A person who has
15 been convicted of a felony violation of this Section is
16 prohibited from participating as a WIC vendor for a minimum
17 period of 3 years following conviction and until the total
18 amount of money involved in the violation, including the value
19 of WIC Food Instruments and the value of commodities, is repaid
20 to WIC. This prohibition shall extend to any person with
21 management responsibility in a firm, corporation, association,
22 agency, institution, or other legal entity that has been
23 convicted of a violation of this Section and to an officer or
24 person owning, directly or indirectly, 5% or more of the shares
25 of stock or other evidences of ownership in a corporate vendor.
26 (Source: P.A. 96-1551, eff. 7-1-11.)

1 (720 ILCS 5/24-1.1) (from Ch. 38, par. 24-1.1)

2 Sec. 24-1.1. Unlawful use or possession of weapons by
3 felons or persons in the custody of the Department of
4 Corrections facilities.

5 (a) It is unlawful for a person to knowingly possess on or
6 about his person or on his land or in his own abode or fixed
7 place of business any weapon prohibited under Section 24-1 of
8 this Act or any firearm or any firearm ammunition if the person
9 has been convicted of a felony under the laws of this State or
10 any other jurisdiction. This Section shall not apply if the
11 person has been granted relief by the Superintendent ~~Director~~
12 ~~of the Department~~ of State Police under Section 10 of the
13 Firearm Owners Identification Card Act.

14 (b) It is unlawful for any person confined in a penal
15 institution, which is a facility of the Illinois Department of
16 Corrections, to possess any weapon prohibited under Section
17 24-1 of this Code or any firearm or firearm ammunition,
18 regardless of the intent with which he possesses it.

19 (c) It shall be an affirmative defense to a violation of
20 subsection (b), that such possession was specifically
21 authorized by rule, regulation, or directive of the Illinois
22 Department of Corrections or order issued pursuant thereto.

23 (d) The defense of necessity is not available to a person
24 who is charged with a violation of subsection (b) of this
25 Section.

1 (e) Sentence. Violation of this Section by a person not
2 confined in a penal institution shall be a Class 3 felony for
3 which the person shall be sentenced to no less than 2 years and
4 no more than 10 years. A second or subsequent violation of this
5 Section shall be a Class 2 felony for which the person shall be
6 sentenced to a term of imprisonment of not less than 3 years
7 and not more than 14 years, except as provided for in Section
8 5-4.5-110 of the Unified Code of Corrections. Violation of this
9 Section by a person not confined in a penal institution who has
10 been convicted of a forcible felony, a felony violation of
11 Article 24 of this Code or of the Firearm Owners Identification
12 Card Act, stalking or aggravated stalking, or a Class 2 or
13 greater felony under the Illinois Controlled Substances Act,
14 the Cannabis Control Act, or the Methamphetamine Control and
15 Community Protection Act is a Class 2 felony for which the
16 person shall be sentenced to not less than 3 years and not more
17 than 14 years, except as provided for in Section 5-4.5-110 of
18 the Unified Code of Corrections. Violation of this Section by a
19 person who is on parole or mandatory supervised release is a
20 Class 2 felony for which the person shall be sentenced to not
21 less than 3 years and not more than 14 years, except as
22 provided for in Section 5-4.5-110 of the Unified Code of
23 Corrections. Violation of this Section by a person not confined
24 in a penal institution is a Class X felony when the firearm
25 possessed is a machine gun. Any person who violates this
26 Section while confined in a penal institution, which is a

1 facility of the Illinois Department of Corrections, is guilty
2 of a Class 1 felony, if he possesses any weapon prohibited
3 under Section 24-1 of this Code regardless of the intent with
4 which he possesses it, a Class X felony if he possesses any
5 firearm, firearm ammunition or explosive, and a Class X felony
6 for which the offender shall be sentenced to not less than 12
7 years and not more than 50 years when the firearm possessed is
8 a machine gun. A violation of this Section while wearing or in
9 possession of body armor as defined in Section 33F-1 is a Class
10 X felony punishable by a term of imprisonment of not less than
11 10 years and not more than 40 years. The possession of each
12 firearm or firearm ammunition in violation of this Section
13 constitutes a single and separate violation.

14 (Source: P.A. 100-3, eff. 1-1-18.)

15 (720 ILCS 5/29B-1) (from Ch. 38, par. 29B-1)

16 (Text of Section before amendment by P.A. 100-512)

17 Sec. 29B-1. (a) A person commits the offense of money
18 laundering:

19 (1) when, knowing that the property involved in a
20 financial transaction represents the proceeds of some form
21 of unlawful activity, he or she conducts or attempts to
22 conduct such a financial transaction which in fact involves
23 criminally derived property:

24 (A) with the intent to promote the carrying on of
25 the unlawful activity from which the criminally

1 derived property was obtained; or

2 (B) where he or she knows or reasonably should know
3 that the financial transaction is designed in whole or
4 in part:

5 (i) to conceal or disguise the nature, the
6 location, the source, the ownership or the control
7 of the criminally derived property; or

8 (ii) to avoid a transaction reporting
9 requirement under State law; or

10 (1.5) when he or she transports, transmits, or
11 transfers, or attempts to transport, transmit, or transfer
12 a monetary instrument:

13 (A) with the intent to promote the carrying on of
14 the unlawful activity from which the criminally
15 derived property was obtained; or

16 (B) knowing, or having reason to know, that the
17 financial transaction is designed in whole or in part:

18 (i) to conceal or disguise the nature, the
19 location, the source, the ownership or the control
20 of the criminally derived property; or

21 (ii) to avoid a transaction reporting
22 requirement under State law; or

23 (2) when, with the intent to:

24 (A) promote the carrying on of a specified criminal
25 activity as defined in this Article; or

26 (B) conceal or disguise the nature, location,

1 source, ownership, or control of property believed to
2 be the proceeds of a specified criminal activity as
3 defined by subdivision (b) (6); or

4 (C) avoid a transaction reporting requirement
5 under State law,

6 he or she conducts or attempts to conduct a financial
7 transaction involving property he or she believes to be the
8 proceeds of specified criminal activity as defined by
9 subdivision (b) (6) or property used to conduct or
10 facilitate specified criminal activity as defined by
11 subdivision (b) (6).

12 (b) As used in this Section:

13 (0.5) "Knowing that the property involved in a
14 financial transaction represents the proceeds of some form
15 of unlawful activity" means that the person knew the
16 property involved in the transaction represented proceeds
17 from some form, though not necessarily which form, of
18 activity that constitutes a felony under State, federal, or
19 foreign law.

20 (1) "Financial transaction" means a purchase, sale,
21 loan, pledge, gift, transfer, delivery or other
22 disposition utilizing criminally derived property, and
23 with respect to financial institutions, includes a
24 deposit, withdrawal, transfer between accounts, exchange
25 of currency, loan, extension of credit, purchase or sale of
26 any stock, bond, certificate of deposit or other monetary

1 instrument, use of safe deposit box, or any other payment,
2 transfer or delivery by, through, or to a financial
3 institution. For purposes of clause (a) (2) of this Section,
4 the term "financial transaction" also means a transaction
5 which without regard to whether the funds, monetary
6 instruments, or real or personal property involved in the
7 transaction are criminally derived, any transaction which
8 in any way or degree: (1) involves the movement of funds by
9 wire or any other means; (2) involves one or more monetary
10 instruments; or (3) the transfer of title to any real or
11 personal property. The receipt by an attorney of bona fide
12 fees for the purpose of legal representation is not a
13 financial transaction for purposes of this Section.

14 (2) "Financial institution" means any bank; saving and
15 loan association; trust company; agency or branch of a
16 foreign bank in the United States; currency exchange;
17 credit union, mortgage banking institution; pawnbroker;
18 loan or finance company; operator of a credit card system;
19 issuer, redeemer or cashier of travelers checks, checks or
20 money orders; dealer in precious metals, stones or jewels;
21 broker or dealer in securities or commodities; investment
22 banker; or investment company.

23 (3) "Monetary instrument" means United States coins
24 and currency; coins and currency of a foreign country;
25 travelers checks; personal checks, bank checks, and money
26 orders; investment securities; bearer negotiable

1 instruments; bearer investment securities; or bearer
2 securities and certificates of stock in such form that
3 title thereto passes upon delivery.

4 (4) "Criminally derived property" means: (A) any
5 property, real or personal, constituting or derived from
6 proceeds obtained, directly or indirectly, from activity
7 that constitutes a felony under State, federal, or foreign
8 law; or (B) any property represented to be property
9 constituting or derived from proceeds obtained, directly
10 or indirectly, from activity that constitutes a felony
11 under State, federal, or foreign law.

12 (5) "Conduct" or "conducts" includes, in addition to
13 its ordinary meaning, initiating, concluding, or
14 participating in initiating or concluding a transaction.

15 (6) "Specified criminal activity" means any violation
16 of Section 29D-15.1 (720 ILCS 5/29D-15.1) and any violation
17 of Article 29D of this Code.

18 (7) "Director" means the Director of State Police or
19 his or her designated agents.

20 (8) "Department" means the Department of State Police
21 of the State of Illinois or its successor agency.

22 (9) "Transaction reporting requirement under State
23 law" means any violation as defined under the Currency
24 Reporting Act.

25 (c) Sentence.

26 (1) Laundering of criminally derived property of a

1 value not exceeding \$10,000 is a Class 3 felony;

2 (2) Laundering of criminally derived property of a
3 value exceeding \$10,000 but not exceeding \$100,000 is a
4 Class 2 felony;

5 (3) Laundering of criminally derived property of a
6 value exceeding \$100,000 but not exceeding \$500,000 is a
7 Class 1 felony;

8 (4) Money laundering in violation of subsection (a) (2)
9 of this Section is a Class X felony;

10 (5) Laundering of criminally derived property of a
11 value exceeding \$500,000 is a Class 1 non-probationable
12 felony;

13 (6) In a prosecution under clause (a) (1.5) (B) (ii) of
14 this Section, the sentences are as follows:

15 (A) Laundering of property of a value not exceeding
16 \$10,000 is a Class 3 felony;

17 (B) Laundering of property of a value exceeding
18 \$10,000 but not exceeding \$100,000 is a Class 2 felony;

19 (C) Laundering of property of a value exceeding
20 \$100,000 but not exceeding \$500,000 is a Class 1
21 felony;

22 (D) Laundering of property of a value exceeding
23 \$500,000 is a Class 1 non-probationable felony.

24 (d) Evidence. In a prosecution under this Article, either
25 party may introduce the following evidence pertaining to the
26 issue of whether the property or proceeds were known to be some

1 form of criminally derived property or from some form of
2 unlawful activity:

3 (1) A financial transaction was conducted or
4 structured or attempted in violation of the reporting
5 requirements of any State or federal law; or

6 (2) A financial transaction was conducted or attempted
7 with the use of a false or fictitious name or a forged
8 instrument; or

9 (3) A falsely altered or completed written instrument
10 or a written instrument that contains any materially false
11 personal identifying information was made, used, offered
12 or presented, whether accepted or not, in connection with a
13 financial transaction; or

14 (4) A financial transaction was structured or
15 attempted to be structured so as to falsely report the
16 actual consideration or value of the transaction; or

17 (5) A money transmitter, a person engaged in a trade or
18 business or any employee of a money transmitter or a person
19 engaged in a trade or business, knows or reasonably should
20 know that false personal identifying information has been
21 presented and incorporates the false personal identifying
22 information into any report or record; or

23 (6) The criminally derived property is transported or
24 possessed in a fashion inconsistent with the ordinary or
25 usual means of transportation or possession of such
26 property and where the property is discovered in the

1 absence of any documentation or other indicia of legitimate
2 origin or right to such property; or

3 (7) A person pays or receives substantially less than
4 face value for one or more monetary instruments; or

5 (8) A person engages in a transaction involving one or
6 more monetary instruments, where the physical condition or
7 form of the monetary instrument or instruments makes it
8 apparent that they are not the product of bona fide
9 business or financial transactions.

10 (e) Duty to enforce this Article.

11 (1) It is the duty of the Department of State Police,
12 and its agents, officers, and investigators, to enforce all
13 provisions of this Article, except those specifically
14 delegated, and to cooperate with all agencies charged with
15 the enforcement of the laws of the United States, or of any
16 state, relating to money laundering. Only an agent,
17 officer, or investigator designated by the Director may be
18 authorized in accordance with this Section to serve seizure
19 notices, warrants, subpoenas, and summonses under the
20 authority of this State.

21 (2) Any agent, officer, investigator, or peace officer
22 designated by the Director may: (A) make seizure of
23 property pursuant to the provisions of this Article; and
24 (B) perform such other law enforcement duties as the
25 Director designates. It is the duty of all State's
26 Attorneys to prosecute violations of this Article and

1 institute legal proceedings as authorized under this
2 Article.

3 (f) Protective orders.

4 (1) Upon application of the State, the court may enter
5 a restraining order or injunction, require the execution of
6 a satisfactory performance bond, or take any other action
7 to preserve the availability of property described in
8 subsection (h) for forfeiture under this Article:

9 (A) upon the filing of an indictment, information,
10 or complaint charging a violation of this Article for
11 which forfeiture may be ordered under this Article and
12 alleging that the property with respect to which the
13 order is sought would be subject to forfeiture under
14 this Article; or

15 (B) prior to the filing of such an indictment,
16 information, or complaint, if, after notice to persons
17 appearing to have an interest in the property and
18 opportunity for a hearing, the court determines that:

19 (i) there is probable cause to believe that the
20 State will prevail on the issue of forfeiture and
21 that failure to enter the order will result in the
22 property being destroyed, removed from the
23 jurisdiction of the court, or otherwise made
24 unavailable for forfeiture; and

25 (ii) the need to preserve the availability of
26 the property through the entry of the requested

1 order outweighs the hardship on any party against
2 whom the order is to be entered.

3 Provided, however, that an order entered pursuant
4 to subparagraph (B) shall be effective for not more
5 than 90 days, unless extended by the court for good
6 cause shown or unless an indictment, information,
7 complaint, or administrative notice has been filed.

8 (2) A temporary restraining order under this
9 subsection may be entered upon application of the State
10 without notice or opportunity for a hearing when an
11 indictment, information, complaint, or administrative
12 notice has not yet been filed with respect to the property,
13 if the State demonstrates that there is probable cause to
14 believe that the property with respect to which the order
15 is sought would be subject to forfeiture under this Section
16 and that provision of notice will jeopardize the
17 availability of the property for forfeiture. Such a
18 temporary order shall expire not more than 30 days after
19 the date on which it is entered, unless extended for good
20 cause shown or unless the party against whom it is entered
21 consents to an extension for a longer period. A hearing
22 requested concerning an order entered under this paragraph
23 shall be held at the earliest possible time and prior to
24 the expiration of the temporary order.

25 (3) The court may receive and consider, at a hearing
26 held pursuant to this subsection (f), evidence and

1 information that would be inadmissible under the Illinois
2 rules of evidence.

3 (4) Order to repatriate and deposit.

4 (A) In general. Pursuant to its authority to enter
5 a pretrial restraining order under this Section, the
6 court may order a defendant to repatriate any property
7 that may be seized and forfeited and to deposit that
8 property pending trial with the Illinois State Police
9 or another law enforcement agency designated by the
10 Illinois State Police.

11 (B) Failure to comply. Failure to comply with an
12 order under this subsection (f) is punishable as a
13 civil or criminal contempt of court.

14 (g) Warrant of seizure. The State may request the issuance
15 of a warrant authorizing the seizure of property described in
16 subsection (h) in the same manner as provided for a search
17 warrant. If the court determines that there is probable cause
18 to believe that the property to be seized would be subject to
19 forfeiture, the court shall issue a warrant authorizing the
20 seizure of such property.

21 (h) Forfeiture.

22 (1) The following are subject to forfeiture:

23 (A) any property, real or personal, constituting,
24 derived from, or traceable to any proceeds the person
25 obtained directly or indirectly, as a result of a
26 violation of this Article;

1 (B) any of the person's property used, or intended
2 to be used, in any manner or part, to commit, or to
3 facilitate the commission of, a violation of this
4 Article;

5 (C) all conveyances, including aircraft, vehicles
6 or vessels, which are used, or intended for use, to
7 transport, or in any manner to facilitate the
8 transportation, sale, receipt, possession, or
9 concealment of property described in subparagraphs (A)
10 and (B), but:

11 (i) no conveyance used by any person as a
12 common carrier in the transaction of business as a
13 common carrier is subject to forfeiture under this
14 Section unless it appears that the owner or other
15 person in charge of the conveyance is a consenting
16 party or privy to a violation of this Article;

17 (ii) no conveyance is subject to forfeiture
18 under this Section by reason of any act or omission
19 which the owner proves to have been committed or
20 omitted without his or her knowledge or consent;

21 (iii) a forfeiture of a conveyance encumbered
22 by a bona fide security interest is subject to the
23 interest of the secured party if he or she neither
24 had knowledge of nor consented to the act or
25 omission;

26 (D) all real property, including any right, title,

1 and interest (including, but not limited to, any
2 leasehold interest or the beneficial interest in a land
3 trust) in the whole of any lot or tract of land and any
4 appurtenances or improvements, which is used or
5 intended to be used, in any manner or part, to commit,
6 or in any manner to facilitate the commission of, any
7 violation of this Article or that is the proceeds of
8 any violation or act that constitutes a violation of
9 this Article.

10 (2) Property subject to forfeiture under this Article
11 may be seized by the Director or any peace officer upon
12 process or seizure warrant issued by any court having
13 jurisdiction over the property. Seizure by the Director or
14 any peace officer without process may be made:

15 (A) if the seizure is incident to a seizure
16 warrant;

17 (B) if the property subject to seizure has been the
18 subject of a prior judgment in favor of the State in a
19 criminal proceeding, or in an injunction or forfeiture
20 proceeding based upon this Article;

21 (C) if there is probable cause to believe that the
22 property is directly or indirectly dangerous to health
23 or safety;

24 (D) if there is probable cause to believe that the
25 property is subject to forfeiture under this Article
26 and the property is seized under circumstances in which

1 a warrantless seizure or arrest would be reasonable; or
2 (E) in accordance with the Code of Criminal
3 Procedure of 1963.

4 (3) In the event of seizure pursuant to paragraph (2),
5 forfeiture proceedings shall be instituted in accordance
6 with subsections (i) through (r).

7 (4) Property taken or detained under this Section shall
8 not be subject to replevin, but is deemed to be in the
9 custody of the Director subject only to the order and
10 judgments of the circuit court having jurisdiction over the
11 forfeiture proceedings and the decisions of the State's
12 Attorney under this Article. When property is seized under
13 this Article, the seizing agency shall promptly conduct an
14 inventory of the seized property and estimate the
15 property's value and shall forward a copy of the inventory
16 of seized property and the estimate of the property's value
17 to the Director. Upon receiving notice of seizure, the
18 Director may:

19 (A) place the property under seal;

20 (B) remove the property to a place designated by
21 the Director;

22 (C) keep the property in the possession of the
23 seizing agency;

24 (D) remove the property to a storage area for
25 safekeeping or, if the property is a negotiable
26 instrument or money and is not needed for evidentiary

1 purposes, deposit it in an interest bearing account;

2 (E) place the property under constructive seizure
3 by posting notice of pending forfeiture on it, by
4 giving notice of pending forfeiture to its owners and
5 interest holders, or by filing notice of pending
6 forfeiture in any appropriate public record relating
7 to the property; or

8 (F) provide for another agency or custodian,
9 including an owner, secured party, or lienholder, to
10 take custody of the property upon the terms and
11 conditions set by the Director.

12 (5) When property is forfeited under this Article, the
13 Director shall sell all such property unless such property
14 is required by law to be destroyed or is harmful to the
15 public, and shall distribute the proceeds of the sale,
16 together with any moneys forfeited or seized, in accordance
17 with paragraph (6). However, upon the application of the
18 seizing agency or prosecutor who was responsible for the
19 investigation, arrest or arrests and prosecution which
20 lead to the forfeiture, the Director may return any item of
21 forfeited property to the seizing agency or prosecutor for
22 official use in the enforcement of laws, if the agency or
23 prosecutor can demonstrate that the item requested would be
24 useful to the agency or prosecutor in its enforcement
25 efforts. When any real property returned to the seizing
26 agency is sold by the agency or its unit of government, the

1 proceeds of the sale shall be delivered to the Director and
2 distributed in accordance with paragraph (6).

3 (6) All monies and the sale proceeds of all other
4 property forfeited and seized under this Article shall be
5 distributed as follows:

6 (A) 65% shall be distributed to the metropolitan
7 enforcement group, local, municipal, county, or State
8 law enforcement agency or agencies which conducted or
9 participated in the investigation resulting in the
10 forfeiture. The distribution shall bear a reasonable
11 relationship to the degree of direct participation of
12 the law enforcement agency in the effort resulting in
13 the forfeiture, taking into account the total value of
14 the property forfeited and the total law enforcement
15 effort with respect to the violation of the law upon
16 which the forfeiture is based. Amounts distributed to
17 the agency or agencies shall be used for the
18 enforcement of laws.

19 (B) (i) 12.5% shall be distributed to the Office of
20 the State's Attorney of the county in which the
21 prosecution resulting in the forfeiture was
22 instituted, deposited in a special fund in the county
23 treasury and appropriated to the State's Attorney for
24 use in the enforcement of laws. In counties over
25 3,000,000 population, 25% shall be distributed to the
26 Office of the State's Attorney for use in the

1 enforcement of laws. If the prosecution is undertaken
2 solely by the Attorney General, the portion provided
3 hereunder shall be distributed to the Attorney General
4 for use in the enforcement of laws.

5 (ii) 12.5% shall be distributed to the Office of
6 the State's Attorneys Appellate Prosecutor and
7 deposited in the Narcotics Profit Forfeiture Fund of
8 that office to be used for additional expenses incurred
9 in the investigation, prosecution and appeal of cases
10 arising under laws. The Office of the State's Attorneys
11 Appellate Prosecutor shall not receive distribution
12 from cases brought in counties with over 3,000,000
13 population.

14 (C) 10% shall be retained by the Department of
15 State Police for expenses related to the
16 administration and sale of seized and forfeited
17 property.

18 Moneys and the sale proceeds distributed to the
19 Department of State Police under this Article shall be
20 deposited in the Money Laundering Asset Recovery Fund
21 created in the State treasury and shall be used by the
22 Department of State Police for State law enforcement
23 purposes.

24 (7) All moneys and sale proceeds of property forfeited
25 and seized under this Article and distributed according to
26 paragraph (6) may also be used to purchase opioid

1 antagonists as defined in Section 5-23 of the Alcoholism
2 and Other Drug Abuse and Dependency Act.

3 (i) Notice to owner or interest holder.

4 (1) Whenever notice of pending forfeiture or service of
5 an in rem complaint is required under the provisions of
6 this Article, such notice or service shall be given as
7 follows:

8 (A) If the owner's or interest holder's name and
9 current address are known, then by either personal
10 service or mailing a copy of the notice by certified
11 mail, return receipt requested, to that address. For
12 purposes of notice under this Section, if a person has
13 been arrested for the conduct giving rise to the
14 forfeiture, then the address provided to the arresting
15 agency at the time of arrest shall be deemed to be that
16 person's known address. Provided, however, if an owner
17 or interest holder's address changes prior to the
18 effective date of the notice of pending forfeiture, the
19 owner or interest holder shall promptly notify the
20 seizing agency of the change in address or, if the
21 owner or interest holder's address changes subsequent
22 to the effective date of the notice of pending
23 forfeiture, the owner or interest holder shall
24 promptly notify the State's Attorney of the change in
25 address; or

26 (B) If the property seized is a conveyance, to the

1 address reflected in the office of the agency or
2 official in which title or interest to the conveyance
3 is required by law to be recorded, then by mailing a
4 copy of the notice by certified mail, return receipt
5 requested, to that address; or

6 (C) If the owner's or interest holder's address is
7 not known, and is not on record as provided in
8 paragraph (B), then by publication for 3 successive
9 weeks in a newspaper of general circulation in the
10 county in which the seizure occurred.

11 (2) Notice served under this Article is effective upon
12 personal service, the last date of publication, or the
13 mailing of written notice, whichever is earlier.

14 (j) Notice to State's Attorney. The law enforcement agency
15 seizing property for forfeiture under this Article shall,
16 within 90 days after seizure, notify the State's Attorney for
17 the county, either where an act or omission giving rise to the
18 forfeiture occurred or where the property was seized, of the
19 seizure of the property and the facts and circumstances giving
20 rise to the seizure and shall provide the State's Attorney with
21 the inventory of the property and its estimated value. When the
22 property seized for forfeiture is a vehicle, the law
23 enforcement agency seizing the property shall immediately
24 notify the Secretary of State that forfeiture proceedings are
25 pending regarding such vehicle.

26 (k) Non-judicial forfeiture. If non-real property that

1 exceeds \$20,000 in value excluding the value of any conveyance,
2 or if real property is seized under the provisions of this
3 Article, the State's Attorney shall institute judicial in rem
4 forfeiture proceedings as described in subsection (l) of this
5 Section within 45 days from receipt of notice of seizure from
6 the seizing agency under subsection (j) of this Section.
7 However, if non-real property that does not exceed \$20,000 in
8 value excluding the value of any conveyance is seized, the
9 following procedure shall be used:

10 (1) If, after review of the facts surrounding the
11 seizure, the State's Attorney is of the opinion that the
12 seized property is subject to forfeiture, then within 45
13 days after the receipt of notice of seizure from the
14 seizing agency, the State's Attorney shall cause notice of
15 pending forfeiture to be given to the owner of the property
16 and all known interest holders of the property in
17 accordance with subsection (i) of this Section.

18 (2) The notice of pending forfeiture must include a
19 description of the property, the estimated value of the
20 property, the date and place of seizure, the conduct giving
21 rise to forfeiture or the violation of law alleged, and a
22 summary of procedures and procedural rights applicable to
23 the forfeiture action.

24 (3) (A) Any person claiming an interest in property
25 which is the subject of notice under paragraph (1) of this
26 subsection (k), must, in order to preserve any rights or

1 claims to the property, within 45 days after the effective
2 date of notice as described in subsection (i) of this
3 Section, file a verified claim with the State's Attorney
4 expressing his or her interest in the property. The claim
5 must set forth:

6 (i) the caption of the proceedings as set forth on
7 the notice of pending forfeiture and the name of the
8 claimant;

9 (ii) the address at which the claimant will accept
10 mail;

11 (iii) the nature and extent of the claimant's
12 interest in the property;

13 (iv) the date, identity of the transferor, and
14 circumstances of the claimant's acquisition of the
15 interest in the property;

16 (v) the name and address of all other persons known
17 to have an interest in the property;

18 (vi) the specific provision of law relied on in
19 asserting the property is not subject to forfeiture;

20 (vii) all essential facts supporting each
21 assertion; and

22 (viii) the relief sought.

23 (B) If a claimant files the claim and deposits with the
24 State's Attorney a cost bond, in the form of a cashier's
25 check payable to the clerk of the court, in the sum of 10%
26 of the reasonable value of the property as alleged by the

1 State's Attorney or the sum of \$100, whichever is greater,
2 upon condition that, in the case of forfeiture, the
3 claimant must pay all costs and expenses of forfeiture
4 proceedings, then the State's Attorney shall institute
5 judicial in rem forfeiture proceedings and deposit the cost
6 bond with the clerk of the court as described in subsection
7 (1) of this Section within 45 days after receipt of the
8 claim and cost bond. In lieu of a cost bond, a person
9 claiming interest in the seized property may file, under
10 penalty of perjury, an indigency affidavit which has been
11 approved by a circuit court judge.

12 (C) If none of the seized property is forfeited in the
13 judicial in rem proceeding, the clerk of the court shall
14 return to the claimant, unless the court orders otherwise,
15 90% of the sum which has been deposited and shall retain as
16 costs 10% of the money deposited. If any of the seized
17 property is forfeited under the judicial forfeiture
18 proceeding, the clerk of the court shall transfer 90% of
19 the sum which has been deposited to the State's Attorney
20 prosecuting the civil forfeiture to be applied to the costs
21 of prosecution and the clerk shall retain as costs 10% of
22 the sum deposited.

23 (4) If no claim is filed or bond given within the 45
24 day period as described in paragraph (3) of this subsection
25 (k), the State's Attorney shall declare the property
26 forfeited and shall promptly notify the owner and all known

1 interest holders of the property and the Director of State
2 Police of the declaration of forfeiture and the Director
3 shall dispose of the property in accordance with law.

4 (1) Judicial in rem procedures. If property seized under
5 the provisions of this Article is non-real property that
6 exceeds \$20,000 in value excluding the value of any conveyance,
7 or is real property, or a claimant has filed a claim and a cost
8 bond under paragraph (3) of subsection (k) of this Section, the
9 following judicial in rem procedures shall apply:

10 (1) If, after a review of the facts surrounding the
11 seizure, the State's Attorney is of the opinion that the
12 seized property is subject to forfeiture, then within 45
13 days of the receipt of notice of seizure by the seizing
14 agency or the filing of the claim and cost bond, whichever
15 is later, the State's Attorney shall institute judicial
16 forfeiture proceedings by filing a verified complaint for
17 forfeiture and, if the claimant has filed a claim and cost
18 bond, by depositing the cost bond with the clerk of the
19 court. When authorized by law, a forfeiture must be ordered
20 by a court on an action in rem brought by a State's
21 Attorney under a verified complaint for forfeiture.

22 (2) During the probable cause portion of the judicial
23 in rem proceeding wherein the State presents its
24 case-in-chief, the court must receive and consider, among
25 other things, all relevant hearsay evidence and
26 information. The laws of evidence relating to civil actions

1 apply to all other portions of the judicial in rem
2 proceeding.

3 (3) Only an owner of or interest holder in the property
4 may file an answer asserting a claim against the property
5 in the action in rem. For purposes of this Section, the
6 owner or interest holder shall be referred to as claimant.
7 Upon motion of the State, the court shall first hold a
8 hearing, wherein any claimant must establish by a
9 preponderance of the evidence, that he or she has a lawful,
10 legitimate ownership interest in the property and that it
11 was obtained through a lawful source.

12 (4) The answer must be signed by the owner or interest
13 holder under penalty of perjury and must set forth:

14 (A) the caption of the proceedings as set forth on
15 the notice of pending forfeiture and the name of the
16 claimant;

17 (B) the address at which the claimant will accept
18 mail;

19 (C) the nature and extent of the claimant's
20 interest in the property;

21 (D) the date, identity of transferor, and
22 circumstances of the claimant's acquisition of the
23 interest in the property;

24 (E) the name and address of all other persons known
25 to have an interest in the property;

26 (F) all essential facts supporting each assertion;

1 and

2 (G) the precise relief sought.

3 (5) The answer must be filed with the court within 45
4 days after service of the civil in rem complaint.

5 (6) The hearing must be held within 60 days after
6 filing of the answer unless continued for good cause.

7 (7) The State shall show the existence of probable
8 cause for forfeiture of the property. If the State shows
9 probable cause, the claimant has the burden of showing by a
10 preponderance of the evidence that the claimant's interest
11 in the property is not subject to forfeiture.

12 (8) If the State does not show existence of probable
13 cause, the court shall order the interest in the property
14 returned or conveyed to the claimant and shall order all
15 other property forfeited to the State. If the State does
16 show existence of probable cause, the court shall order all
17 property forfeited to the State.

18 (9) A defendant convicted in any criminal proceeding is
19 precluded from later denying the essential allegations of
20 the criminal offense of which the defendant was convicted
21 in any proceeding under this Article regardless of the
22 pendency of an appeal from that conviction. However,
23 evidence of the pendency of an appeal is admissible.

24 (10) An acquittal or dismissal in a criminal proceeding
25 does not preclude civil proceedings under this Article;
26 however, for good cause shown, on a motion by the State's

1 Attorney, the court may stay civil forfeiture proceedings
2 during the criminal trial for a related criminal indictment
3 or information alleging a money laundering violation. Such
4 a stay shall not be available pending an appeal. Property
5 subject to forfeiture under this Article shall not be
6 subject to return or release by a court exercising
7 jurisdiction over a criminal case involving the seizure of
8 such property unless such return or release is consented to
9 by the State's Attorney.

10 (11) All property declared forfeited under this
11 Article vests in this State on the commission of the
12 conduct giving rise to forfeiture together with the
13 proceeds of the property after that time. Any such property
14 or proceeds subsequently transferred to any person remain
15 subject to forfeiture and thereafter shall be ordered
16 forfeited.

17 (12) A civil action under this Article must be
18 commenced within 5 years after the last conduct giving rise
19 to forfeiture became known or should have become known or 5
20 years after the forfeitable property is discovered,
21 whichever is later, excluding any time during which either
22 the property or claimant is out of the State or in
23 confinement or during which criminal proceedings relating
24 to the same conduct are in progress.

25 (m) Stay of time periods. If property is seized for
26 evidence and for forfeiture, the time periods for instituting

1 judicial and non-judicial forfeiture proceedings shall not
2 begin until the property is no longer necessary for evidence.

3 (n) Settlement of claims. Notwithstanding other provisions
4 of this Article, the State's Attorney and a claimant of seized
5 property may enter into an agreed-upon settlement concerning
6 the seized property in such an amount and upon such terms as
7 are set out in writing in a settlement agreement.

8 (o) Property constituting attorney fees. Nothing in this
9 Article applies to property which constitutes reasonable bona
10 fide attorney's fees paid to an attorney for services rendered
11 or to be rendered in the forfeiture proceeding or criminal
12 proceeding relating directly thereto where such property was
13 paid before its seizure, before the issuance of any seizure
14 warrant or court order prohibiting transfer of the property and
15 where the attorney, at the time he or she received the property
16 did not know that it was property subject to forfeiture under
17 this Article.

18 (p) Construction. It is the intent of the General Assembly
19 that the forfeiture provisions of this Article be liberally
20 construed so as to effect their remedial purpose. The
21 forfeiture of property and other remedies hereunder shall be
22 considered to be in addition to, and not exclusive of, any
23 sentence or other remedy provided by law.

24 (q) Judicial review. If property has been declared
25 forfeited under subsection (k) of this Section, any person who
26 has an interest in the property declared forfeited may, within

1 30 days after the effective date of the notice of the
2 declaration of forfeiture, file a claim and cost bond as
3 described in paragraph (3) of subsection (k) of this Section.
4 If a claim and cost bond is filed under this Section, then the
5 procedures described in subsection (l) of this Section apply.

6 (r) Burden of proof of exemption or exception. It is not
7 necessary for the State to negate any exemption or exception in
8 this Article in any complaint, information, indictment or other
9 pleading or in any trial, hearing, or other proceeding under
10 this Article. The burden of proof of any exemption or exception
11 is upon the person claiming it.

12 (s) Review of administrative decisions. All administrative
13 findings, rulings, final determinations, findings, and
14 conclusions of the State's Attorney's Office under this Article
15 are final and conclusive decisions of the matters involved. Any
16 person aggrieved by the decision may obtain review of the
17 decision pursuant to the provisions of the Administrative
18 Review Law and the rules adopted pursuant to that Law. Pending
19 final decision on such review, the administrative acts, orders,
20 and rulings of the State's Attorney's Office remain in full
21 force and effect unless modified or suspended by order of court
22 pending final judicial decision. Pending final decision on such
23 review, the acts, orders, and rulings of the State's Attorney's
24 Office remain in full force and effect, unless stayed by order
25 of court. However, no stay of any decision of the
26 administrative agency shall issue unless the person aggrieved

1 by the decision establishes by a preponderance of the evidence
2 that good cause exists for the stay. In determining good cause,
3 the court shall find that the aggrieved party has established a
4 substantial likelihood of prevailing on the merits and that
5 granting the stay will not have an injurious effect on the
6 general public.

7 (Source: P.A. 99-480, eff. 9-9-15.)

8 (Text of Section after amendment by P.A. 100-512)

9 Sec. 29B-1. (a) A person commits the offense of money
10 laundering:

11 (1) when, knowing that the property involved in a
12 financial transaction represents the proceeds of some form
13 of unlawful activity, he or she conducts or attempts to
14 conduct such a financial transaction which in fact involves
15 criminally derived property:

16 (A) with the intent to promote the carrying on of
17 the unlawful activity from which the criminally
18 derived property was obtained; or

19 (B) where he or she knows or reasonably should know
20 that the financial transaction is designed in whole or
21 in part:

22 (i) to conceal or disguise the nature, the
23 location, the source, the ownership or the control
24 of the criminally derived property; or

25 (ii) to avoid a transaction reporting

1 requirement under State law; or

2 (1.5) when he or she transports, transmits, or
3 transfers, or attempts to transport, transmit, or transfer
4 a monetary instrument:

5 (A) with the intent to promote the carrying on of
6 the unlawful activity from which the criminally
7 derived property was obtained; or

8 (B) knowing, or having reason to know, that the
9 financial transaction is designed in whole or in part:

10 (i) to conceal or disguise the nature, the
11 location, the source, the ownership or the control
12 of the criminally derived property; or

13 (ii) to avoid a transaction reporting
14 requirement under State law; or

15 (2) when, with the intent to:

16 (A) promote the carrying on of a specified criminal
17 activity as defined in this Article; or

18 (B) conceal or disguise the nature, location,
19 source, ownership, or control of property believed to
20 be the proceeds of a specified criminal activity as
21 defined by subdivision (b) (6); or

22 (C) avoid a transaction reporting requirement
23 under State law,

24 he or she conducts or attempts to conduct a financial
25 transaction involving property he or she believes to be the
26 proceeds of specified criminal activity as defined by

1 subdivision (b) (6) or property used to conduct or
2 facilitate specified criminal activity as defined by
3 subdivision (b) (6).

4 (b) As used in this Section:

5 (0.5) "Knowing that the property involved in a
6 financial transaction represents the proceeds of some form
7 of unlawful activity" means that the person knew the
8 property involved in the transaction represented proceeds
9 from some form, though not necessarily which form, of
10 activity that constitutes a felony under State, federal, or
11 foreign law.

12 (1) "Financial transaction" means a purchase, sale,
13 loan, pledge, gift, transfer, delivery or other
14 disposition utilizing criminally derived property, and
15 with respect to financial institutions, includes a
16 deposit, withdrawal, transfer between accounts, exchange
17 of currency, loan, extension of credit, purchase or sale of
18 any stock, bond, certificate of deposit or other monetary
19 instrument, use of safe deposit box, or any other payment,
20 transfer or delivery by, through, or to a financial
21 institution. For purposes of clause (a) (2) of this Section,
22 the term "financial transaction" also means a transaction
23 which without regard to whether the funds, monetary
24 instruments, or real or personal property involved in the
25 transaction are criminally derived, any transaction which
26 in any way or degree: (1) involves the movement of funds by

1 wire or any other means; (2) involves one or more monetary
2 instruments; or (3) the transfer of title to any real or
3 personal property. The receipt by an attorney of bona fide
4 fees for the purpose of legal representation is not a
5 financial transaction for purposes of this Section.

6 (2) "Financial institution" means any bank; saving and
7 loan association; trust company; agency or branch of a
8 foreign bank in the United States; currency exchange;
9 credit union, mortgage banking institution; pawnbroker;
10 loan or finance company; operator of a credit card system;
11 issuer, redeemer or cashier of travelers checks, checks or
12 money orders; dealer in precious metals, stones or jewels;
13 broker or dealer in securities or commodities; investment
14 banker; or investment company.

15 (3) "Monetary instrument" means United States coins
16 and currency; coins and currency of a foreign country;
17 travelers checks; personal checks, bank checks, and money
18 orders; investment securities; bearer negotiable
19 instruments; bearer investment securities; or bearer
20 securities and certificates of stock in such form that
21 title thereto passes upon delivery.

22 (4) "Criminally derived property" means: (A) any
23 property, real or personal, constituting or derived from
24 proceeds obtained, directly or indirectly, from activity
25 that constitutes a felony under State, federal, or foreign
26 law; or (B) any property represented to be property

1 constituting or derived from proceeds obtained, directly
2 or indirectly, from activity that constitutes a felony
3 under State, federal, or foreign law.

4 (5) "Conduct" or "conducts" includes, in addition to
5 its ordinary meaning, initiating, concluding, or
6 participating in initiating or concluding a transaction.

7 (6) "Specified criminal activity" means any violation
8 of Section 29D-15.1 (720 ILCS 5/29D-15.1) and any violation
9 of Article 29D of this Code.

10 (7) "Superintendent" ~~"Director"~~ means the
11 Superintendent ~~Director~~ of State Police or his or her
12 designated agents.

13 (8) "Department" means the Department of State Police
14 of the State of Illinois or its successor agency.

15 (9) "Transaction reporting requirement under State
16 law" means any violation as defined under the Currency
17 Reporting Act.

18 (c) Sentence.

19 (1) Laundering of criminally derived property of a
20 value not exceeding \$10,000 is a Class 3 felony;

21 (2) Laundering of criminally derived property of a
22 value exceeding \$10,000 but not exceeding \$100,000 is a
23 Class 2 felony;

24 (3) Laundering of criminally derived property of a
25 value exceeding \$100,000 but not exceeding \$500,000 is a
26 Class 1 felony;

1 (4) Money laundering in violation of subsection (a) (2)
2 of this Section is a Class X felony;

3 (5) Laundering of criminally derived property of a
4 value exceeding \$500,000 is a Class 1 non-probationable
5 felony;

6 (6) In a prosecution under clause (a) (1.5) (B) (ii) of
7 this Section, the sentences are as follows:

8 (A) Laundering of property of a value not exceeding
9 \$10,000 is a Class 3 felony;

10 (B) Laundering of property of a value exceeding
11 \$10,000 but not exceeding \$100,000 is a Class 2 felony;

12 (C) Laundering of property of a value exceeding
13 \$100,000 but not exceeding \$500,000 is a Class 1
14 felony;

15 (D) Laundering of property of a value exceeding
16 \$500,000 is a Class 1 non-probationable felony.

17 (d) Evidence. In a prosecution under this Article, either
18 party may introduce the following evidence pertaining to the
19 issue of whether the property or proceeds were known to be some
20 form of criminally derived property or from some form of
21 unlawful activity:

22 (1) A financial transaction was conducted or
23 structured or attempted in violation of the reporting
24 requirements of any State or federal law; or

25 (2) A financial transaction was conducted or attempted
26 with the use of a false or fictitious name or a forged

1 instrument; or

2 (3) A falsely altered or completed written instrument
3 or a written instrument that contains any materially false
4 personal identifying information was made, used, offered
5 or presented, whether accepted or not, in connection with a
6 financial transaction; or

7 (4) A financial transaction was structured or
8 attempted to be structured so as to falsely report the
9 actual consideration or value of the transaction; or

10 (5) A money transmitter, a person engaged in a trade or
11 business or any employee of a money transmitter or a person
12 engaged in a trade or business, knows or reasonably should
13 know that false personal identifying information has been
14 presented and incorporates the false personal identifying
15 information into any report or record; or

16 (6) The criminally derived property is transported or
17 possessed in a fashion inconsistent with the ordinary or
18 usual means of transportation or possession of such
19 property and where the property is discovered in the
20 absence of any documentation or other indicia of legitimate
21 origin or right to such property; or

22 (7) A person pays or receives substantially less than
23 face value for one or more monetary instruments; or

24 (8) A person engages in a transaction involving one or
25 more monetary instruments, where the physical condition or
26 form of the monetary instrument or instruments makes it

1 apparent that they are not the product of bona fide
2 business or financial transactions.

3 (e) Duty to enforce this Article.

4 (1) It is the duty of the Department of State Police,
5 and its agents, officers, and investigators, to enforce all
6 provisions of this Article, except those specifically
7 delegated, and to cooperate with all agencies charged with
8 the enforcement of the laws of the United States, or of any
9 state, relating to money laundering. Only an agent,
10 officer, or investigator designated by the Superintendent
11 ~~Director~~ may be authorized in accordance with this Section
12 to serve seizure notices, warrants, subpoenas, and
13 summonses under the authority of this State.

14 (2) Any agent, officer, investigator, or peace officer
15 designated by the Superintendent ~~Director~~ may: (A) make
16 seizure of property pursuant to the provisions of this
17 Article; and (B) perform such other law enforcement duties
18 as the Superintendent ~~Director~~ designates. It is the duty
19 of all State's Attorneys to prosecute violations of this
20 Article and institute legal proceedings as authorized
21 under this Article.

22 (f) Protective orders.

23 (1) Upon application of the State, the court may enter
24 a restraining order or injunction, require the execution of
25 a satisfactory performance bond, or take any other action
26 to preserve the availability of property described in

1 subsection (h) for forfeiture under this Article:

2 (A) upon the filing of an indictment, information,
3 or complaint charging a violation of this Article for
4 which forfeiture may be ordered under this Article and
5 alleging that the property with respect to which the
6 order is sought would be subject to forfeiture under
7 this Article; or

8 (B) prior to the filing of such an indictment,
9 information, or complaint, if, after notice to persons
10 appearing to have an interest in the property and
11 opportunity for a hearing, the court determines that:

12 (i) there is probable cause to believe that the
13 State will prevail on the issue of forfeiture and
14 that failure to enter the order will result in the
15 property being destroyed, removed from the
16 jurisdiction of the court, or otherwise made
17 unavailable for forfeiture; and

18 (ii) the need to preserve the availability of
19 the property through the entry of the requested
20 order outweighs the hardship on any party against
21 whom the order is to be entered.

22 Provided, however, that an order entered pursuant
23 to subparagraph (B) shall be effective for not more
24 than 90 days, unless extended by the court for good
25 cause shown or unless an indictment, information,
26 complaint, or administrative notice has been filed.

1 (2) A temporary restraining order under this
2 subsection may be entered upon application of the State
3 without notice or opportunity for a hearing when an
4 indictment, information, complaint, or administrative
5 notice has not yet been filed with respect to the property,
6 if the State demonstrates that there is probable cause to
7 believe that the property with respect to which the order
8 is sought would be subject to forfeiture under this Section
9 and that provision of notice will jeopardize the
10 availability of the property for forfeiture. Such a
11 temporary order shall expire not more than 30 days after
12 the date on which it is entered, unless extended for good
13 cause shown or unless the party against whom it is entered
14 consents to an extension for a longer period. A hearing
15 requested concerning an order entered under this paragraph
16 shall be held at the earliest possible time and prior to
17 the expiration of the temporary order.

18 (3) The court may receive and consider, at a hearing
19 held pursuant to this subsection (f), evidence and
20 information that would be inadmissible under the Illinois
21 rules of evidence.

22 (4) Order to repatriate and deposit.

23 (A) In general. Pursuant to its authority to enter
24 a pretrial restraining order under this Section, the
25 court may order a defendant to repatriate any property
26 that may be seized and forfeited and to deposit that

1 property pending trial with the Illinois State Police
2 or another law enforcement agency designated by the
3 Illinois State Police.

4 (B) Failure to comply. Failure to comply with an
5 order under this subsection (f) is punishable as a
6 civil or criminal contempt of court.

7 (g) Warrant of seizure. The State may request the issuance
8 of a warrant authorizing the seizure of property described in
9 subsection (h) in the same manner as provided for a search
10 warrant. If the court determines that there is probable cause
11 to believe that the property to be seized would be subject to
12 forfeiture, the court shall issue a warrant authorizing the
13 seizure of such property.

14 (h) Forfeiture.

15 (1) The following are subject to forfeiture:

16 (A) any property, real or personal, constituting,
17 derived from, or traceable to any proceeds the person
18 obtained directly or indirectly, as a result of a
19 violation of this Article;

20 (B) any of the person's property used, or intended
21 to be used, in any manner or part, to commit, or to
22 facilitate the commission of, a violation of this
23 Article;

24 (C) all conveyances, including aircraft, vehicles
25 or vessels, which are used, or intended for use, to
26 transport, or in any manner to facilitate the

1 transportation, sale, receipt, possession, or
2 concealment of property described in subparagraphs (A)
3 and (B), but:

4 (i) no conveyance used by any person as a
5 common carrier in the transaction of business as a
6 common carrier is subject to forfeiture under this
7 Section unless it appears that the owner or other
8 person in charge of the conveyance is a consenting
9 party or privy to a violation of this Article;

10 (ii) no conveyance is subject to forfeiture
11 under this Section by reason of any act or omission
12 which the owner proves to have been committed or
13 omitted without his or her knowledge or consent;

14 (iii) a forfeiture of a conveyance encumbered
15 by a bona fide security interest is subject to the
16 interest of the secured party if he or she neither
17 had knowledge of nor consented to the act or
18 omission;

19 (D) all real property, including any right, title,
20 and interest (including, but not limited to, any
21 leasehold interest or the beneficial interest in a land
22 trust) in the whole of any lot or tract of land and any
23 appurtenances or improvements, which is used or
24 intended to be used, in any manner or part, to commit,
25 or in any manner to facilitate the commission of, any
26 violation of this Article or that is the proceeds of

1 any violation or act that constitutes a violation of
2 this Article.

3 (2) Property subject to forfeiture under this Article
4 may be seized by the Superintendent ~~Director~~ or any peace
5 officer upon process or seizure warrant issued by any court
6 having jurisdiction over the property. Seizure by the
7 Superintendent ~~Director~~ or any peace officer without
8 process may be made:

9 (A) if the seizure is incident to a seizure
10 warrant;

11 (B) if the property subject to seizure has been the
12 subject of a prior judgment in favor of the State in a
13 criminal proceeding, or in an injunction or forfeiture
14 proceeding based upon this Article;

15 (C) if there is probable cause to believe that the
16 property is directly or indirectly dangerous to health
17 or safety;

18 (D) if there is probable cause to believe that the
19 property is subject to forfeiture under this Article
20 and the property is seized under circumstances in which
21 a warrantless seizure or arrest would be reasonable; or

22 (E) in accordance with the Code of Criminal
23 Procedure of 1963.

24 (3) In the event of seizure pursuant to paragraph (2),
25 forfeiture proceedings shall be instituted in accordance
26 with subsections (i) through (r).

1 (4) Property taken or detained under this Section shall
2 not be subject to replevin, but is deemed to be in the
3 custody of the Superintendent ~~Director~~ subject only to the
4 order and judgments of the circuit court having
5 jurisdiction over the forfeiture proceedings and the
6 decisions of the State's Attorney under this Article. When
7 property is seized under this Article, the seizing agency
8 shall promptly conduct an inventory of the seized property
9 and estimate the property's value and shall forward a copy
10 of the inventory of seized property and the estimate of the
11 property's value to the Superintendent ~~Director~~. Upon
12 receiving notice of seizure, the Superintendent ~~Director~~
13 may:

14 (A) place the property under seal;

15 (B) remove the property to a place designated by
16 the Superintendent ~~Director~~;

17 (C) keep the property in the possession of the
18 seizing agency;

19 (D) remove the property to a storage area for
20 safekeeping or, if the property is a negotiable
21 instrument or money and is not needed for evidentiary
22 purposes, deposit it in an interest bearing account;

23 (E) place the property under constructive seizure
24 by posting notice of pending forfeiture on it, by
25 giving notice of pending forfeiture to its owners and
26 interest holders, or by filing notice of pending

1 forfeiture in any appropriate public record relating
2 to the property; or

3 (F) provide for another agency or custodian,
4 including an owner, secured party, or lienholder, to
5 take custody of the property upon the terms and
6 conditions set by the Superintendent ~~Director~~.

7 (5) When property is forfeited under this Article, the
8 Superintendent ~~Director~~ shall sell all such property
9 unless such property is required by law to be destroyed or
10 is harmful to the public, and shall distribute the proceeds
11 of the sale, together with any moneys forfeited or seized,
12 in accordance with paragraph (6).

13 (6) All monies and the sale proceeds of all other
14 property forfeited and seized under this Article shall be
15 distributed as follows:

16 (A) 65% shall be distributed to the metropolitan
17 enforcement group, local, municipal, county, or State
18 law enforcement agency or agencies which conducted or
19 participated in the investigation resulting in the
20 forfeiture. The distribution shall bear a reasonable
21 relationship to the degree of direct participation of
22 the law enforcement agency in the effort resulting in
23 the forfeiture, taking into account the total value of
24 the property forfeited and the total law enforcement
25 effort with respect to the violation of the law upon
26 which the forfeiture is based. Amounts distributed to

1 the agency or agencies shall be used for the
2 enforcement of laws.

3 (B) (i) 12.5% shall be distributed to the Office of
4 the State's Attorney of the county in which the
5 prosecution resulting in the forfeiture was
6 instituted, deposited in a special fund in the county
7 treasury and appropriated to the State's Attorney for
8 use in the enforcement of laws. In counties over
9 3,000,000 population, 25% shall be distributed to the
10 Office of the State's Attorney for use in the
11 enforcement of laws. If the prosecution is undertaken
12 solely by the Attorney General, the portion provided
13 hereunder shall be distributed to the Attorney General
14 for use in the enforcement of laws.

15 (ii) 12.5% shall be distributed to the Office of
16 the State's Attorneys Appellate Prosecutor and
17 deposited in the Narcotics Profit Forfeiture Fund of
18 that office to be used for additional expenses incurred
19 in the investigation, prosecution and appeal of cases
20 arising under laws. The Office of the State's Attorneys
21 Appellate Prosecutor shall not receive distribution
22 from cases brought in counties with over 3,000,000
23 population.

24 (C) 10% shall be retained by the Department of
25 State Police for expenses related to the
26 administration and sale of seized and forfeited

1 property.

2 Moneys and the sale proceeds distributed to the
3 Department of State Police under this Article shall be
4 deposited in the Money Laundering Asset Recovery Fund
5 created in the State treasury and shall be used by the
6 Department of State Police for State law enforcement
7 purposes.

8 (7) All moneys and sale proceeds of property forfeited
9 and seized under this Article and distributed according to
10 paragraph (6) may also be used to purchase opioid
11 antagonists as defined in Section 5-23 of the Alcoholism
12 and Other Drug Abuse and Dependency Act.

13 (7.5) Preliminary Review.

14 (A) Within 14 days of the seizure, the State shall
15 seek a preliminary determination from the circuit
16 court as to whether there is probable cause that the
17 property may be subject to forfeiture.

18 (B) The rules of evidence shall not apply to any
19 proceeding conducted under this Section.

20 (C) The court may conduct the review under
21 subparagraph (A) of this paragraph (7.5)
22 simultaneously with a proceeding under Section 109-1
23 of the Code of Criminal Procedure of 1963 for a related
24 criminal offense if a prosecution is commenced by
25 information or complaint.

26 (D) The court may accept a finding of probable

1 cause at a preliminary hearing following the filing of
2 an information or complaint charging a related
3 criminal offense or following the return of indictment
4 by a grand jury charging the related offense as
5 sufficient evidence of probable cause as required
6 under subparagraph (A) of this paragraph (7.5).

7 (E) Upon a finding of probable cause as required
8 under this Section, the circuit court shall order the
9 property subject to the applicable forfeiture Act held
10 until the conclusion of any forfeiture proceeding.

11 (i) Notice to owner or interest holder.

12 (1) The first attempted service shall be commenced
13 within 28 days of the latter of filing of the verified
14 claim or the receipt of the notice from seizing agency by
15 form 4-64. A complaint for forfeiture or a notice of
16 pending forfeiture shall be served on a claimant if the
17 owner's or interest holder's name and current address are
18 known, then by either: (i) personal service or; (ii)
19 mailing a copy of the notice by certified mail, return
20 receipt requested and first class mail, to that address. If
21 no signed return receipt is received by the State's
22 Attorney within 28 days of mailing or no communication from
23 the owner or interest holder is received by the State's
24 Attorney documenting actual notice by the parties, the
25 State's Attorney shall, within a reasonable period of time,
26 mail a second copy of the notice by certified mail, return

1 receipt requested and first class mail, to that address. If
2 no signed return receipt is received by the State's
3 Attorney within 28 days of the second mailing, or no
4 communication from the owner or interest holder is received
5 by the State's Attorney documenting actual notice by the
6 parties, the State's Attorney shall have 60 days to attempt
7 to personally serve the notice by personal service,
8 including substitute service by leaving a copy at the usual
9 place of abode with some person of the family or a person
10 residing there, of the age of 13 years or upwards. If after
11 3 attempts at service in this manner, and no service of the
12 notice is accomplished, the notice shall be posted in a
13 conspicuous manner at this address and service shall be
14 made by the posting. The attempts at service and the
15 posting if required, shall be documented by the person
16 attempting service and the documentation shall be made part
17 of a return of service returned to the State's Attorney.
18 The State's Attorney may utilize any Sheriff or Deputy
19 Sheriff, a peace officer, a private process server or
20 investigator, or an employee, agent, or investigator of the
21 State's Attorney's Office to attempt service without
22 seeking leave of court. After the procedures listed are
23 followed, service shall be effective on the owner or
24 interest holder on the date of receipt by the State's
25 Attorney of a returned return receipt requested, or on the
26 date of receipt of a communication from an owner or

1 interest holder documenting actual notice, whichever is
2 first in time, or on the date of the last act performed by
3 the State's Attorney in attempting personal service. For
4 purposes of notice under this Section, if a person has been
5 arrested for the conduct giving rise to the forfeiture, the
6 address provided to the arresting agency at the time of
7 arrest shall be deemed to be that person's known address.
8 Provided, however, if an owner or interest holder's address
9 changes prior to the effective date of the notice of
10 pending forfeiture, the owner or interest holder shall
11 promptly notify the seizing agency of the change in address
12 or, if the owner or interest holder's address changes
13 subsequent to the effective date of the notice of pending
14 forfeiture, the owner or interest holder shall promptly
15 notify the State's Attorney of the change in address. If
16 the property seized is a conveyance, notice shall also be
17 directed to the address reflected in the office of the
18 agency or official in which title or interest to the
19 conveyance is required by law to be recorded.

20 (A) (Blank);

21 (A-5) If the owner's or interest holder's address
22 is not known, and is not on record as provided in
23 paragraph (1), service by publication for 3 successive
24 weeks in a newspaper of general circulation in the
25 county in which the seizure occurred shall suffice for
26 service requirements.

1 (A-10) Notice to any business entity, corporation,
2 LLC, LLP, or partnership shall be complete by a single
3 mailing of a copy of the notice by certified mail,
4 return receipt requested and first class mail, to that
5 address. This notice is complete regardless of the
6 return of a signed "return receipt requested".

7 (A-15) Notice to a person whose address is not
8 within the State shall be completed by a single mailing
9 of a copy of the notice by certified mail, return
10 receipt requested and first class mail to that address.
11 This notice is complete regardless of the return of a
12 signed "return receipt requested".

13 (A-20) Notice to a person whose address is not
14 within the United States shall be completed by a single
15 mailing of a copy of the notice by certified mail,
16 return receipt requested and first class mail to that
17 address. This notice is complete regardless of the
18 return of a signed "return receipt requested". If
19 certified mail is not available in the foreign country
20 where the person has an address, notice shall proceed
21 by paragraph (A-15) publication requirements.

22 (A-25) A person who the State's Attorney
23 reasonably should know is incarcerated within this
24 State, shall also include, mailing a copy of the notice
25 by certified mail, return receipt requested and first
26 class mail, to the address of the detention facility

1 with the inmate's name clearly marked on the envelope.

2 After a claimant files a verified claim with the
3 State's Attorney and provides an address at which they
4 will accept service, the complaint shall be served and
5 notice shall be complete upon the mailing of the
6 complaint to the claimant at the address the claimant
7 provided via certified mail, return receipt requested
8 and first class mail. No return receipt card need be
9 received, or any other attempts at service need be made
10 to comply with service and notice requirements under
11 this Section. This certified mailing, return receipt
12 requested shall be proof of service of the complaint on
13 the claimant. If notice is to be shown by actual notice
14 from communication with a claimant, then the State's
15 Attorney shall file an affidavit as proof of service
16 providing details of the communication which shall be
17 accepted as proof of service by the court.

18 (B) If the property seized is a conveyance, to the
19 address reflected in the office of the agency or
20 official in which title or interest to the conveyance
21 is required by law to be recorded, then by mailing a
22 copy of the notice by certified mail, return receipt
23 requested, to that address; or

24 (C) (Blank).

25 (2) Notice served under this Article is effective upon
26 personal service, the last date of publication, or the

1 mailing of written notice, whichever is earlier.

2 (j) Notice to State's Attorney. The law enforcement agency
3 seizing property for forfeiture under this Article shall,
4 within 60 days after seizure, notify the State's Attorney for
5 the county, either where an act or omission giving rise to the
6 forfeiture occurred or where the property was seized, of the
7 seizure of the property and the facts and circumstances giving
8 rise to the seizure and shall provide the State's Attorney with
9 the inventory of the property and its estimated value. When the
10 property seized for forfeiture is a vehicle, the law
11 enforcement agency seizing the property shall immediately
12 notify the Secretary of State that forfeiture proceedings are
13 pending regarding such vehicle. This notice shall be by the
14 form 4-64.

15 (k) Non-judicial forfeiture. If non-real property that
16 exceeds \$20,000 in value excluding the value of any conveyance,
17 or if real property is seized under the provisions of this
18 Article, the State's Attorney shall institute judicial in rem
19 forfeiture proceedings as described in subsection (l) of this
20 Section within 28 days from receipt of notice of seizure from
21 the seizing agency under subsection (j) of this Section.
22 However, if non-real property that does not exceed \$20,000 in
23 value excluding the value of any conveyance is seized, the
24 following procedure shall be used:

25 (1) If, after review of the facts surrounding the
26 seizure, the State's Attorney is of the opinion that the

1 seized property is subject to forfeiture, then within 45
2 days after the receipt of notice of seizure from the
3 seizing agency, the State's Attorney shall cause notice of
4 pending forfeiture to be given to the owner of the property
5 and all known interest holders of the property in
6 accordance with subsection (i) of this Section.

7 (2) The notice of pending forfeiture must include a
8 description of the property, the estimated value of the
9 property, the date and place of seizure, the conduct giving
10 rise to forfeiture or the violation of law alleged, and a
11 summary of procedures and procedural rights applicable to
12 the forfeiture action.

13 (3) (A) Any person claiming an interest in property
14 which is the subject of notice under paragraph (1) of this
15 subsection (k), must, in order to preserve any rights or
16 claims to the property, within 45 days after the effective
17 date of notice as described in subsection (i) of this
18 Section, file a verified claim with the State's Attorney
19 expressing his or her interest in the property. The claim
20 must set forth:

21 (i) the caption of the proceedings as set forth on
22 the notice of pending forfeiture and the name of the
23 claimant;

24 (ii) the address at which the claimant will accept
25 mail;

26 (iii) the nature and extent of the claimant's

1 interest in the property;

2 (iv) the date, identity of the transferor, and
3 circumstances of the claimant's acquisition of the
4 interest in the property;

5 (v) the name and address of all other persons known
6 to have an interest in the property;

7 (vi) the specific provision of law relied on in
8 asserting the property is not subject to forfeiture;

9 (vii) all essential facts supporting each
10 assertion; and

11 (viii) the relief sought.

12 (B) If a claimant files the claim, then the State's
13 Attorney shall institute judicial in rem forfeiture
14 proceedings with the clerk of the court as described in
15 subsection (l) of this Section within 45 days after receipt
16 of the claim.

17 (C) (Blank).

18 (4) If no claim is filed within the 45 day period as
19 described in paragraph (3) of this subsection (k), the
20 State's Attorney shall declare the property forfeited and
21 shall promptly notify the owner and all known interest
22 holders of the property and the Superintendent ~~Director~~ of
23 State Police of the declaration of forfeiture and the
24 Superintendent ~~Director~~ shall dispose of the property in
25 accordance with law.

26 (1) Judicial in rem procedures. If property seized under

1 the provisions of this Article is non-real property that
2 exceeds \$20,000 in value excluding the value of any conveyance,
3 or is real property, or a claimant has filed a claim under
4 paragraph (3) of subsection (k) of this Section, the following
5 judicial in rem procedures shall apply:

6 (1) If, after a review of the facts surrounding the
7 seizure, the State's Attorney is of the opinion that the
8 seized property is subject to forfeiture, then within 28
9 days of the receipt of notice of seizure by the seizing
10 agency or the filing of the claim, whichever is later, the
11 State's Attorney shall institute judicial forfeiture
12 proceedings by filing a verified complaint for forfeiture.
13 When authorized by law, a forfeiture must be ordered by a
14 court on an action in rem brought by a State's Attorney
15 under a verified complaint for forfeiture.

16 (1.5) A complaint of forfeiture shall include:

17 (i) a description of the property seized;

18 (ii) the date and place of seizure of the property;

19 (iii) the name and address of the law enforcement
20 agency making the seizure; and

21 (iv) the specific statutory and factual grounds
22 for the seizure.

23 (1.10) The complaint shall be served upon the person
24 from whom the property was seized and all persons known or
25 reasonably believed by the State to claim an interest in
26 the property, as provided in subsection (i) of this

1 Section. The complaint shall be accompanied by the
2 following written notice:

3 "This is a civil court proceeding subject to the Code
4 of Civil Procedure. You received this Complaint of
5 Forfeiture because the State's Attorney's office has
6 brought a legal action seeking forfeiture of your seized
7 property. This complaint starts the court process where the
8 State seeks to prove that your property should be forfeited
9 and not returned to you. This process is also your
10 opportunity to try to prove to a judge that you should get
11 your property back. The complaint lists the date, time, and
12 location of your first court date. You must appear in court
13 on that day, or you may lose the case automatically. You
14 must also file an appearance and answer. If you are unable
15 to pay the appearance fee, you may qualify to have the fee
16 waived. If there is a criminal case related to the seizure
17 of your property, your case may be set for trial after the
18 criminal case has been resolved. Before trial, the judge
19 may allow discovery, where the State can ask you to respond
20 in writing to questions and give them certain documents,
21 and you can make similar requests of the State. The trial
22 is your opportunity to explain what happened when your
23 property was seized and why you should get the property
24 back."

25 (2) The laws of evidence relating to civil actions
26 shall apply to proceedings under this Article with the

1 following exception. The parties shall be allowed to use,
2 and the court shall receive and consider all relevant
3 hearsay evidence which relates to evidentiary foundation,
4 chain of custody, business records, recordings, laboratory
5 analysis, laboratory reports, and relevant hearsay related
6 to the use of technology in the investigation which
7 resulted in the seizure of property which is now subject to
8 this forfeiture action.

9 (3) Only an owner of or interest holder in the property
10 may file an answer asserting a claim against the property
11 in the action in rem. For purposes of this Section, the
12 owner or interest holder shall be referred to as claimant.
13 Upon motion of the State, the court shall first hold a
14 hearing, wherein any claimant must establish by a
15 preponderance of the evidence, that he or she has a lawful,
16 legitimate ownership interest in the property and that it
17 was obtained through a lawful source.

18 (4) The answer must be signed by the owner or interest
19 holder under penalty of perjury and must set forth:

20 (A) the caption of the proceedings as set forth on
21 the notice of pending forfeiture and the name of the
22 claimant;

23 (B) the address at which the claimant will accept
24 mail;

25 (C) the nature and extent of the claimant's
26 interest in the property;

1 (D) the date, identity of transferor, and
2 circumstances of the claimant's acquisition of the
3 interest in the property;

4 (E) the name and address of all other persons known
5 to have an interest in the property;

6 (F) all essential facts supporting each assertion;

7 (G) the precise relief sought; and

8 (H) the answer shall follow the rules under the
9 Code of Civil Procedure.

10 (5) The answer must be filed with the court within 45
11 days after service of the civil in rem complaint.

12 (6) The hearing must be held within 60 days after
13 filing of the answer unless continued for good cause.

14 (7) At the judicial in rem proceeding, in the State's
15 case in chief, the State shall show by a preponderance of
16 the evidence that the property is subject to forfeiture. If
17 the State makes such a showing, the claimant shall have the
18 burden of production to set forth evidence that the
19 property is not related to the alleged factual basis of the
20 forfeiture. After this production of evidence, the State
21 shall maintain the burden of proof to overcome this
22 assertion. A claimant shall provide the State notice of its
23 intent to allege that the currency or its equivalent is not
24 related to the alleged factual basis of the forfeiture and
25 why. As to conveyances, at the judicial in rem proceeding,
26 in their case in chief, the State shall show by a

1 preponderance of the evidence, that (1) the property is
2 subject to forfeiture; and (2) at least one of the
3 following:

4 (i) that the claimant was legally accountable for
5 the conduct giving rise to the forfeiture;

6 (ii) that the claimant knew or reasonably should
7 have known of the conduct giving rise to the
8 forfeiture;

9 (iii) that the claimant knew or reasonable should
10 have known that the conduct giving rise to the
11 forfeiture was likely to occur;

12 (iv) that the claimant held the property for the
13 benefit of, or as nominee for, any person whose conduct
14 gave rise to its forfeiture;

15 (v) that if the claimant acquired their interest
16 through any person engaging in any of the conduct
17 described above or conduct giving rise to the
18 forfeiture;

19 (1) the claimant did not acquire it as a bona
20 fide purchaser for value; or

21 (2) the claimant acquired the interest under
22 the circumstances that they reasonably should have
23 known the property was derived from, or used in,
24 the conduct giving rise to the forfeiture; or

25 (vii) that the claimant is not the true owner of
26 the property that is subject to forfeiture.

1 (8) If the State does not meet its burden to show that
2 the property is subject to forfeiture, the court shall
3 order the interest in the property returned or conveyed to
4 the claimant and shall order all other property forfeited
5 to the State. If the State does meet its burden to show
6 that the property is subject to forfeiture, the court shall
7 order all property forfeited to the State.

8 (9) A defendant convicted in any criminal proceeding is
9 precluded from later denying the essential allegations of
10 the criminal offense of which the defendant was convicted
11 in any proceeding under this Article regardless of the
12 pendency of an appeal from that conviction. However,
13 evidence of the pendency of an appeal is admissible.

14 (10) On a motion by the ~~the~~ parties, the court may stay
15 civil forfeiture proceedings during the criminal trial for
16 a related criminal indictment or information alleging a
17 money laundering violation. Such a stay shall not be
18 available pending an appeal. Property subject to
19 forfeiture under this Article shall not be subject to
20 return or release by a court exercising jurisdiction over a
21 criminal case involving the seizure of such property unless
22 such return or release is consented to by the State's
23 Attorney.

24 Notwithstanding any other provision of this Section,
25 the State's burden of proof at the trial of the forfeiture
26 action shall be by clear and convincing evidence if: (1) a

1 finding of not guilty is entered as to all counts and all
2 defendants in a criminal proceeding relating to the conduct
3 giving rise to the forfeiture action; or (2) the State
4 receives an adverse finding at a preliminary hearing and
5 fails to secure an indictment in a criminal proceeding
6 relating to the factual allegations of the forfeiture
7 action.

8 (11) All property declared forfeited under this
9 Article vests in this State on the commission of the
10 conduct giving rise to forfeiture together with the
11 proceeds of the property after that time. Except as
12 otherwise provided in this Article, title to any such
13 property or proceeds subsequently transferred to any
14 person remain subject to forfeiture and thereafter shall be
15 ordered forfeited unless the person to whom the property
16 was transferred makes an appropriate claim and has his or
17 her claim adjudicated at the judicial in rem hearing.

18 (12) A civil action under this Article must be
19 commenced within 5 years after the last conduct giving rise
20 to forfeiture became known or should have become known or 5
21 years after the forfeitable property is discovered,
22 whichever is later, excluding any time during which either
23 the property or claimant is out of the State or in
24 confinement or during which criminal proceedings relating
25 to the same conduct are in progress.

26 (m) Stay of time periods. If property is seized for

1 evidence and for forfeiture, the time periods for instituting
2 judicial and non-judicial forfeiture proceedings shall not
3 begin until the property is no longer necessary for evidence.

4 (n) Settlement of claims. Notwithstanding other provisions
5 of this Article, the State's Attorney and a claimant of seized
6 property may enter into an agreed-upon settlement concerning
7 the seized property in such an amount and upon such terms as
8 are set out in writing in a settlement agreement. All proceeds
9 from a settlement agreement shall be tendered to the Department
10 of State Police and distributed under paragraph (6) of
11 subsection (h) of this Section.

12 (o) Property constituting attorney fees. Nothing in this
13 Article applies to property which constitutes reasonable bona
14 fide attorney's fees paid to an attorney for services rendered
15 or to be rendered in the forfeiture proceeding or criminal
16 proceeding relating directly thereto where such property was
17 paid before its seizure, before the issuance of any seizure
18 warrant or court order prohibiting transfer of the property and
19 where the attorney, at the time he or she received the property
20 did not know that it was property subject to forfeiture under
21 this Article.

22 (p) Construction. It is the intent of the General Assembly
23 that the forfeiture provisions of this Article be liberally
24 construed so as to effect their remedial purpose. The
25 forfeiture of property and other remedies hereunder shall be
26 considered to be in addition to, and not exclusive of, any

1 sentence or other remedy provided by law.

2 (q) Judicial review. If property has been declared
3 forfeited under subsection (k) of this Section, any person who
4 has an interest in the property declared forfeited may, within
5 30 days after the effective date of the notice of the
6 declaration of forfeiture, file a claim as described in
7 paragraph (3) of subsection (k) of this Section. If a claim is
8 filed under this Section, then the procedures described in
9 subsection (l) of this Section apply.

10 (r) (Blank).

11 (s) Review of administrative decisions. All administrative
12 findings, rulings, final determinations, findings, and
13 conclusions of the State's Attorney's Office under this Article
14 are final and conclusive decisions of the matters involved. Any
15 person aggrieved by the decision may obtain review of the
16 decision pursuant to the provisions of the Administrative
17 Review Law and the rules adopted pursuant to that Law. Pending
18 final decision on such review, the administrative acts, orders,
19 and rulings of the State's Attorney's Office remain in full
20 force and effect unless modified or suspended by order of court
21 pending final judicial decision. Pending final decision on such
22 review, the acts, orders, and rulings of the State's Attorney's
23 Office remain in full force and effect, unless stayed by order
24 of court. However, no stay of any decision of the
25 administrative agency shall issue unless the person aggrieved
26 by the decision establishes by a preponderance of the evidence

1 that good cause exists for the stay. In determining good cause,
2 the court shall find that the aggrieved party has established a
3 substantial likelihood of prevailing on the merits and that
4 granting the stay will not have an injurious effect on the
5 general public.

6 (t) Actual physical seizure of real property subject to
7 forfeiture under this Act requires the issuance of a seizure
8 warrant. Nothing in this Section prohibits the constructive
9 seizure of real property through the filing of a complaint for
10 forfeiture in circuit court and the recording of a lis pendens
11 against the real property which is subject to forfeiture
12 without any hearing, warrant application, or judicial
13 approval.

14 (u) Property which is forfeited shall be subject to an 8th
15 amendment to the United States Constitution disproportionate
16 penalties analysis and the property forfeiture may be denied in
17 whole or in part if the court finds that the forfeiture would
18 constitute an excessive fine in violation of the 8th amendment
19 as interpreted by case law.

20 (v) If property is ordered forfeited under this Section
21 from a claimant who held title to the property in joint tenancy
22 or tenancy in common with another claimant, the court shall
23 determine the amount of each owner's interest in the property
24 according to principles of property law.

25 (w) A claimant or a party interested in personal property
26 contained within a seized conveyance may file a request with

1 the State's Attorney in a non-judicial forfeiture action, or a
2 motion with the court in a judicial forfeiture action for the
3 return of any personal property contained within a conveyance
4 which is seized under this Article. The return of personal
5 property shall not be unreasonably withheld if the personal
6 property is not mechanically or electrically coupled to the
7 conveyance, needed for evidentiary purposes, or otherwise
8 contraband. Any law enforcement agency that returns property
9 under a court order under this Section shall not be liable to
10 any person who claims ownership to the property if it is
11 returned to an improper party.

12 (x) Innocent owner hearing.

13 (1) After a complaint for forfeiture has been filed and
14 all claimants have appeared and answered, a claimant may
15 file a motion with the court for an innocent owner hearing
16 prior to trial. This motion shall be made and supported by
17 sworn affidavit and shall assert the following along with
18 specific facts which support each assertion:

19 (i) that the claimant filing the motion is the true
20 owner of the conveyance as interpreted by case law;

21 (ii) that the claimant was not legally accountable
22 for the conduct giving rise to the forfeiture or
23 acquiesced in the conduct;

24 (iii) that the claimant did not solicit, conspire,
25 or attempt to commit the conduct giving rise to the
26 forfeiture;

1 (iv) that the claimant did not know or did not have
2 reason to know that the conduct giving rise to the
3 forfeiture was likely to occur; and

4 (v) that the claimant did not hold the property for
5 the benefit of, or as nominee for any person whose
6 conduct gave rise to its forfeiture or if the owner or
7 interest holder acquired the interest through any
8 person, the owner or interest holder did not acquire it
9 as a bona fide purchaser for value or acquired the
10 interest without knowledge of the seizure of the
11 property for forfeiture.

12 (2) The claimant shall include specific facts which
13 support these assertions in their motion.

14 (3) Upon this filing, a hearing may only be conducted
15 after the parties have been given the opportunity to
16 conduct limited discovery as to the ownership and control
17 of the property, the claimant's knowledge, or any matter
18 relevant to the issues raised or facts alleged in the
19 claimant's motion. Discovery shall be limited to the
20 People's requests in these areas but may proceed by any
21 means allowed in the Code of Civil Procedure.

22 (i) After discovery is complete and the court has
23 allowed for sufficient time to review and investigate
24 the discovery responses, the court shall conduct a
25 hearing. At the hearing, the fact that the conveyance
26 is subject to forfeiture shall not be at issue. The

1 court shall only hear evidence relating to the issue of
2 innocent ownership.

3 (ii) At the hearing on the motion, it shall be the
4 burden of the claimant to prove each of the assertions
5 listed in paragraph (1) of this subsection (x) by a
6 preponderance of the evidence.

7 (iii) If a claimant meets his burden of proof, the
8 court shall grant the motion and order the property
9 returned to the claimant. If the claimant fails to meet
10 his or her burden of proof then the court shall deny
11 the motion.

12 (y) No property shall be forfeited under this Section from
13 a person who, without actual or constructive notice that the
14 property was the subject of forfeiture proceedings, obtained
15 possession of the property as a bona fide purchaser for value.
16 A person who purports to affect transfer of property after
17 receiving actual or constructive notice that the property is
18 subject to seizure or forfeiture is guilty of contempt of
19 court, and shall be liable to the State for a penalty in the
20 amount of the fair market value of the property.

21 (z) Forfeiture proceedings under this Section shall be
22 subject to the Code of Civil Procedure and the rules of
23 evidence relating to civil actions.

24 (aa) Return of property, damages, and costs.

25 (1) The law enforcement agency that holds custody of
26 property seized for forfeiture shall deliver property

1 ordered by the court to be returned or conveyed to the
2 claimant within a reasonable time not to exceed 7 days,
3 unless the order is stayed by the trial court or a
4 reviewing court pending an appeal, motion to reconsider, or
5 other reason.

6 (2) The law enforcement agency that holds custody of
7 property is responsible for any damages, storage fees, and
8 related costs applicable to property returned. The
9 claimant shall not be subject to any charges by the State
10 for storage of the property or expenses incurred in the
11 preservation of the property. Charges for the towing of a
12 conveyance shall be borne by the claimant unless the
13 conveyance was towed for the sole reason of seizure for
14 forfeiture. This Section does not prohibit the imposition
15 of any fees or costs by a home rule unit of local
16 government related to the impoundment of a conveyance under
17 an ordinance enacted by the unit of government.

18 (3) A law enforcement agency shall not retain forfeited
19 property for its own use or transfer the property to any
20 person or entity, except as provided under this Section. A
21 law enforcement agency may apply in writing to the
22 Superintendent ~~Director~~ of State Police to request that a
23 forfeited property be awarded to the agency for a
24 specifically articulated official law enforcement use in
25 an investigation. The Superintendent ~~Director~~ of State
26 Police shall provide a written justification in each

1 instance detailing the reasons why the forfeited property
2 was placed into official use and the justification shall be
3 retained for a period of not less than 3 years.

4 (bb) The changes made to this Section by this amendatory
5 Act of the 100th General Assembly are subject to Sections 2 and
6 4 of the Statute on Statutes.

7 (Source: P.A. 99-480, eff. 9-9-15; 100-512, eff. 7-1-18.)

8 (720 ILCS 5/36-1.1)

9 (This Section may contain text from a Public Act with a
10 delayed effective date)

11 Sec. 36-1.1. Seizure.

12 (a) Any property subject to forfeiture under this Article
13 may be seized and impounded by the Superintendent ~~Director~~ of
14 State Police or any peace officer upon process or seizure
15 warrant issued by any court having jurisdiction over the
16 property.

17 (b) Any property subject to forfeiture under this Article
18 may be seized and impounded by the Superintendent ~~Director~~ of
19 State Police or any peace officer without process if there is
20 probable cause to believe that the property is subject to
21 forfeiture under Section 36-1 of this Article and the property
22 is seized under circumstances in which a warrantless seizure or
23 arrest would be reasonable.

24 (c) If the seized property is a conveyance, an
25 investigation shall be made by the law enforcement agency as to

1 any person whose right, title, interest, or lien is of record
2 in the office of the agency or official in which title or
3 interest to the conveyance is required by law to be recorded.

4 (d) After seizure under this Section, notice shall be given
5 to all known interest holders that forfeiture proceedings,
6 including a preliminary review, may be instituted and the
7 proceedings may be instituted under this Article.

8 (Source: P.A. 100-512, eff. 7-1-18.)

9 (720 ILCS 5/36-1.3)

10 (This Section may contain text from a Public Act with a
11 delayed effective date)

12 Sec. 36-1.3. Safekeeping of seized property pending
13 disposition.

14 (a) Property seized under this Article is deemed to be in
15 the custody of the Superintendent ~~Director~~ of State Police
16 subject only to the order and judgments of the circuit court
17 having jurisdiction over the forfeiture proceedings and the
18 decisions of the State's Attorney under this Article.

19 (b) If property is seized under this Article, the seizing
20 agency shall promptly conduct an inventory of the seized
21 property and estimate the property's value, and shall forward a
22 copy of the inventory of seized property and the estimate of
23 the property's value to the Superintendent ~~Director~~ of State
24 Police. Upon receiving notice of seizure, the Superintendent
25 ~~Director~~ of State Police may:

- 1 (1) place the property under seal;
- 2 (2) remove the property to a place designated by the
- 3 Superintendent ~~Director~~ of State Police;
- 4 (3) keep the property in the possession of the seizing
- 5 agency;
- 6 (4) remove the property to a storage area for
- 7 safekeeping; or
- 8 (5) place the property under constructive seizure by
- 9 posting notice of pending forfeiture on it, by giving
- 10 notice of pending forfeiture to its owners and interest
- 11 holders, or by filing notice of pending forfeiture in any
- 12 appropriate public record relating to the property; or
- 13 (6) provide for another agency or custodian, including
- 14 an owner, secured party, or lienholder, to take custody of
- 15 the property upon the terms and conditions set by the
- 16 seizing agency.
- 17 (c) The seizing agency shall exercise ordinary care to
- 18 protect the subject of the forfeiture from negligent loss,
- 19 damage, or destruction.
- 20 (d) Property seized or forfeited under this Article is
- 21 subject to reporting under the Seizure and Forfeiture Reporting
- 22 Act.
- 23 (Source: P.A. 100-512, eff. 7-1-18.)

24 (720 ILCS 5/36-2.2)

25 (This Section may contain text from a Public Act with a

1 delayed effective date)

2 Sec. 36-2.2. Replevin prohibited; return of personal
3 property inside seized conveyance.

4 (a) Property seized under this Article shall not be subject
5 to replevin, but is deemed to be in the custody of the
6 Superintendent ~~Director~~ of State Police subject only to the
7 order and judgments of the circuit court having jurisdiction
8 over the forfeiture proceedings and the decisions of the
9 State's Attorney.

10 (b) A claimant or a party interested in personal property
11 contained within a seized conveyance may file a motion with the
12 court in a judicial forfeiture action for the return of any
13 personal property contained within a conveyance seized under
14 this Article. The return of personal property shall not be
15 unreasonably withheld if the personal property is not
16 mechanically or electrically coupled to the conveyance, needed
17 for evidentiary purposes, or otherwise contraband. A law
18 enforcement agency that returns property under a court order
19 under this Section shall not be liable to any person who claims
20 ownership to the property if the property is returned to an
21 improper party.

22 (Source: P.A. 100-512, eff. 7-1-18.)

23 (720 ILCS 5/36-7)

24 (This Section may contain text from a Public Act with a
25 delayed effective date)

1 Sec. 36-7. Distribution of proceeds; selling or retaining
2 seized property prohibited.

3 (a) Except as otherwise provided in this Section, the court
4 shall order that property forfeited under this Article be
5 delivered to the Department of State Police within 60 days.

6 (b) The Department of State Police or its designee shall
7 dispose of all property at public auction and shall distribute
8 the proceeds of the sale, together with any moneys forfeited or
9 seized, under subsection (c) of this Section.

10 (c) All monies and the sale proceeds of all other property
11 forfeited and seized under this Act shall be distributed as
12 follows:

13 (1) 65% shall be distributed to the drug task force,
14 metropolitan enforcement group, local, municipal, county,
15 or state law enforcement agency or agencies which conducted
16 or participated in the investigation resulting in the
17 forfeiture. The distribution shall bear a reasonable
18 relationship to the degree of direct participation of the
19 law enforcement agency in the effort resulting in the
20 forfeiture, taking into account the total value of the
21 property forfeited and the total law enforcement effort
22 with respect to the violation of the law upon which the
23 forfeiture is based. Amounts distributed to the agency or
24 agencies shall be used, at the discretion of the agency,
25 for the enforcement of criminal laws; or for public
26 education in the community or schools in the prevention or

1 detection of the abuse of drugs or alcohol; or for security
2 cameras used for the prevention or detection of violence,
3 except that amounts distributed to the Secretary of State
4 shall be deposited into the Secretary of State Evidence
5 Fund to be used as provided in Section 2-115 of the
6 Illinois Vehicle Code.

7 Any local, municipal, or county law enforcement agency
8 entitled to receive a monetary distribution of forfeiture
9 proceeds may share those forfeiture proceeds pursuant to
10 the terms of an intergovernmental agreement with a
11 municipality that has a population in excess of 20,000 if:

12 (A) the receiving agency has entered into an
13 intergovernmental agreement with the municipality to
14 provide police services;

15 (B) the intergovernmental agreement for police
16 services provides for consideration in an amount of not
17 less than \$1,000,000 per year;

18 (C) the seizure took place within the geographical
19 limits of the municipality; and

20 (D) the funds are used only for the enforcement of
21 criminal laws; for public education in the community or
22 schools in the prevention or detection of the abuse of
23 drugs or alcohol; or for security cameras used for the
24 prevention or detection of violence or the
25 establishment of a municipal police force, including
26 the training of officers, construction of a police

1 station, the purchase of law enforcement equipment, or
2 vehicles.

3 (2) 12.5% shall be distributed to the Office of the
4 State's Attorney of the county in which the prosecution
5 resulting in the forfeiture was instituted, deposited in a
6 special fund in the county treasury and appropriated to the
7 State's Attorney for use, at the discretion of the State's
8 Attorney, in the enforcement of criminal laws; or for
9 public education in the community or schools in the
10 prevention or detection of the abuse of drugs or alcohol;
11 or at the discretion of the State's Attorney, in addition
12 to other authorized purposes, to make grants to local
13 substance abuse treatment facilities and half-way houses.
14 In counties over 3,000,000 population, 25% will be
15 distributed to the Office of the State's Attorney for use,
16 at the discretion of the State's Attorney, in the
17 enforcement of criminal laws; or for public education in
18 the community or schools in the prevention or detection of
19 the abuse of drugs or alcohol; or at the discretion of the
20 State's Attorney, in addition to other authorized
21 purposes, to make grants to local substance abuse treatment
22 facilities and half-way houses. If the prosecution is
23 undertaken solely by the Attorney General, the portion
24 provided shall be distributed to the Attorney General for
25 use in the enforcement of criminal laws governing cannabis
26 and controlled substances or for public education in the

1 community or schools in the prevention or detection of the
2 abuse of drugs or alcohol.

3 12.5% shall be distributed to the Office of the State's
4 Attorneys Appellate Prosecutor and shall be used at the
5 discretion of the State's Attorneys Appellate Prosecutor
6 for additional expenses incurred in the investigation,
7 prosecution and appeal of cases arising in the enforcement
8 of criminal laws; or for public education in the community
9 or schools in the prevention or detection of the abuse of
10 drugs or alcohol. The Office of the State's Attorneys
11 Appellate Prosecutor shall not receive distribution from
12 cases brought in counties with over 3,000,000 population.

13 (3) 10% shall be retained by the Department of State
14 Police for expenses related to the administration and sale
15 of seized and forfeited property.

16 (d) A law enforcement agency shall not retain forfeited
17 property for its own use or transfer the property to any person
18 or entity, except as provided under this Section. A law
19 enforcement agency may apply in writing to the Superintendent
20 ~~Director~~ of State Police to request that a forfeited property
21 be awarded to the agency for a specifically articulated
22 official law enforcement use in an investigation. The
23 Superintendent ~~Director~~ of State Police shall provide a written
24 justification in each instance detailing the reasons why the
25 forfeited property was placed into official use, and the
26 justification shall be retained for a period of not less than 3

1 years.

2 (Source: P.A. 100-512, eff. 7-1-18.)

3 Section 205. The Cannabis Control Act is amended by
4 changing Sections 3, 13, and 14 as follows:

5 (720 ILCS 550/3) (from Ch. 56 1/2, par. 703)

6 Sec. 3. As used in this Act, unless the context otherwise
7 requires:

8 (a) "Cannabis" includes marihuana, hashish and other
9 substances which are identified as including any parts of the
10 plant Cannabis Sativa, whether growing or not; the seeds
11 thereof, the resin extracted from any part of such plant; and
12 any compound, manufacture, salt, derivative, mixture, or
13 preparation of such plant, its seeds, or resin, including
14 tetrahydrocannabinol (THC) and all other cannabinol
15 derivatives, including its naturally occurring or
16 synthetically produced ingredients, whether produced directly
17 or indirectly by extraction, or independently by means of
18 chemical synthesis or by a combination of extraction and
19 chemical synthesis; but shall not include the mature stalks of
20 such plant, fiber produced from such stalks, oil or cake made
21 from the seeds of such plant, any other compound, manufacture,
22 salt, derivative, mixture, or preparation of such mature stalks
23 (except the resin extracted therefrom), fiber, oil or cake, or
24 the sterilized seed of such plant which is incapable of

1 germination.

2 (b) "Casual delivery" means the delivery of not more than
3 10 grams of any substance containing cannabis without
4 consideration.

5 (c) "Department" means the Illinois Department of Human
6 Services (as successor to the Department of Alcoholism and
7 Substance Abuse) or its successor agency.

8 (d) "Deliver" or "delivery" means the actual, constructive
9 or attempted transfer of possession of cannabis, with or
10 without consideration, whether or not there is an agency
11 relationship.

12 (e) "Department of State Police" means the Department of
13 State Police of the State of Illinois or its successor agency.

14 (f) "Superintendent" ~~"Director"~~ means the Superintendent
15 ~~Director of the Department~~ of State Police or his designated
16 agent.

17 (g) "Local authorities" means a duly organized State,
18 county, or municipal peace unit or police force.

19 (h) "Manufacture" means the production, preparation,
20 propagation, compounding, conversion or processing of
21 cannabis, either directly or indirectly, by extraction from
22 substances of natural origin, or independently by means of
23 chemical synthesis, or by a combination of extraction and
24 chemical synthesis, and includes any packaging or repackaging
25 of cannabis or labeling of its container, except that this term
26 does not include the preparation, compounding, packaging, or

1 labeling of cannabis as an incident to lawful research,
2 teaching, or chemical analysis and not for sale.

3 (i) "Person" means any individual, corporation, government
4 or governmental subdivision or agency, business trust, estate,
5 trust, partnership or association, or any other entity.

6 (j) "Produce" or "production" means planting, cultivating,
7 tending or harvesting.

8 (k) "State" includes the State of Illinois and any state,
9 district, commonwealth, territory, insular possession thereof,
10 and any area subject to the legal authority of the United
11 States of America.

12 (l) "Subsequent offense" means an offense under this Act,
13 the offender of which, prior to his conviction of the offense,
14 has at any time been convicted under this Act or under any laws
15 of the United States or of any state relating to cannabis, or
16 any controlled substance as defined in the Illinois Controlled
17 Substances Act.

18 (Source: P.A. 89-507, eff. 7-1-97.)

19 (720 ILCS 550/13) (from Ch. 56 1/2, par. 713)

20 Sec. 13. (a) In addition to any other remedies the
21 Superintendent ~~Director~~ is authorized to file a complaint and
22 apply to any circuit court for, and such circuit court may upon
23 hearing and for cause shown, grant a temporary restraining
24 order or a preliminary or permanent injunction, without bond,
25 restraining any person from violating this Act whether or not

1 there exists another adequate remedy.

2 (b) A conviction or acquittal, under the laws of the United
3 States or of any State relating to Cannabis for the same act is
4 a bar to prosecution in this State.

5 (Source: P.A. 83-342.)

6 (720 ILCS 550/14) (from Ch. 56 1/2, par. 714)

7 Sec. 14. ~~(a)~~ The Superintendent ~~Director~~ shall cooperate
8 with Federal and other State agencies in discharging his
9 responsibilities concerning traffic in cannabis and in
10 suppressing the use of cannabis. To this end, he may:

11 (1) arrange for the exchange of information among
12 governmental officials concerning the use of cannabis;

13 (2) coordinate and cooperate in training programs
14 concerning cannabis law enforcement at local and State
15 levels;

16 (3) cooperate with the Bureau of Narcotics and
17 Dangerous Drugs, United States Department of Justice, or
18 its successor agency; and

19 (4) conduct programs of eradication aimed at
20 destroying wild illicit growth of plant species from which
21 cannabis may be extracted.

22 (Source: P.A. 77-758; revised 11-8-17.)

23 Section 210. The Methamphetamine Control and Community
24 Protection Act is amended by changing Section 10 as follows:

1 (720 ILCS 646/10)

2 Sec. 10. Definitions. As used in this Act:

3 "Anhydrous ammonia" has the meaning provided in subsection
4 (d) of Section 3 of the Illinois Fertilizer Act of 1961.

5 "Anhydrous ammonia equipment" means all items used to
6 store, hold, contain, handle, transfer, transport, or apply
7 anhydrous ammonia for lawful purposes.

8 "Booby trap" means any device designed to cause physical
9 injury when triggered by an act of a person approaching,
10 entering, or moving through a structure, a vehicle, or any
11 location where methamphetamine has been manufactured, is being
12 manufactured, or is intended to be manufactured.

13 "Deliver" or "delivery" has the meaning provided in
14 subsection (h) of Section 102 of the Illinois Controlled
15 Substances Act.

16 ~~"Director" means the Director of State Police or the~~
17 ~~Director's designated agents.~~

18 "Dispose" or "disposal" means to abandon, discharge,
19 release, deposit, inject, dump, spill, leak, or place
20 methamphetamine waste onto or into any land, water, or well of
21 any type so that the waste has the potential to enter the
22 environment, be emitted into the air, or be discharged into the
23 soil or any waters, including groundwater.

24 "Emergency response" means the act of collecting evidence
25 from or securing a methamphetamine laboratory site,

1 methamphetamine waste site or other methamphetamine-related
2 site and cleaning up the site, whether these actions are
3 performed by public entities or private contractors paid by
4 public entities.

5 "Emergency service provider" means a local, State, or
6 federal peace officer, firefighter, emergency medical
7 technician-ambulance, emergency medical
8 technician-intermediate, emergency medical
9 technician-paramedic, ambulance driver, or other medical or
10 first aid personnel rendering aid, or any agent or designee of
11 the foregoing.

12 "Finished methamphetamine" means methamphetamine in a form
13 commonly used for personal consumption.

14 "Firearm" has the meaning provided in Section 1.1 of the
15 Firearm Owners Identification Card Act.

16 "Manufacture" means to produce, prepare, compound,
17 convert, process, synthesize, concentrate, purify, separate,
18 extract, or package any methamphetamine, methamphetamine
19 precursor, methamphetamine manufacturing catalyst,
20 methamphetamine manufacturing reagent, methamphetamine
21 manufacturing solvent, or any substance containing any of the
22 foregoing.

23 "Methamphetamine" means the chemical methamphetamine (a
24 Schedule II controlled substance under the Illinois Controlled
25 Substances Act) or any salt, optical isomer, salt of optical
26 isomer, or analog thereof, with the exception of

1 3,4-Methylenedioxyamphetamine (MDMA) or any other
2 scheduled substance with a separate listing under the Illinois
3 Controlled Substances Act.

4 "Methamphetamine manufacturing catalyst" means any
5 substance that has been used, is being used, or is intended to
6 be used to activate, accelerate, extend, or improve a chemical
7 reaction involved in the manufacture of methamphetamine.

8 "Methamphetamine manufacturing environment" means a
9 structure or vehicle in which:

10 (1) methamphetamine is being or has been manufactured;

11 (2) chemicals that are being used, have been used, or
12 are intended to be used to manufacture methamphetamine are
13 stored;

14 (3) methamphetamine manufacturing materials that have
15 been used to manufacture methamphetamine are stored; or

16 (4) methamphetamine manufacturing waste is stored.

17 "Methamphetamine manufacturing material" means any
18 methamphetamine precursor, substance containing any
19 methamphetamine precursor, methamphetamine manufacturing
20 catalyst, substance containing any methamphetamine
21 manufacturing catalyst, methamphetamine manufacturing reagent,
22 substance containing any methamphetamine manufacturing
23 reagent, methamphetamine manufacturing solvent, substance
24 containing any methamphetamine manufacturing solvent, or any
25 other chemical, substance, ingredient, equipment, apparatus,
26 or item that is being used, has been used, or is intended to be

1 used in the manufacture of methamphetamine.

2 "Methamphetamine manufacturing reagent" means any
3 substance other than a methamphetamine manufacturing catalyst
4 that has been used, is being used, or is intended to be used to
5 react with and chemically alter any methamphetamine precursor.

6 "Methamphetamine manufacturing solvent" means any
7 substance that has been used, is being used, or is intended to
8 be used as a medium in which any methamphetamine precursor,
9 methamphetamine manufacturing catalyst, methamphetamine
10 manufacturing reagent, or any substance containing any of the
11 foregoing is dissolved, diluted, or washed during any part of
12 the methamphetamine manufacturing process.

13 "Methamphetamine manufacturing waste" means any chemical,
14 substance, ingredient, equipment, apparatus, or item that is
15 left over from, results from, or is produced by the process of
16 manufacturing methamphetamine, other than finished
17 methamphetamine.

18 "Methamphetamine precursor" means ephedrine,
19 pseudoephedrine, benzyl methyl ketone, methyl benzyl ketone,
20 phenylacetone, phenyl-2-propanone, P2P, or any salt, optical
21 isomer, or salt of an optical isomer of any of these chemicals.

22 "Multi-unit dwelling" means a unified structure used or
23 intended for use as a habitation, home, or residence that
24 contains 2 or more condominiums, apartments, hotel rooms, motel
25 rooms, or other living units.

26 "Package" means an item marked for retail sale that is not

1 designed to be further broken down or subdivided for the
2 purpose of retail sale.

3 "Participate" or "participation" in the manufacture of
4 methamphetamine means to produce, prepare, compound, convert,
5 process, synthesize, concentrate, purify, separate, extract,
6 or package any methamphetamine, methamphetamine precursor,
7 methamphetamine manufacturing catalyst, methamphetamine
8 manufacturing reagent, methamphetamine manufacturing solvent,
9 or any substance containing any of the foregoing, or to assist
10 in any of these actions, or to attempt to take any of these
11 actions, regardless of whether this action or these actions
12 result in the production of finished methamphetamine.

13 "Person with a disability" means a person who suffers from
14 a permanent physical or mental impairment resulting from
15 disease, injury, functional disorder, or congenital condition
16 which renders the person incapable of adequately providing for
17 his or her own health and personal care.

18 "Procure" means to purchase, steal, gather, or otherwise
19 obtain, by legal or illegal means, or to cause another to take
20 such action.

21 "Second or subsequent offense" means an offense under this
22 Act committed by an offender who previously committed an
23 offense under this Act, the Illinois Controlled Substances Act,
24 the Cannabis Control Act, or another Act of this State, another
25 state, or the United States relating to methamphetamine,
26 cannabis, or any other controlled substance.

1 "Standard dosage form", as used in relation to any
2 methamphetamine precursor, means that the methamphetamine
3 precursor is contained in a pill, tablet, capsule, caplet, gel
4 cap, or liquid cap that has been manufactured by a lawful
5 entity and contains a standard quantity of methamphetamine
6 precursor.

7 "Unauthorized container", as used in relation to anhydrous
8 ammonia, means any container that is not designed for the
9 specific and sole purpose of holding, storing, transporting, or
10 applying anhydrous ammonia. "Unauthorized container" includes,
11 but is not limited to, any propane tank, fire extinguisher,
12 oxygen cylinder, gasoline can, food or beverage cooler, or
13 compressed gas cylinder used in dispensing fountain drinks.
14 "Unauthorized container" does not encompass anhydrous ammonia
15 manufacturing plants, refrigeration systems where anhydrous
16 ammonia is used solely as a refrigerant, anhydrous ammonia
17 transportation pipelines, anhydrous ammonia tankers, or
18 anhydrous ammonia barges.

19 (Source: P.A. 97-434, eff. 1-1-12.)

20 Section 215. The Code of Criminal Procedure of 1963 is
21 amended by changing Sections 108B-13, 124B-705, 124B-710, and
22 124B-930 as follows:

23 (725 ILCS 5/108B-13) (from Ch. 38, par. 108B-13)

24 Sec. 108B-13. Reports concerning use of eavesdropping

1 devices.

2 (a) Within 30 days after the expiration of an order and
3 each extension thereof authorizing an interception, or within
4 30 days after the denial of an application or disapproval of an
5 application subsequent to any alleged emergency situation, the
6 State's Attorney shall report to the Department of State Police
7 the following:

8 (1) the fact that such an order, extension, or
9 subsequent approval of an emergency was applied for;

10 (2) the kind of order or extension applied for;

11 (3) a statement as to whether the order or extension
12 was granted as applied for was modified, or was denied;

13 (4) the period authorized by the order or extensions in
14 which an eavesdropping device could be used;

15 (5) the offense enumerated in Section 108B-3 which is
16 specified in the order or extension or in the denied
17 application;

18 (6) the identity of the applying electronic criminal
19 surveillance officer and agency making the application and
20 the State's Attorney authorizing the application; and

21 (7) the nature of the facilities from which or the
22 place where the eavesdropping device was to be used.

23 (b) In January of each year the State's Attorney of each
24 county in which an interception occurred pursuant to the
25 provisions of this Article shall report to the Department of
26 State Police the following:

1 (1) a general description of the uses of eavesdropping
2 devices actually made under such order to overhear or
3 record conversations, including: (a) the approximate
4 nature and frequency of incriminating conversations
5 overheard, (b) the approximate nature and frequency of
6 other conversations overheard, (c) the approximate number
7 of persons whose conversations were overheard, and (d) the
8 approximate nature, amount, and cost of the manpower and
9 other resources used pursuant to the authorization to use
10 an eavesdropping device;

11 (2) the number of arrests resulting from authorized
12 uses of eavesdropping devices and the offenses for which
13 arrests were made;

14 (3) the number of trials resulting from such uses of
15 eavesdropping devices;

16 (4) the number of motions to suppress made with respect
17 to such uses, and the number granted or denied; and

18 (5) the number of convictions resulting from such uses
19 and the offenses for which the convictions were obtained
20 and a general assessment of the importance of the
21 convictions.

22 On or before March 1 of each year, the Superintendent
23 ~~Director of the Department~~ of State Police shall submit to the
24 Governor a report of all intercepts as defined herein conducted
25 pursuant to this Article and terminated during the preceding
26 calendar year. Such report shall include:

1 (1) the reports of State's Attorneys forwarded to the
2 Superintendent ~~Director~~ as required in this Section;

3 (2) the number of Department personnel authorized to
4 possess, install, or operate electronic, mechanical, or
5 other devices;

6 (3) the number of Department and other law enforcement
7 personnel who participated or engaged in the seizure of
8 intercepts pursuant to this Article during the preceding
9 calendar year;

10 (4) the number of electronic criminal surveillance
11 officers trained by the Department;

12 (5) the total cost to the Department of all activities
13 and procedures relating to the seizure of intercepts during
14 the preceding calendar year, including costs of equipment,
15 manpower, and expenses incurred as compensation for use of
16 facilities or technical assistance provided to or by the
17 Department; and

18 (6) a summary of the use of eavesdropping devices
19 pursuant to orders of interception including (a) the
20 frequency of use in each county, (b) the frequency of use
21 for each crime enumerated in Section 108B-3 of the Code of
22 Criminal Procedure of 1963, as amended, (c) the type and
23 frequency of eavesdropping device use, and (d) the
24 frequency of use by each police department or law
25 enforcement agency of this State.

26 (d) In April of each year, the Superintendent ~~Director~~ of

1 ~~the Department~~ of State Police and the Governor shall each
2 transmit to the General Assembly reports including information
3 on the number of applications for orders authorizing the use of
4 eavesdropping devices, the number of orders and extensions
5 granted or denied during the preceding calendar year, the
6 convictions arising out of such uses, and a summary of the
7 information required by subsections (a) and (b) of this
8 Section.

9 The requirement for reporting to the General Assembly shall
10 be satisfied by filing copies of the report with the Speaker,
11 the Minority Leader and the Clerk of the House of
12 Representatives and the President, the Minority Leader and the
13 Secretary of the Senate and the Legislative Research Unit, as
14 required by Section 3.1 of the General Assembly Organization
15 Act, and filing such additional copies with the State
16 Government Report Distribution Center for the General Assembly
17 as is required under paragraph (t) of Section 7 of the State
18 Library Act.

19 (Source: P.A. 85-1203; 86-1226; 86-1475.)

20 (725 ILCS 5/124B-705)

21 Sec. 124B-705. Seizure and inventory of property subject to
22 forfeiture. Property taken or detained under this Part shall
23 not be subject to replevin, but is deemed to be in the custody
24 of the Superintendent ~~Director~~ of State Police subject only to
25 the order and judgments of the circuit court having

1 jurisdiction over the forfeiture proceedings and the decisions
2 of the Attorney General or State's Attorney under this Article.
3 When property is seized under this Article, the seizing agency
4 shall promptly conduct an inventory of the seized property and
5 estimate the property's value and shall forward a copy of the
6 estimate of the property's value to the Superintendent ~~Director~~
7 of State Police. Upon receiving the notice of seizure, the
8 Superintendent ~~Director~~ may do any of the following:

9 (1) Place the property under seal.

10 (2) Remove the property to a place designated by the
11 Superintendent ~~Director~~.

12 (3) Keep the property in the possession of the seizing
13 agency.

14 (4) Remove the property to a storage area for
15 safekeeping or, if the property is a negotiable instrument
16 or money and is not needed for evidentiary purposes,
17 deposit it in an interest bearing account.

18 (5) Place the property under constructive seizure by
19 posting notice of the pending forfeiture on it, by giving
20 notice of the pending forfeiture to its owners and interest
21 holders, or by filing a notice of the pending forfeiture in
22 any appropriate public record relating to the property.

23 (6) Provide for another agency or custodian, including
24 an owner, secured party, or lienholder, to take custody of
25 the property on terms and conditions set by the
26 Superintendent ~~Director~~.

1 (Source: P.A. 96-712, eff. 1-1-10.)

2 (725 ILCS 5/124B-710)

3 (Text of Section before amendment by P.A. 100-512)

4 Sec. 124B-710. Sale of forfeited property by Director of
5 State Police; return to seizing agency or prosecutor.

6 (a) The court shall authorize the Director of State Police
7 to seize any property declared forfeited under this Article on
8 terms and conditions the court deems proper.

9 (b) When property is forfeited under this Part 700, the
10 Director of State Police shall sell the property unless the
11 property is required by law to be destroyed or is harmful to
12 the public. The Director shall distribute the proceeds of the
13 sale, together with any moneys forfeited or seized, in
14 accordance with Section 124B-715.

15 (c) On the application of the seizing agency or prosecutor
16 who was responsible for the investigation, arrest, and
17 prosecution that lead to the forfeiture, however, the Director
18 may return any item of forfeited property to the seizing agency
19 or prosecutor for official use in the enforcement of laws
20 relating to Article 17B or Section 17-6.3 of the Criminal Code
21 of 1961 or the Criminal Code of 2012 if the agency or
22 prosecutor can demonstrate that the item requested would be
23 useful to the agency or prosecutor in their enforcement
24 efforts. When any real property returned to the seizing agency
25 is sold by the agency or its unit of government, the proceeds

1 of the sale shall be delivered to the Director and distributed
2 in accordance with Section 124B-715.

3 (Source: P.A. 96-712, eff. 1-1-10; 97-1108, eff. 1-1-13;
4 97-1150, eff. 1-25-13.)

5 (Text of Section after amendment by P.A. 100-512)

6 Sec. 124B-710. Sale of forfeited property by
7 Superintendent ~~Director~~ of State Police.

8 (a) The court shall authorize the Superintendent ~~Director~~
9 of State Police to seize any property declared forfeited under
10 this Article on terms and conditions the court deems proper.

11 (b) When property is forfeited under this Part 700, the
12 Superintendent ~~Director~~ of State Police shall sell the property
13 unless the property is required by law to be destroyed or is
14 harmful to the public. The Superintendent ~~Director~~ shall
15 distribute the proceeds of the sale, together with any moneys
16 forfeited or seized, in accordance with Section 124B-715.

17 (c) (Blank).

18 (Source: P.A. 100-512, eff. 7-1-18.)

19 (725 ILCS 5/124B-930)

20 Sec. 124B-930. Disposal of property.

21 (a) Real property taken or detained under this Part is not
22 subject to replevin, but is deemed to be in the custody of the
23 Superintendent ~~Director~~ of State Police subject only to the
24 order and judgments of the circuit court having jurisdiction

1 over the forfeiture proceedings and the decisions of the
2 State's Attorney or Attorney General under this Article.

3 (b) When property is forfeited under this Article, the
4 Superintendent ~~Director~~ of State Police shall sell all such
5 property and shall distribute the proceeds of the sale,
6 together with any moneys forfeited or seized, in accordance
7 with Section 124B-935.

8 (Source: P.A. 96-712, eff. 1-1-10.)

9 Section 220. The Drug Asset Forfeiture Procedure Act is
10 amended by changing Sections 3.1, 3.3, 5.1, and 15 as follows:

11 (725 ILCS 150/3.1)

12 (This Section may contain text from a Public Act with a
13 delayed effective date)

14 Sec. 3.1. Seizure.

15 (a) Actual physical seizure of real property subject to
16 forfeiture under this Act requires the issuance of a seizure
17 warrant. Nothing in this Section prohibits the constructive
18 seizure of real property through the filing of a complaint for
19 forfeiture in circuit court and the recording of a lis pendens
20 against the real property without a hearing, warrant
21 application, or judicial approval.

22 (b) Personal property subject to forfeiture under the
23 Illinois Controlled Substances Act, the Cannabis Control Act,
24 the Illinois Food, Drug and Cosmetic Act, or the

1 Methamphetamine Control and Community Protection Act may be
2 seized by the Superintendent ~~Director~~ of State Police or any
3 peace officer upon process or seizure warrant issued by any
4 court having jurisdiction over the property.

5 (c) Personal property subject to forfeiture under the
6 Illinois Controlled Substances Act, the Cannabis Control Act,
7 the Illinois Food, Drug and Cosmetic Act, or the
8 Methamphetamine Control and Community Protection Act may be
9 seized by the Superintendent ~~Director~~ of State Police or any
10 peace officer without process:

11 (1) if the seizure is incident to inspection under an
12 administrative inspection warrant;

13 (2) if the property subject to seizure has been the
14 subject of a prior judgment in favor of the State in a
15 criminal proceeding or in an injunction or forfeiture
16 proceeding based upon this Act;

17 (3) if there is probable cause to believe that the
18 property is directly or indirectly dangerous to health or
19 safety;

20 (4) if there is probable cause to believe that the
21 property is subject to forfeiture under the Illinois
22 Controlled Substances Act, the Cannabis Control Act, the
23 Illinois Food, Drug and Cosmetic Act, or the
24 Methamphetamine Control and Community Protection Act, and
25 the property is seized under circumstances in which a
26 warrantless seizure or arrest would be reasonable; or

1 (5) under the Code of Criminal Procedure of 1963.

2 (d) If a conveyance is seized under this Act, an
3 investigation shall be made by the law enforcement agency as to
4 any person whose right, title, interest, or lien is of record
5 in the office of the agency or official in which title or
6 interest to the conveyance is required by law to be recorded.

7 (e) After seizure under this Section, notice shall be given
8 to all known interest holders that forfeiture proceedings,
9 including a preliminary review, may be instituted and the
10 proceedings may be instituted under this Act. Upon a showing of
11 good cause related to an ongoing investigation, the notice
12 required for a preliminary review under this Section may be
13 postponed.

14 (Source: P.A. 100-512, eff. 7-1-18.)

15 (725 ILCS 150/3.3)

16 (This Section may contain text from a Public Act with a
17 delayed effective date)

18 Sec. 3.3. Safekeeping of seized property pending
19 disposition.

20 (a) Property seized under this Act is deemed to be in the
21 custody of the Superintendent ~~Director~~ of State Police subject
22 only to the order and judgments of the circuit court having
23 jurisdiction over the forfeiture proceedings and the decisions
24 of the State's Attorney under this Act.

25 (b) If property is seized under this Act, the seizing

1 agency shall promptly conduct an inventory of the seized
2 property and estimate the property's value, and shall forward a
3 copy of the inventory of seized property and the estimate of
4 the property's value to the Superintendent ~~Director~~ of State
5 Police. Upon receiving notice of seizure, the Superintendent
6 ~~Director~~ of State Police may:

7 (1) place the property under seal;

8 (2) remove the property to a place designated by the
9 seizing agency;

10 (3) keep the property in the possession of the
11 Superintendent ~~Director~~ of State Police;

12 (4) remove the property to a storage area for
13 safekeeping; or

14 (5) place the property under constructive seizure by
15 posting notice of pending forfeiture on it, by giving
16 notice of pending forfeiture to its owners and interest
17 holders, or by filing notice of pending forfeiture in any
18 appropriate public record relating to the property; or

19 (6) provide for another agency or custodian, including
20 an owner, secured party, or lienholder, to take custody of
21 the property upon the terms and conditions set by the
22 seizing agency.

23 (c) The seizing agency is required to exercise ordinary
24 care to protect the seized property from negligent loss,
25 damage, or destruction.

26 (Source: P.A. 100-512, eff. 7-1-18.)

1 (725 ILCS 150/5.1)

2 (This Section may contain text from a Public Act with a
3 delayed effective date)

4 Sec. 5.1. Replevin prohibited; return of personal property
5 inside seized conveyance.

6 (a) Property seized under this Act shall not be subject to
7 replevin, but is deemed to be in the custody of the
8 Superintendent ~~Director~~ of State Police subject only to the
9 order and judgments of the circuit court having jurisdiction
10 over the forfeiture proceedings and the decisions of the
11 State's Attorney.

12 (b) A claimant or a party interested in personal property
13 contained within a seized conveyance may file a request with
14 the State's Attorney in an administrative forfeiture action, or
15 a motion with the court in a judicial forfeiture action, for
16 the return of any personal property contained within a
17 conveyance seized under this Act. The return of personal
18 property shall not be unreasonably withheld if the personal
19 property is not mechanically or electrically coupled to the
20 conveyance, needed for evidentiary purposes, or otherwise
21 contraband. A law enforcement agency that returns property
22 under a court order under this Section shall not be liable to
23 any person who claims ownership to the property if the property
24 is returned to an improper party.

25 (Source: P.A. 100-512, eff. 7-1-18.)

1 (725 ILCS 150/15)

2 (This Section may contain text from a Public Act with a
3 delayed effective date)

4 Sec. 15. Return of property, damages, and costs.

5 (a) The law enforcement agency that holds custody of
6 property seized for forfeiture shall deliver property ordered
7 by the court to be returned or conveyed to the claimant within
8 a reasonable time not to exceed 7 days, unless the order is
9 stayed by the trial court or a reviewing court pending an
10 appeal, motion to reconsider, or other reason.

11 (b) The law enforcement agency that holds custody of
12 property described in subsection (a) of this Section is
13 responsible for any damages, storage fees, and related costs
14 applicable to property returned. The claimant shall not be
15 subject to any charges by the State for storage of the property
16 or expenses incurred in the preservation of the property.
17 Charges for the towing of a conveyance shall be borne by the
18 claimant unless the conveyance was towed for the sole reason of
19 seizure for forfeiture. This Section does not prohibit the
20 imposition of any fees or costs by a home rule unit of local
21 government related to the impoundment of a conveyance pursuant
22 to an ordinance enacted by the unit of government.

23 (c) A law enforcement agency shall not retain forfeited
24 property for its own use or transfer the property to any person
25 or entity, except as provided under this Section. A law

1 enforcement agency may apply in writing to the Superintendent
2 ~~Director~~ of State Police to request that a forfeited property
3 be awarded to the agency for a specifically articulated
4 official law enforcement use in an investigation. The
5 Superintendent ~~Director~~ of State Police shall provide a written
6 justification in each instance detailing the reasons why the
7 forfeited property was placed into official use and the
8 justification shall be retained for a period of not less than 3
9 years.

10 (Source: P.A. 100-512, eff. 7-1-18.)

11 Section 225. The Sexual Assault Evidence Submission Act is
12 amended by changing Sections 10, 20, and 43 as follows:

13 (725 ILCS 202/10)

14 Sec. 10. Submission of evidence. Law enforcement agencies
15 that receive sexual assault evidence that the victim of a
16 sexual assault or sexual abuse or a person authorized under
17 Section 6.5 of the Sexual Assault Survivors Emergency Treatment
18 Act has consented to allow law enforcement to test in
19 connection with the investigation of a criminal case on or
20 after the effective date of this Act must submit evidence from
21 the case within 10 business days of receipt of the consent to
22 test to a Department of State Police forensic laboratory or a
23 laboratory approved and designated by the Superintendent
24 ~~Director~~ of State Police. The written report required under

1 Section 20 of the Sexual Assault Incident Procedure Act shall
2 include the date and time the sexual assault evidence was
3 picked up from the hospital, the date consent to test the
4 sexual assault evidence was given, and the date and time the
5 sexual assault evidence was sent to the laboratory. Sexual
6 assault evidence received by a law enforcement agency within 30
7 days prior to the effective date of this Act shall be submitted
8 pursuant to this Section.

9 (Source: P.A. 99-801, eff. 1-1-17.)

10 (725 ILCS 202/20)

11 Sec. 20. Inventory of evidence.

12 (a) By October 15, 2010, each Illinois law enforcement
13 agency shall provide written notice to the Department of State
14 Police, in a form and manner prescribed by the Department,
15 stating the number of sexual assault cases in the custody of
16 the law enforcement agency that have not been previously
17 submitted to a laboratory for analysis. Within 180 days after
18 the effective date of this Act, appropriate arrangements shall
19 be made between the law enforcement agency and the Department
20 of State Police, or a laboratory approved and designated by the
21 Superintendent ~~Director~~ of State Police, to ensure that all
22 cases that were collected prior to the effective date of this
23 Act and are, or were at the time of collection, the subject of
24 a criminal investigation, are submitted to the Department of
25 State Police, or a laboratory approved and designated by the

1 Superintendent ~~Director~~ of State Police.

2 (b) By February 15, 2011, the Department of State Police
3 shall submit to the Governor, the Attorney General, and both
4 houses of the General Assembly a plan for analyzing cases
5 submitted pursuant to this Section. The plan shall include but
6 not be limited to a timeline for completion of analysis and a
7 summary of the inventory received, as well as requests for
8 funding and resources necessary to meet the established
9 timeline. Should the Department determine it is necessary to
10 outsource the forensic testing of the cases submitted in
11 accordance with this Section, all such cases will be exempt
12 from the provisions of subsection (n) of Section 5-4-3 of the
13 Unified Code of Corrections.

14 (c) Beginning June 1, 2016 or on and after the effective
15 date of this amendatory Act of the 99th General Assembly,
16 whichever is later, each law enforcement agency must conduct an
17 annual inventory of all sexual assault cases in the custody of
18 the law enforcement agency and provide written notice of its
19 annual findings to the State's Attorney's Office having
20 jurisdiction to ensure sexual assault cases are being submitted
21 as provided by law.

22 (Source: P.A. 99-617, eff. 7-22-16.)

23 (725 ILCS 202/43)

24 (Section scheduled to be repealed on January 1, 2019)

25 Sec. 43. Sexual Assault Evidence Tracking and Reporting

1 Commission.

2 (a) The Sexual Assault Evidence Tracking and Reporting
3 Commission is created to research and develop a plan to create
4 and implement a statewide mechanism to track and report sexual
5 assault evidence information. The Commission shall consist of
6 the following members:

7 (1) one member of the House of Representatives,
8 appointed by the Speaker of the House of Representatives;

9 (2) one member of the House of Representatives,
10 appointed by the Minority Leader of the House of
11 Representatives;

12 (3) one member of the Senate, appointed by the
13 President of the Senate;

14 (4) one member of the Senate, appointed by the Minority
15 Leader of the Senate;

16 (5) the Attorney General, or his or her designee;

17 (6) the Superintendent ~~Director~~ of State Police, or his
18 or her designee;

19 (7) the Superintendent of the Chicago Police
20 Department, or his or her designee;

21 (8) the Director of a statewide organization
22 representing sheriffs of this State;

23 (9) the Director of a statewide organization
24 representing chiefs of police of this State;

25 (10) a representative of a statewide organization
26 against sexual assault, appointed by the Speaker of the

1 House of Representatives;

2 (11) a representative of the Illinois State's
3 Attorneys Association, appointed by the Minority Leader of
4 the House of Representatives;

5 (12) a representative of a statewide organization
6 representing hospitals of this State appointed by the
7 Senate President; and

8 (13) a representative of Illinois Sexual Assault Nurse
9 Examiners appointed by the Senate Minority Leader.

10 (b) The members appointed to the Commission under
11 subsection (a) of this Section shall be appointed within 60
12 days after the effective date of this amendatory Act of the
13 100th General Assembly.

14 (c) The first meeting of the Commission shall be called by
15 the Superintendent ~~Director~~ of the Department, or his or her
16 designee, no later than 30 days after all the members of the
17 Commission have been appointed. At the first meeting, the
18 Commission shall elect from its members a chairperson and other
19 officers as it considers necessary or appropriate.

20 (d) The members of the Commission shall serve without
21 compensation.

22 (e) The Department shall provide administrative and other
23 support to the Commission.

24 (f) The Commission shall within one year of its initial
25 meeting:

26 (1) research options to create a tracking system and

1 develop guidelines and a plan to implement a uniform
2 statewide system to track the location, lab submission
3 status, completion of forensic testing, and storage of
4 sexual assault evidence;

5 (2) develop guidelines and a plan to implement a system
6 with secure electronic access that allows a victim, or his
7 or her designee, to access or receive information about the
8 location, lab submission status, and storage of sexual
9 assault evidence that was gathered from him or her,
10 provided that the disclosure does not impede or compromise
11 an ongoing investigation;

12 (3) develop guidelines and a plan to safeguard
13 confidentiality and limited disclosure of the information
14 contained in the statewide system;

15 (4) recommend sources of public and private funding to
16 implement the plans developed under this subsection (f);

17 (5) recommend changes to law or policy required to
18 support the implementation of the plans developed under
19 this subsection (f); and

20 (6) report its findings and recommendations to submit
21 any and all proposed legislation to the Governor and
22 General Assembly.

23 (g) This Section is repealed on January 1, 2019.

24 (Source: P.A. 100-336, eff. 8-25-17.)

25 Section 230. The Unified Code of Corrections is amended by

1 changing Sections 5-4-3, 5-5.5-40, 5-9-1.4, 5-9-1.9, and
2 5-9-1.15 as follows:

3 (730 ILCS 5/5-4-3) (from Ch. 38, par. 1005-4-3)

4 Sec. 5-4-3. Specimens; genetic marker groups.

5 (a) Any person convicted of, found guilty under the
6 Juvenile Court Act of 1987 for, or who received a disposition
7 of court supervision for, a qualifying offense or attempt of a
8 qualifying offense, convicted or found guilty of any offense
9 classified as a felony under Illinois law, convicted or found
10 guilty of any offense requiring registration under the Sex
11 Offender Registration Act, found guilty or given supervision
12 for any offense classified as a felony under the Juvenile Court
13 Act of 1987, convicted or found guilty of, under the Juvenile
14 Court Act of 1987, any offense requiring registration under the
15 Sex Offender Registration Act, or institutionalized as a
16 sexually dangerous person under the Sexually Dangerous Persons
17 Act, or committed as a sexually violent person under the
18 Sexually Violent Persons Commitment Act shall, regardless of
19 the sentence or disposition imposed, be required to submit
20 specimens of blood, saliva, or tissue to the Illinois
21 Department of State Police in accordance with the provisions of
22 this Section, provided such person is:

23 (1) convicted of a qualifying offense or attempt of a
24 qualifying offense on or after July 1, 1990 and sentenced
25 to a term of imprisonment, periodic imprisonment, fine,

1 probation, conditional discharge or any other form of
2 sentence, or given a disposition of court supervision for
3 the offense;

4 (1.5) found guilty or given supervision under the
5 Juvenile Court Act of 1987 for a qualifying offense or
6 attempt of a qualifying offense on or after January 1,
7 1997;

8 (2) ordered institutionalized as a sexually dangerous
9 person on or after July 1, 1990;

10 (3) convicted of a qualifying offense or attempt of a
11 qualifying offense before July 1, 1990 and is presently
12 confined as a result of such conviction in any State
13 correctional facility or county jail or is presently
14 serving a sentence of probation, conditional discharge or
15 periodic imprisonment as a result of such conviction;

16 (3.5) convicted or found guilty of any offense
17 classified as a felony under Illinois law or found guilty
18 or given supervision for such an offense under the Juvenile
19 Court Act of 1987 on or after August 22, 2002;

20 (4) presently institutionalized as a sexually
21 dangerous person or presently institutionalized as a
22 person found guilty but mentally ill of a sexual offense or
23 attempt to commit a sexual offense; or

24 (4.5) ordered committed as a sexually violent person on
25 or after the effective date of the Sexually Violent Persons
26 Commitment Act.

1 (a-1) Any person incarcerated in a facility of the Illinois
2 Department of Corrections or the Illinois Department of
3 Juvenile Justice on or after August 22, 2002, whether for a
4 term of years, natural life, or a sentence of death, who has
5 not yet submitted a specimen of blood, saliva, or tissue shall
6 be required to submit a specimen of blood, saliva, or tissue
7 prior to his or her final discharge, or release on parole,
8 aftercare release, or mandatory supervised release, as a
9 condition of his or her parole, aftercare release, or mandatory
10 supervised release, or within 6 months from August 13, 2009
11 (the effective date of Public Act 96-426), whichever is sooner.
12 A person incarcerated on or after August 13, 2009 (the
13 effective date of Public Act 96-426) shall be required to
14 submit a specimen within 45 days of incarceration, or prior to
15 his or her final discharge, or release on parole, aftercare
16 release, or mandatory supervised release, as a condition of his
17 or her parole, aftercare release, or mandatory supervised
18 release, whichever is sooner. These specimens shall be placed
19 into the State or national DNA database, to be used in
20 accordance with other provisions of this Section, by the
21 Illinois State Police.

22 (a-2) Any person sentenced to life imprisonment in a
23 facility of the Illinois Department of Corrections after the
24 effective date of this amendatory Act of the 94th General
25 Assembly or sentenced to death after the effective date of this
26 amendatory Act of the 94th General Assembly shall be required

1 to provide a specimen of blood, saliva, or tissue within 45
2 days after sentencing or disposition at a collection site
3 designated by the Illinois Department of State Police. Any
4 person serving a sentence of life imprisonment in a facility of
5 the Illinois Department of Corrections on the effective date of
6 this amendatory Act of the 94th General Assembly or any person
7 who is under a sentence of death on the effective date of this
8 amendatory Act of the 94th General Assembly shall be required
9 to provide a specimen of blood, saliva, or tissue upon request
10 at a collection site designated by the Illinois Department of
11 State Police.

12 (a-3) Any person seeking transfer to or residency in
13 Illinois under Sections 3-3-11.05 through 3-3-11.5 of this
14 Code, the Interstate Compact for Adult Offender Supervision, or
15 the Interstate Agreements on Sexually Dangerous Persons Act
16 shall be required to provide a specimen of blood, saliva, or
17 tissue within 45 days after transfer to or residency in
18 Illinois at a collection site designated by the Illinois
19 Department of State Police.

20 (a-3.1) Any person required by an order of the court to
21 submit a DNA specimen shall be required to provide a specimen
22 of blood, saliva, or tissue within 45 days after the court
23 order at a collection site designated by the Illinois
24 Department of State Police.

25 (a-3.2) On or after January 1, 2012 (the effective date of
26 Public Act 97-383), any person arrested for any of the

1 following offenses, after an indictment has been returned by a
2 grand jury, or following a hearing pursuant to Section 109-3 of
3 the Code of Criminal Procedure of 1963 and a judge finds there
4 is probable cause to believe the arrestee has committed one of
5 the designated offenses, or an arrestee has waived a
6 preliminary hearing shall be required to provide a specimen of
7 blood, saliva, or tissue within 14 days after such indictment
8 or hearing at a collection site designated by the Illinois
9 Department of State Police:

10 (A) first degree murder;

11 (B) home invasion;

12 (C) predatory criminal sexual assault of a child;

13 (D) aggravated criminal sexual assault; or

14 (E) criminal sexual assault.

15 (a-3.3) Any person required to register as a sex offender
16 under the Sex Offender Registration Act, regardless of the date
17 of conviction as set forth in subsection (c-5.2) shall be
18 required to provide a specimen of blood, saliva, or tissue
19 within the time period prescribed in subsection (c-5.2) at a
20 collection site designated by the Illinois Department of State
21 Police.

22 (a-5) Any person who was otherwise convicted of or received
23 a disposition of court supervision for any other offense under
24 the Criminal Code of 1961 or the Criminal Code of 2012 or who
25 was found guilty or given supervision for such a violation
26 under the Juvenile Court Act of 1987, may, regardless of the

1 sentence imposed, be required by an order of the court to
2 submit specimens of blood, saliva, or tissue to the Illinois
3 Department of State Police in accordance with the provisions of
4 this Section.

5 (b) Any person required by paragraphs (a)(1), (a)(1.5),
6 (a)(2), (a)(3.5), and (a-5) to provide specimens of blood,
7 saliva, or tissue shall provide specimens of blood, saliva, or
8 tissue within 45 days after sentencing or disposition at a
9 collection site designated by the Illinois Department of State
10 Police.

11 (c) Any person required by paragraphs (a)(3), (a)(4), and
12 (a)(4.5) to provide specimens of blood, saliva, or tissue shall
13 be required to provide such specimens prior to final discharge
14 or within 6 months from August 13, 2009 (the effective date of
15 Public Act 96-426), whichever is sooner. These specimens shall
16 be placed into the State or national DNA database, to be used
17 in accordance with other provisions of this Act, by the
18 Illinois State Police.

19 (c-5) Any person required by paragraph (a-3) to provide
20 specimens of blood, saliva, or tissue shall, where feasible, be
21 required to provide the specimens before being accepted for
22 conditioned residency in Illinois under the interstate compact
23 or agreement, but no later than 45 days after arrival in this
24 State.

25 (c-5.2) Unless it is determined that a registered sex
26 offender has previously submitted a specimen of blood, saliva,

1 or tissue that has been placed into the State DNA database, a
2 person registering as a sex offender shall be required to
3 submit a specimen at the time of his or her initial
4 registration pursuant to the Sex Offender Registration Act or,
5 for a person registered as a sex offender on or prior to
6 January 1, 2012 (the effective date of Public Act 97-383),
7 within one year of January 1, 2012 (the effective date of
8 Public Act 97-383) or at the time of his or her next required
9 registration.

10 (c-6) The Illinois Department of State Police may determine
11 which type of specimen or specimens, blood, saliva, or tissue,
12 is acceptable for submission to the Division of Forensic
13 Services for analysis. The Illinois Department of State Police
14 may require the submission of fingerprints from anyone required
15 to give a specimen under this Act.

16 (d) The Illinois Department of State Police shall provide
17 all equipment and instructions necessary for the collection of
18 blood specimens. The collection of specimens shall be performed
19 in a medically approved manner. Only a physician authorized to
20 practice medicine, a registered nurse or other qualified person
21 trained in venipuncture may withdraw blood for the purposes of
22 this Act. The specimens shall thereafter be forwarded to the
23 Illinois Department of State Police, Division of Forensic
24 Services, for analysis and categorizing into genetic marker
25 groupings.

26 (d-1) The Illinois Department of State Police shall provide

1 all equipment and instructions necessary for the collection of
2 saliva specimens. The collection of saliva specimens shall be
3 performed in a medically approved manner. Only a person trained
4 in the instructions promulgated by the Illinois State Police on
5 collecting saliva may collect saliva for the purposes of this
6 Section. The specimens shall thereafter be forwarded to the
7 Illinois Department of State Police, Division of Forensic
8 Services, for analysis and categorizing into genetic marker
9 groupings.

10 (d-2) The Illinois Department of State Police shall provide
11 all equipment and instructions necessary for the collection of
12 tissue specimens. The collection of tissue specimens shall be
13 performed in a medically approved manner. Only a person trained
14 in the instructions promulgated by the Illinois State Police on
15 collecting tissue may collect tissue for the purposes of this
16 Section. The specimens shall thereafter be forwarded to the
17 Illinois Department of State Police, Division of Forensic
18 Services, for analysis and categorizing into genetic marker
19 groupings.

20 (d-5) To the extent that funds are available, the Illinois
21 Department of State Police shall contract with qualified
22 personnel and certified laboratories for the collection,
23 analysis, and categorization of known specimens, except as
24 provided in subsection (n) of this Section.

25 (d-6) Agencies designated by the Illinois Department of
26 State Police and the Illinois Department of State Police may

1 contract with third parties to provide for the collection or
2 analysis of DNA, or both, of an offender's blood, saliva, and
3 tissue specimens, except as provided in subsection (n) of this
4 Section.

5 (e) The genetic marker groupings shall be maintained by the
6 Illinois Department of State Police, Division of Forensic
7 Services.

8 (f) The genetic marker grouping analysis information
9 obtained pursuant to this Act shall be confidential and shall
10 be released only to peace officers of the United States, of
11 other states or territories, of the insular possessions of the
12 United States, of foreign countries duly authorized to receive
13 the same, to all peace officers of the State of Illinois and to
14 all prosecutorial agencies, and to defense counsel as provided
15 by Section 116-5 of the Code of Criminal Procedure of 1963. The
16 genetic marker grouping analysis information obtained pursuant
17 to this Act shall be used only for (i) valid law enforcement
18 identification purposes and as required by the Federal Bureau
19 of Investigation for participation in the National DNA
20 database, (ii) technology validation purposes, (iii) a
21 population statistics database, (iv) quality assurance
22 purposes if personally identifying information is removed, (v)
23 assisting in the defense of the criminally accused pursuant to
24 Section 116-5 of the Code of Criminal Procedure of 1963, or
25 (vi) identifying and assisting in the prosecution of a person
26 who is suspected of committing a sexual assault as defined in

1 Section 1a of the Sexual Assault Survivors Emergency Treatment
2 Act. Notwithstanding any other statutory provision to the
3 contrary, all information obtained under this Section shall be
4 maintained in a single State data base, which may be uploaded
5 into a national database, and which information may be subject
6 to expungement only as set forth in subsection (f-1).

7 (f-1) Upon receipt of notification of a reversal of a
8 conviction based on actual innocence, or of the granting of a
9 pardon pursuant to Section 12 of Article V of the Illinois
10 Constitution, if that pardon document specifically states that
11 the reason for the pardon is the actual innocence of an
12 individual whose DNA record has been stored in the State or
13 national DNA identification index in accordance with this
14 Section by the Illinois Department of State Police, the DNA
15 record shall be expunged from the DNA identification index, and
16 the Department shall by rule prescribe procedures to ensure
17 that the record and any specimens, analyses, or other documents
18 relating to such record, whether in the possession of the
19 Department or any law enforcement or police agency, or any
20 forensic DNA laboratory, including any duplicates or copies
21 thereof, are destroyed and a letter is sent to the court
22 verifying the expungement is completed. For specimens required
23 to be collected prior to conviction, unless the individual has
24 other charges or convictions that require submission of a
25 specimen, the DNA record for an individual shall be expunged
26 from the DNA identification databases and the specimen

1 destroyed upon receipt of a certified copy of a final court
2 order for each charge against an individual in which the charge
3 has been dismissed, resulted in acquittal, or that the charge
4 was not filed within the applicable time period. The Department
5 shall by rule prescribe procedures to ensure that the record
6 and any specimens in the possession or control of the
7 Department are destroyed and a letter is sent to the court
8 verifying the expungement is completed.

9 (f-5) Any person who intentionally uses genetic marker
10 grouping analysis information, or any other information
11 derived from a DNA specimen, beyond the authorized uses as
12 provided under this Section, or any other Illinois law, is
13 guilty of a Class 4 felony, and shall be subject to a fine of
14 not less than \$5,000.

15 (f-6) The Illinois Department of State Police may contract
16 with third parties for the purposes of implementing this
17 amendatory Act of the 93rd General Assembly, except as provided
18 in subsection (n) of this Section. Any other party contracting
19 to carry out the functions of this Section shall be subject to
20 the same restrictions and requirements of this Section insofar
21 as applicable, as the Illinois Department of State Police, and
22 to any additional restrictions imposed by the Illinois
23 Department of State Police.

24 (g) For the purposes of this Section, "qualifying offense"
25 means any of the following:

26 (1) any violation or inchoate violation of Section

1 11-1.50, 11-1.60, 11-6, 11-9.1, 11-11, 11-18.1, 12-15, or
2 12-16 of the Criminal Code of 1961 or the Criminal Code of
3 2012;

4 (1.1) any violation or inchoate violation of Section
5 9-1, 9-2, 10-1, 10-2, 12-11, 12-11.1, 18-1, 18-2, 18-3,
6 18-4, 18-6, 19-1, 19-2, or 19-6 of the Criminal Code of
7 1961 or the Criminal Code of 2012 for which persons are
8 convicted on or after July 1, 2001;

9 (2) any former statute of this State which defined a
10 felony sexual offense;

11 (3) (blank);

12 (4) any inchoate violation of Section 9-3.1, 9-3.4,
13 11-9.3, 12-7.3, or 12-7.4 of the Criminal Code of 1961 or
14 the Criminal Code of 2012; or

15 (5) any violation or inchoate violation of Article 29D
16 of the Criminal Code of 1961 or the Criminal Code of 2012.

17 (g-5) (Blank).

18 (h) The Illinois Department of State Police shall be the
19 State central repository for all genetic marker grouping
20 analysis information obtained pursuant to this Act. The
21 Illinois Department of State Police may promulgate rules for
22 the form and manner of the collection of blood, saliva, or
23 tissue specimens and other procedures for the operation of this
24 Act. The provisions of the Administrative Review Law shall
25 apply to all actions taken under the rules so promulgated.

26 (i) (1) A person required to provide a blood, saliva, or

1 tissue specimen shall cooperate with the collection of the
2 specimen and any deliberate act by that person intended to
3 impede, delay or stop the collection of the blood, saliva,
4 or tissue specimen is a Class 4 felony.

5 (2) In the event that a person's DNA specimen is not
6 adequate for any reason, the person shall provide another
7 DNA specimen for analysis. Duly authorized law enforcement
8 and corrections personnel may employ reasonable force in
9 cases in which an individual refuses to provide a DNA
10 specimen required under this Act.

11 (j) Any person required by subsection (a), or any person
12 who was previously required by subsection (a-3.2), to submit
13 specimens of blood, saliva, or tissue to the Illinois
14 Department of State Police for analysis and categorization into
15 genetic marker grouping, in addition to any other disposition,
16 penalty, or fine imposed, shall pay an analysis fee of \$250. If
17 the analysis fee is not paid at the time of sentencing, the
18 court shall establish a fee schedule by which the entire amount
19 of the analysis fee shall be paid in full, such schedule not to
20 exceed 24 months from the time of conviction. The inability to
21 pay this analysis fee shall not be the sole ground to
22 incarcerate the person.

23 (k) All analysis and categorization fees provided for by
24 subsection (j) shall be regulated as follows:

25 (1) The State Offender DNA Identification System Fund
26 is hereby created as a special fund in the State Treasury.

1 (2) All fees shall be collected by the clerk of the
2 court and forwarded to the State Offender DNA
3 Identification System Fund for deposit. The clerk of the
4 circuit court may retain the amount of \$10 from each
5 collected analysis fee to offset administrative costs
6 incurred in carrying out the clerk's responsibilities
7 under this Section.

8 (3) Fees deposited into the State Offender DNA
9 Identification System Fund shall be used by Illinois State
10 Police crime laboratories as designated by the
11 Superintendent ~~Director~~ of State Police. These funds shall
12 be in addition to any allocations made pursuant to existing
13 laws and shall be designated for the exclusive use of State
14 crime laboratories. These uses may include, but are not
15 limited to, the following:

16 (A) Costs incurred in providing analysis and
17 genetic marker categorization as required by
18 subsection (d).

19 (B) Costs incurred in maintaining genetic marker
20 groupings as required by subsection (e).

21 (C) Costs incurred in the purchase and maintenance
22 of equipment for use in performing analyses.

23 (D) Costs incurred in continuing research and
24 development of new techniques for analysis and genetic
25 marker categorization.

26 (E) Costs incurred in continuing education,

1 training, and professional development of forensic
2 scientists regularly employed by these laboratories.

3 (1) The failure of a person to provide a specimen, or of
4 any person or agency to collect a specimen, shall in no way
5 alter the obligation of the person to submit such specimen, or
6 the authority of the Illinois Department of State Police or
7 persons designated by the Department to collect the specimen,
8 or the authority of the Illinois Department of State Police to
9 accept, analyze and maintain the specimen or to maintain or
10 upload results of genetic marker grouping analysis information
11 into a State or national database.

12 (m) If any provision of this amendatory Act of the 93rd
13 General Assembly is held unconstitutional or otherwise
14 invalid, the remainder of this amendatory Act of the 93rd
15 General Assembly is not affected.

16 (n) Neither the Department of State Police, the Division of
17 Forensic Services, nor any laboratory of the Division of
18 Forensic Services may contract out forensic testing for the
19 purpose of an active investigation or a matter pending before a
20 court of competent jurisdiction without the written consent of
21 the prosecuting agency. For the purposes of this subsection
22 (n), "forensic testing" includes the analysis of physical
23 evidence in an investigation or other proceeding for the
24 prosecution of a violation of the Criminal Code of 1961 or the
25 Criminal Code of 2012 or for matters adjudicated under the
26 Juvenile Court Act of 1987, and includes the use of forensic

1 databases and databanks, including DNA, firearm, and
2 fingerprint databases, and expert testimony.

3 (o) Mistake does not invalidate a database match. The
4 detention, arrest, or conviction of a person based upon a
5 database match or database information is not invalidated if it
6 is determined that the specimen was obtained or placed in the
7 database by mistake.

8 (p) This Section may be referred to as the Illinois DNA
9 Database Law of 2011.

10 (Source: P.A. 97-383, eff. 1-1-12; 97-1109, eff. 1-1-13;
11 97-1150, eff. 1-25-13; 98-558, eff. 1-1-14.)

12 (730 ILCS 5/5-5.5-40)

13 Sec. 5-5.5-40. Forms and filing.

14 (a) All applications, certificates, and orders of
15 revocation necessary for the purposes of this Article shall be
16 upon forms prescribed by the Chief Justice of the Supreme Court
17 or his or her designee. The forms relating to certificates of
18 relief from disabilities and certificates of good conduct shall
19 be distributed by the Director of the Division of Probation
20 Services.

21 (b) Any court or board issuing or revoking any certificate
22 under this Article shall immediately file a copy of the
23 certificate or of the order of revocation with the
24 Superintendent ~~Director~~ of State Police.

25 (Source: P.A. 96-852, eff. 1-1-10.)

1 (730 ILCS 5/5-9-1.4) (from Ch. 38, par. 1005-9-1.4)

2 Sec. 5-9-1.4. (a) "Crime laboratory" means any
3 not-for-profit laboratory registered with the Drug Enforcement
4 Administration of the United States Department of Justice,
5 substantially funded by a unit or combination of units of local
6 government or the State of Illinois, which regularly employs at
7 least one person engaged in the analysis of controlled
8 substances, cannabis, methamphetamine, or steroids for
9 criminal justice agencies in criminal matters and provides
10 testimony with respect to such examinations.

11 (b) When a person has been adjudged guilty of an offense in
12 violation of the Cannabis Control Act, the Illinois Controlled
13 Substances Act, the Methamphetamine Control and Community
14 Protection Act, or the Steroid Control Act, in addition to any
15 other disposition, penalty or fine imposed, a criminal
16 laboratory analysis fee of \$100 for each offense for which he
17 was convicted shall be levied by the court. Any person placed
18 on probation pursuant to Section 10 of the Cannabis Control
19 Act, Section 410 of the Illinois Controlled Substances Act,
20 Section 70 of the Methamphetamine Control and Community
21 Protection Act, or Section 10 of the Steroid Control Act or
22 placed on supervision for a violation of the Cannabis Control
23 Act, the Illinois Controlled Substances Act or the Steroid
24 Control Act shall be assessed a criminal laboratory analysis
25 fee of \$100 for each offense for which he was charged. Upon

1 verified petition of the person, the court may suspend payment
2 of all or part of the fee if it finds that the person does not
3 have the ability to pay the fee.

4 (c) In addition to any other disposition made pursuant to
5 the provisions of the Juvenile Court Act of 1987, any minor
6 adjudicated delinquent for an offense which if committed by an
7 adult would constitute a violation of the Cannabis Control Act,
8 the Illinois Controlled Substances Act, the Methamphetamine
9 Control and Community Protection Act, or the Steroid Control
10 Act shall be assessed a criminal laboratory analysis fee of
11 \$100 for each adjudication. Upon verified petition of the
12 minor, the court may suspend payment of all or part of the fee
13 if it finds that the minor does not have the ability to pay the
14 fee. The parent, guardian or legal custodian of the minor may
15 pay some or all of such fee on the minor's behalf.

16 (d) All criminal laboratory analysis fees provided for by
17 this Section shall be collected by the clerk of the court and
18 forwarded to the appropriate crime laboratory fund as provided
19 in subsection (f).

20 (e) Crime laboratory funds shall be established as follows:

21 (1) Any unit of local government which maintains a
22 crime laboratory may establish a crime laboratory fund
23 within the office of the county or municipal treasurer.

24 (2) Any combination of units of local government which
25 maintains a crime laboratory may establish a crime
26 laboratory fund within the office of the treasurer of the

1 county where the crime laboratory is situated.

2 (3) The State Crime Laboratory Fund is hereby created
3 as a special fund in the State Treasury.

4 (f) The analysis fee provided for in subsections (b) and
5 (c) of this Section shall be forwarded to the office of the
6 treasurer of the unit of local government that performed the
7 analysis if that unit of local government has established a
8 crime laboratory fund, or to the State Crime Laboratory Fund if
9 the analysis was performed by a laboratory operated by the
10 Illinois State Police. If the analysis was performed by a crime
11 laboratory funded by a combination of units of local
12 government, the analysis fee shall be forwarded to the
13 treasurer of the county where the crime laboratory is situated
14 if a crime laboratory fund has been established in that county.
15 If the unit of local government or combination of units of
16 local government has not established a crime laboratory fund,
17 then the analysis fee shall be forwarded to the State Crime
18 Laboratory Fund. The clerk of the circuit court may retain the
19 amount of \$10 from each collected analysis fee to offset
20 administrative costs incurred in carrying out the clerk's
21 responsibilities under this Section.

22 (g) Fees deposited into a crime laboratory fund created
23 pursuant to paragraphs (1) or (2) of subsection (e) of this
24 Section shall be in addition to any allocations made pursuant
25 to existing law and shall be designated for the exclusive use
26 of the crime laboratory. These uses may include, but are not

1 limited to, the following:

2 (1) costs incurred in providing analysis for
3 controlled substances in connection with criminal
4 investigations conducted within this State;

5 (2) purchase and maintenance of equipment for use in
6 performing analyses; and

7 (3) continuing education, training and professional
8 development of forensic scientists regularly employed by
9 these laboratories.

10 (h) Fees deposited in the State Crime Laboratory Fund
11 created pursuant to paragraph (3) of subsection (d) of this
12 Section shall be used by State crime laboratories as designated
13 by the Superintendent ~~Director~~ of State Police. These funds
14 shall be in addition to any allocations made pursuant to
15 existing law and shall be designated for the exclusive use of
16 State crime laboratories. These uses may include those
17 enumerated in subsection (g) of this Section.

18 (Source: P.A. 94-556, eff. 9-11-05.)

19 (730 ILCS 5/5-9-1.9)

20 Sec. 5-9-1.9. DUI analysis fee.

21 (a) "Crime laboratory" means a not-for-profit laboratory
22 substantially funded by a single unit or combination of units
23 of local government or the State of Illinois that regularly
24 employs at least one person engaged in the DUI analysis of
25 blood, other bodily substance, and urine for criminal justice

1 agencies in criminal matters and provides testimony with
2 respect to such examinations.

3 "DUI analysis" means an analysis of blood, other bodily
4 substance, or urine for purposes of determining whether a
5 violation of Section 11-501 of the Illinois Vehicle Code has
6 occurred.

7 (b) When a person has been adjudged guilty of an offense in
8 violation of Section 11-501 of the Illinois Vehicle Code, in
9 addition to any other disposition, penalty, or fine imposed, a
10 crime laboratory DUI analysis fee of \$150 for each offense for
11 which the person was convicted shall be levied by the court for
12 each case in which a laboratory analysis occurred. Upon
13 verified petition of the person, the court may suspend payment
14 of all or part of the fee if it finds that the person does not
15 have the ability to pay the fee.

16 (c) In addition to any other disposition made under the
17 provisions of the Juvenile Court Act of 1987, any minor
18 adjudicated delinquent for an offense which if committed by an
19 adult would constitute a violation of Section 11-501 of the
20 Illinois Vehicle Code shall be assessed a crime laboratory DUI
21 analysis fee of \$150 for each adjudication. Upon verified
22 petition of the minor, the court may suspend payment of all or
23 part of the fee if it finds that the minor does not have the
24 ability to pay the fee. The parent, guardian, or legal
25 custodian of the minor may pay some or all of the fee on the
26 minor's behalf.

1 (d) All crime laboratory DUI analysis fees provided for by
2 this Section shall be collected by the clerk of the court and
3 forwarded to the appropriate crime laboratory DUI fund as
4 provided in subsection (f).

5 (e) Crime laboratory funds shall be established as follows:

6 (1) A unit of local government that maintains a crime
7 laboratory may establish a crime laboratory DUI fund within
8 the office of the county or municipal treasurer.

9 (2) Any combination of units of local government that
10 maintains a crime laboratory may establish a crime
11 laboratory DUI fund within the office of the treasurer of
12 the county where the crime laboratory is situated.

13 (3) The State Police DUI Fund is created as a special
14 fund in the State Treasury.

15 (f) The analysis fee provided for in subsections (b) and
16 (c) of this Section shall be forwarded to the office of the
17 treasurer of the unit of local government that performed the
18 analysis if that unit of local government has established a
19 crime laboratory DUI fund, or to the State Treasurer for
20 deposit into the State Police DUI Fund if the analysis was
21 performed by a laboratory operated by the Department of State
22 Police. If the analysis was performed by a crime laboratory
23 funded by a combination of units of local government, the
24 analysis fee shall be forwarded to the treasurer of the county
25 where the crime laboratory is situated if a crime laboratory
26 DUI fund has been established in that county. If the unit of

1 local government or combination of units of local government
2 has not established a crime laboratory DUI fund, then the
3 analysis fee shall be forwarded to the State Treasurer for
4 deposit into the State Police DUI Fund. The clerk of the
5 circuit court may retain the amount of \$10 from each collected
6 analysis fee to offset administrative costs incurred in
7 carrying out the clerk's responsibilities under this Section.

8 (g) Fees deposited into a crime laboratory DUI fund created
9 under paragraphs (1) and (2) of subsection (e) of this Section
10 shall be in addition to any allocations made pursuant to
11 existing law and shall be designated for the exclusive use of
12 the crime laboratory. These uses may include, but are not
13 limited to, the following:

14 (1) Costs incurred in providing analysis for DUI
15 investigations conducted within this State.

16 (2) Purchase and maintenance of equipment for use in
17 performing analyses.

18 (3) Continuing education, training, and professional
19 development of forensic scientists regularly employed by
20 these laboratories.

21 (h) Fees deposited in the State Police DUI Fund created
22 under paragraph (3) of subsection (e) of this Section shall be
23 used by State crime laboratories as designated by the
24 Superintendent ~~Director~~ of State Police. These funds shall be
25 in addition to any allocations made according to existing law
26 and shall be designated for the exclusive use of State crime

1 laboratories. These uses may include those enumerated in
2 subsection (g) of this Section.

3 (Source: P.A. 99-697, eff. 7-29-16.)

4 (730 ILCS 5/5-9-1.15)

5 Sec. 5-9-1.15. Sex offender fines.

6 (a) There shall be added to every penalty imposed in
7 sentencing for a sex offense as defined in Section 2 of the Sex
8 Offender Registration Act an additional fine in the amount of
9 \$500 to be imposed upon a plea of guilty, stipulation of facts
10 or finding of guilty resulting in a judgment of conviction or
11 order of supervision.

12 (b) Such additional amount shall be assessed by the court
13 imposing sentence and shall be collected by the circuit clerk
14 in addition to the fine, if any, and costs in the case. Each
15 such additional penalty shall be remitted by the circuit clerk
16 within one month after receipt to the State Treasurer for
17 deposit into the Sex Offender Investigation Fund. The circuit
18 clerk shall retain 10% of such penalty for deposit into the
19 Circuit Court Clerk Operation and Administrative Fund created
20 by the Clerk of the Circuit Court to cover the costs incurred
21 in administering and enforcing this Section. Such additional
22 penalty shall not be considered a part of the fine for purposes
23 of any reduction in the fine for time served either before or
24 after sentencing.

25 (c) Not later than March 1 of each year the clerk of the

1 circuit court shall submit to the State Comptroller a report of
2 the amount of funds remitted by him or her to the State
3 Treasurer under this Section during the preceding calendar
4 year. Except as otherwise provided by Supreme Court Rules, if a
5 court in sentencing an offender levies a gross amount for fine,
6 costs, fees and penalties, the amount of the additional penalty
7 provided for herein shall be collected from the amount
8 remaining after deducting from the gross amount levied all fees
9 of the circuit clerk, the State's Attorney, and the sheriff.
10 After deducting from the gross amount levied the fees and
11 additional penalty provided for herein, less any other
12 additional penalties provided by law, the clerk shall remit
13 \$100 of each \$500 additional fine imposed under this Section to
14 the State's Attorney of the county which prosecuted the case or
15 the local law enforcement agency that investigated the case
16 leading to the defendant's judgment of conviction or order of
17 supervision and after such remission the net balance remaining
18 to the entity authorized by law to receive the fine imposed in
19 the case. For purposes of this Section "fees of the circuit
20 clerk" shall include, if applicable, the fee provided for under
21 Section 27.3a of the Clerks of Courts Act and the fee, if
22 applicable, payable to the county in which the violation
23 occurred under Section 5-1101 of the Counties Code.

24 (d) Subject to appropriation, moneys in the Sex Offender
25 Investigation Fund shall be used by the Department of State
26 Police to investigate alleged sex offenses and to make grants

1 to local law enforcement agencies to investigate alleged sex
2 offenses as such grants are awarded by the Superintendent
3 ~~Director~~ of State Police under rules established by the
4 Superintendent ~~Director~~ of State Police.

5 (Source: P.A. 95-600, eff. 6-1-08; 95-876, eff. 8-21-08.)

6 Section 235. The Arsonist Registration Act is amended by
7 changing Section 45 as follows:

8 (730 ILCS 148/45)

9 Sec. 45. Duration of registration. Any person, other than a
10 minor who is tried and convicted in an adult criminal
11 prosecution for an offense for which the person is required to
12 register under this Act, who is required to register under this
13 Act shall be required to register for a period of 10 years
14 after conviction if not confined to a penal institution,
15 hospital or any other institution or facility, and if confined,
16 for a period of 10 years after parole, discharge or release
17 from any such facility. A minor who has been tried and
18 convicted in an adult criminal prosecution for an offense for
19 which the person is required to register under this Act shall
20 be required to register for a period of 10 years after his or
21 her conviction for an offense for which the person is required
22 to register under this Act. An arsonist who is allowed to leave
23 a county, State, or federal facility for the purposes of work
24 release, education, or overnight visitations shall be required

1 to register within 10 days of beginning such a program.
2 Liability for registration terminates at the expiration of 10
3 years from the date of conviction if not confined to a penal
4 institution, hospital or any other institution or facility and
5 if confined, at the expiration of 10 years from the date of
6 parole, discharge or release from any such facility, providing
7 such person does not, during that period, again become liable
8 to register under the provisions of this Act. In the case of a
9 minor who is tried and convicted in an adult criminal
10 prosecution, liability for registration terminates 10 years
11 after conviction. The Superintendent ~~Director~~ of State Police,
12 consistent with administrative rules, shall extend for 10 years
13 the registration period of any arsonist who fails to comply
14 with the provisions of this Act.

15 (Source: P.A. 93-949, eff. 1-1-05.)

16 Section 240. The Sex Offender Registration Act is amended
17 by changing Section 7 as follows:

18 (730 ILCS 150/7) (from Ch. 38, par. 227)

19 Sec. 7. Duration of registration. A person who has been
20 adjudicated to be sexually dangerous and is later released or
21 found to be no longer sexually dangerous and discharged, shall
22 register for the period of his or her natural life. A sexually
23 violent person or sexual predator shall register for the period
24 of his or her natural life after conviction or adjudication if

1 not confined to a penal institution, hospital, or other
2 institution or facility, and if confined, for the period of his
3 or her natural life after parole, discharge, or release from
4 any such facility. A person who becomes subject to registration
5 under paragraph (2.1) of subsection (c) of Section 3 of this
6 Article who has previously been subject to registration under
7 this Article shall register for the period currently required
8 for the offense for which the person was previously registered
9 if not confined to a penal institution, hospital, or other
10 institution or facility, and if confined, for the same period
11 after parole, discharge, or release from any such facility.
12 Except as otherwise provided in this Section, a person who
13 becomes subject to registration under this Article who has
14 previously been subject to registration under this Article or
15 under the Murderer and Violent Offender Against Youth
16 Registration Act or similar registration requirements of other
17 jurisdictions shall register for the period of his or her
18 natural life if not confined to a penal institution, hospital,
19 or other institution or facility, and if confined, for the
20 period of his or her natural life after parole, discharge, or
21 release from any such facility. Any other person who is
22 required to register under this Article shall be required to
23 register for a period of 10 years after conviction or
24 adjudication if not confined to a penal institution, hospital
25 or any other institution or facility, and if confined, for a
26 period of 10 years after parole, discharge or release from any

1 such facility. A sex offender who is allowed to leave a county,
2 State, or federal facility for the purposes of work release,
3 education, or overnight visitations shall be required to
4 register within 3 days of beginning such a program. Liability
5 for registration terminates at the expiration of 10 years from
6 the date of conviction or adjudication if not confined to a
7 penal institution, hospital or any other institution or
8 facility and if confined, at the expiration of 10 years from
9 the date of parole, discharge or release from any such
10 facility, providing such person does not, during that period,
11 again become liable to register under the provisions of this
12 Article. Reconfinement due to a violation of parole or other
13 circumstances that relates to the original conviction or
14 adjudication shall extend the period of registration to 10
15 years after final parole, discharge, or release. Reconfinement
16 due to a violation of parole, a conviction reviving
17 registration, or other circumstances that do not relate to the
18 original conviction or adjudication shall toll the running of
19 the balance of the 10-year period of registration, which shall
20 not commence running until after final parole, discharge, or
21 release. The Superintendent ~~Director~~ of State Police,
22 consistent with administrative rules, shall extend for 10 years
23 the registration period of any sex offender, as defined in
24 Section 2 of this Act, who fails to comply with the provisions
25 of this Article. The registration period for any sex offender
26 who fails to comply with any provision of the Act shall extend

1 the period of registration by 10 years beginning from the first
2 date of registration after the violation. If the registration
3 period is extended, the Department of State Police shall send a
4 registered letter to the law enforcement agency where the sex
5 offender resides within 3 days after the extension of the
6 registration period. The sex offender shall report to that law
7 enforcement agency and sign for that letter. One copy of that
8 letter shall be kept on file with the law enforcement agency of
9 the jurisdiction where the sex offender resides and one copy
10 shall be returned to the Department of State Police.

11 (Source: P.A. 97-154, eff. 1-1-12; 97-578, eff. 1-1-12; 97-813,
12 eff. 7-13-12.)

13 Section 245. The Murderer and Violent Offender Against
14 Youth Registration Act is amended by changing Section 40 as
15 follows:

16 (730 ILCS 154/40)

17 Sec. 40. Duration of registration. A person who becomes
18 subject to registration under this Article who has previously
19 been subject to registration under this Article or under the
20 Sex Offender Registration Act or similar registration
21 requirements of other jurisdictions shall register for the
22 period of his or her natural life if not confined to a penal
23 institution, hospital, or other institution or facility, and if
24 confined, for the period of his or her natural life after

1 parole, discharge, or release from any such facility. Any other
2 person who is required to register under this Act shall be
3 required to register for a period of 10 years after conviction
4 or adjudication if not confined to a penal institution,
5 hospital or any other institution or facility, and if confined,
6 for a period of 10 years after parole, discharge or release
7 from any such facility. A violent offender against youth who is
8 allowed to leave a county, State, or federal facility for the
9 purposes of work release, education, or overnight visitations
10 shall be required to register within 5 days of beginning such a
11 program. Liability for registration terminates at the
12 expiration of 10 years from the date of conviction or
13 adjudication if not confined to a penal institution, hospital
14 or any other institution or facility and if confined, at the
15 expiration of 10 years from the date of parole, discharge or
16 release from any such facility, providing such person does not,
17 during that period, again become liable to register under the
18 provisions of this Act. Reconfinement due to a violation of
19 parole or other circumstances that relates to the original
20 conviction or adjudication shall extend the period of
21 registration to 10 years after final parole, discharge, or
22 release. The Superintendent ~~Director~~ of State Police,
23 consistent with administrative rules, shall extend for 10 years
24 the registration period of any violent offender against youth
25 who fails to comply with the provisions of this Act. The
26 registration period for any violent offender against youth who

1 fails to comply with any provision of the Act shall extend the
2 period of registration by 10 years beginning from the first
3 date of registration after the violation. If the registration
4 period is extended, the Department of State Police shall send a
5 registered letter to the law enforcement agency where the
6 violent offender against youth resides within 3 days after the
7 extension of the registration period. The violent offender
8 against youth shall report to that law enforcement agency and
9 sign for that letter. One copy of that letter shall be kept on
10 file with the law enforcement agency of the jurisdiction where
11 the violent offender against youth resides and one copy shall
12 be returned to the Department of State Police.

13 (Source: P.A. 94-945, eff. 6-27-06; 95-169, eff. 8-14-07.)

14 Section 250. The Code of Civil Procedure is amended by
15 changing Section 21-103 as follows:

16 (735 ILCS 5/21-103) (from Ch. 110, par. 21-103)

17 Sec. 21-103. Notice by publication.

18 (a) Previous notice shall be given of the intended
19 application by publishing a notice thereof in some newspaper
20 published in the municipality in which the person resides if
21 the municipality is in a county with a population under
22 2,000,000, or if the person does not reside in a municipality
23 in a county with a population under 2,000,000, or if no
24 newspaper is published in the municipality or if the person

1 resides in a county with a population of 2,000,000 or more,
2 then in some newspaper published in the county where the person
3 resides, or if no newspaper is published in that county, then
4 in some convenient newspaper published in this State. The
5 notice shall be inserted for 3 consecutive weeks after filing,
6 the first insertion to be at least 6 weeks before the return
7 day upon which the petition is to be heard, and shall be signed
8 by the petitioner or, in case of a minor, the minor's parent or
9 guardian, and shall set forth the return day of court on which
10 the petition is to be heard and the name sought to be assumed.

11 (b) The publication requirement of subsection (a) shall not
12 be required in any application for a change of name involving a
13 minor if, before making judgment under this Article, reasonable
14 notice and opportunity to be heard is given to any parent whose
15 parental rights have not been previously terminated and to any
16 person who has physical custody of the child. If any of these
17 persons are outside this State, notice and opportunity to be
18 heard shall be given under Section 21-104.

19 (c) The Superintendent ~~Director~~ of State Police or his or
20 her designee may apply to the circuit court for an order
21 directing that the notice and publication requirements of this
22 Section be waived if the Superintendent ~~Director~~ or his or her
23 designee certifies that the name change being sought is
24 intended to protect a witness during and following a criminal
25 investigation or proceeding.

26 (d) The maximum rate charged for publication of a notice

1 under this Section may not exceed the lowest classified rate
2 paid by commercial users for comparable space in the newspaper
3 in which the notice appears and shall include all cash
4 discounts, multiple insertion discounts, and similar benefits
5 extended to the newspaper's regular customers.

6 (Source: P.A. 100-520, eff. 1-1-18 (see Section 5 of P.A.
7 100-565 for the effective date of P.A. 100-520).)

8 Section 255. The Assumed Business Name Act is amended by
9 changing Section 5 as follows:

10 (805 ILCS 405/5) (from Ch. 96, par. 8)

11 Sec. 5. Any person or persons carrying on, conducting or
12 transacting business as aforesaid, who shall fail to comply
13 with the provisions of this Act, shall be guilty of a Class C
14 misdemeanor, and each day any person or persons conducts
15 business in violation of this Act shall be deemed a separate
16 offense.

17 A person shall be exempt from prosecution for a violation
18 of this Act if he is a peace officer who uses a false or
19 fictitious business name in the enforcement of the criminal
20 laws; provided such use is approved in writing by one of the
21 following:

22 (a) In all counties, the respective State's Attorney;

23 (b) The Superintendent ~~Director~~ of State Police under
24 Section 2605-200 of the Department of State Police Law (20 ILCS

1 2605/2605-200); or

2 (c) In cities over 1,000,000, the Superintendent of Police.

3 (Source: P.A. 91-239, eff. 1-1-00.)

4 Section 260. The Recyclable Metal Purchase Registration
5 Law is amended by changing Section 6.5 as follows:

6 (815 ILCS 325/6.5)

7 Sec. 6.5. Recyclable Metal Theft Task Force.

8 (a) The Recyclable Metal Theft Task Force is created within
9 the Office of the Secretary of State. The Office of the
10 Secretary of State shall provide administrative support for the
11 Task Force. The Task Force shall consist of the members
12 designated in subsections (b) and (c).

13 (b) Members of the Task Force representing the State shall
14 be appointed as follows:

15 (1) Two members of the Senate appointed one each by the
16 President of the Senate and by the Minority Leader of the
17 Senate;

18 (2) Two members of the House of Representatives
19 appointed one each by the Speaker of the House of
20 Representatives and by the Minority Leader of the House of
21 Representatives;

22 (3) One member representing the Office of the Secretary
23 of State appointed by the Secretary of State; and

24 (4) Two members representing the Department of State

1 Police appointed by the Superintendent ~~Director~~ of State
2 Police, one of whom must represent the State Police
3 Academy.

4 (c) The members appointed under subsection (b) shall select
5 from their membership a chairperson. The chairperson shall
6 appoint the public members of the Task Force as follows:

7 (1) One member representing municipalities in this
8 State with consideration given to persons recommended by an
9 organization representing municipalities in this State;

10 (2) Five chiefs of police from various geographical
11 areas of the State with consideration given to persons
12 recommended by an organization representing chiefs of
13 police in this State;

14 (3) One representative of a public utility
15 headquartered in Illinois;

16 (4) One representative of recyclable metal dealers in
17 Illinois;

18 (5) One representative of scrap metal suppliers in
19 Illinois;

20 (6) One representative of insurance companies offering
21 homeowners insurance in this State;

22 (7) One representative of rural electric cooperatives
23 in Illinois; and

24 (8) One representative of a local exchange carrier
25 doing business in Illinois.

26 (d) The Task Force shall endeavor to establish a

1 collaborative effort to combat recyclable metal theft
2 throughout the State and assist in developing regional task
3 forces, as determined necessary, to combat recyclable metal
4 theft. The Task Force shall consider and develop long-term
5 solutions, both legislative and enforcement-driven, for the
6 rising problem of recyclable metal thefts in this State.

7 (e) Each year, the Task Force shall review the
8 effectiveness of its efforts in deterring and investigating the
9 problem of recyclable metal theft and in assisting in the
10 prosecution of persons engaged in recyclable metal theft. The
11 Task Force shall by October 31 of each year report its findings
12 and recommendations to the General Assembly and the Governor.

13 (Source: P.A. 99-52, eff. 1-1-16; 99-760, eff. 1-1-17.)

14 Section 265. No acceleration or delay. Where this Act makes
15 changes in a statute that is represented in this Act by text
16 that is not yet or no longer in effect (for example, a Section
17 represented by multiple versions), the use of that text does
18 not accelerate or delay the taking effect of (i) the changes
19 made by this Act or (ii) provisions derived from any other
20 Public Act.

21 Section 999. Effective date. This Act takes effect upon
22 becoming law.

1

INDEX

2

Statutes amended in order of appearance

3 5 ILCS 350/1 from Ch. 127, par. 1301
4 20 ILCS 5/5-20 was 20 ILCS 5/4
5 20 ILCS 5/5-240 new
6 20 ILCS 5/5-410 was 20 ILCS 5/9.11
7 20 ILCS 5/5-180 rep.
8 20 ILCS 2605/2605-5
9 20 ILCS 2605/2605-25 was 20 ILCS 2605/55a-1
10 20 ILCS 2605/2605-30 was 20 ILCS 2605/55a-2
11 20 ILCS 2605/2605-35 was 20 ILCS 2605/55a-3
12 20 ILCS 2605/2605-40 was 20 ILCS 2605/55a-4
13 20 ILCS 2605/2605-45 was 20 ILCS 2605/55a-5
14 20 ILCS 2605/2605-51 new
15 20 ILCS 2605/2605-55
16 20 ILCS 2605/2605-90
17 20 ILCS 2605/2605-95
18 20 ILCS 2605/2605-140 was 20 ILCS 2605/55a in part
19 20 ILCS 2605/2605-200 was 20 ILCS 2605/55a in part
20 20 ILCS 2605/2605-250 was 20 ILCS 2605/55a in part
21 20 ILCS 2605/2605-375 was 20 ILCS 2605/55a in part
22 20 ILCS 2605/2605-400 was 20 ILCS 2605/55a in part
23 20 ILCS 2605/2605-405 was 20 ILCS 2605/55a in part
24 20 ILCS 2605/2605-485
25 20 ILCS 2605/2605-605

1	20 ILCS 2610/1	from Ch. 121, par. 307.1
2	20 ILCS 2610/2	from Ch. 121, par. 307.2
3	20 ILCS 2610/8	from Ch. 121, par. 307.8
4	20 ILCS 2610/9	from Ch. 121, par. 307.9
5	20 ILCS 2610/10	from Ch. 121, par. 307.10
6	20 ILCS 2610/13	from Ch. 121, par. 307.13
7	20 ILCS 2610/14	from Ch. 121, par. 307.14
8	20 ILCS 2610/18	from Ch. 121, par. 307.18
9	20 ILCS 2610/21	from Ch. 121, par. 307.18b
10	20 ILCS 2610/22	from Ch. 121, par. 307.18c
11	20 ILCS 2610/23	from Ch. 121, par. 307.18d
12	20 ILCS 2615/10	
13	20 ILCS 2620/1	from Ch. 127, par. 55d
14	20 ILCS 2620/3	from Ch. 127, par. 55f
15	20 ILCS 2620/4	from Ch. 127, par. 55g
16	20 ILCS 2620/7	from Ch. 127, par. 55j
17	20 ILCS 2620/9	from Ch. 127, par. 55l
18	20 ILCS 2630/1	from Ch. 38, par. 206-1
19	20 ILCS 2635/3	from Ch. 38, par. 1603
20	20 ILCS 2635/6	from Ch. 38, par. 1606
21	20 ILCS 2635/9	from Ch. 38, par. 1609
22	20 ILCS 2635/17	from Ch. 38, par. 1617
23	20 ILCS 2640/5	
24	20 ILCS 2640/10	
25	20 ILCS 2645/5	
26	20 ILCS 2645/10	

1	20 ILCS 3930/4	from Ch. 38, par. 210-4
2	20 ILCS 3930/15	
3	20 ILCS 3980/2	from Ch. 111 1/2, par. 8002
4	20 ILCS 3985/2001	from Ch. 127, par. 3852-1
5	20 ILCS 4005/3	from Ch. 95 1/2, par. 1303
6	20 ILCS 4005/4	from Ch. 95 1/2, par. 1304
7	20 ILCS 4040/10	
8	20 ILCS 4085/10	
9	20 ILCS 5025/10	
10	20 ILCS 5085/5	
11	20 ILCS 5090/10	
12	20 ILCS 5115/5	
13	25 ILCS 135/5.04	from Ch. 63, par. 29.4
14	30 ILCS 105/6z-82	
15	30 ILCS 230/2	from Ch. 127, par. 171
16	30 ILCS 715/2.01	from Ch. 56 1/2, par. 1702.01
17	30 ILCS 715/4	from Ch. 56 1/2, par. 1704
18	30 ILCS 715/5	from Ch. 56 1/2, par. 1705
19	30 ILCS 715/5.1	from Ch. 56 1/2, par. 1705.1
20	30 ILCS 715/6	from Ch. 56 1/2, par. 1706
21	40 ILCS 5/14-103.10	from Ch. 108 1/2, par. 14-103.10
22	40 ILCS 5/14-108.4	from Ch. 108 1/2, par. 14-108.4
23	40 ILCS 5/14-110	from Ch. 108 1/2, par. 14-110
24	40 ILCS 5/14-111	from Ch. 108 1/2, par. 14-111
25	40 ILCS 5/14-155.1 new	
26	50 ILCS 705/3	from Ch. 85, par. 503

1	50 ILCS 725/7.5	
2	205 ILCS 685/2	from Ch. 17, par. 7352
3	205 ILCS 685/3	from Ch. 17, par. 7353
4	205 ILCS 685/4	from Ch. 17, par. 7354
5	205 ILCS 685/5	from Ch. 17, par. 7355
6	205 ILCS 685/6	from Ch. 17, par. 7356
7	205 ILCS 685/8	from Ch. 17, par. 7358
8	225 ILCS 46/65	
9	235 ILCS 5/10-1	from Ch. 43, par. 183
10	325 ILCS 40/2	from Ch. 23, par. 2252
11	325 ILCS 40/6	from Ch. 23, par. 2256
12	325 ILCS 40/8	from Ch. 23, par. 2258
13	410 ILCS 535/15.1	from Ch. 111 1/2, par. 73-15.1
14	430 ILCS 50/4	from Ch. 127, par. 1254
15	430 ILCS 65/10	from Ch. 38, par. 83-10
16	430 ILCS 65/11	from Ch. 38, par. 83-11
17	430 ILCS 65/13.3	
18	430 ILCS 65/15b	
19	430 ILCS 66/5	
20	430 ILCS 66/87	
21	625 ILCS 5/3-648	
22	625 ILCS 5/4-109	
23	625 ILCS 5/4-302	from Ch. 95 1/2, par. 4-302
24	625 ILCS 5/6-106.1a	
25	625 ILCS 5/11-501.2	from Ch. 95 1/2, par. 11-501.2
26	625 ILCS 5/11-501.8	

1	625 ILCS 65/5	
2	705 ILCS 105/27.3a	
3	705 ILCS 405/1-3	from Ch. 37, par. 801-3
4	705 ILCS 405/5-105	
5	720 ILCS 5/14-3	
6	720 ILCS 5/17-6.3	
7	720 ILCS 5/24-1.1	from Ch. 38, par. 24-1.1
8	720 ILCS 5/29B-1	from Ch. 38, par. 29B-1
9	720 ILCS 5/36-1.1	
10	720 ILCS 5/36-1.3	
11	720 ILCS 5/36-2.2	
12	720 ILCS 5/36-7	
13	720 ILCS 550/3	from Ch. 56 1/2, par. 703
14	720 ILCS 550/13	from Ch. 56 1/2, par. 713
15	720 ILCS 550/14	from Ch. 56 1/2, par. 714
16	720 ILCS 646/10	
17	725 ILCS 5/108B-13	from Ch. 38, par. 108B-13
18	725 ILCS 5/124B-705	
19	725 ILCS 5/124B-710	
20	725 ILCS 5/124B-930	
21	725 ILCS 150/3.1	
22	725 ILCS 150/3.3	
23	725 ILCS 150/5.1	
24	725 ILCS 150/15	
25	725 ILCS 202/10	
26	725 ILCS 202/20	

- 1 725 ILCS 202/43
- 2 730 ILCS 5/5-4-3 from Ch. 38, par. 1005-4-3
- 3 730 ILCS 5/5-5.5-40
- 4 730 ILCS 5/5-9-1.4 from Ch. 38, par. 1005-9-1.4
- 5 730 ILCS 5/5-9-1.9
- 6 730 ILCS 5/5-9-1.15
- 7 730 ILCS 148/45
- 8 730 ILCS 150/7 from Ch. 38, par. 227
- 9 730 ILCS 154/40
- 10 735 ILCS 5/21-103 from Ch. 110, par. 21-103
- 11 805 ILCS 405/5 from Ch. 96, par. 8
- 12 815 ILCS 325/6.5