

HB5331



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5331

by Rep. Jay Hoffman

SYNOPSIS AS INTRODUCED:

See Index

Amends various Acts to revise statutory law to conform the statutes to the reorganization of the executive branch taking effect under Executive Order 2019-12. Makes other changes concerning the Illinois State Police and makes technical and stylistic changes. Effective immediately.

LRB101 14169 WGH 70217 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning the Illinois State Police.

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

4 Section 5. This Act revises statutory law to conform the
5 statutes to the reorganization of the executive branch taking
6 effect under Executive Order 2019-12. This Act also makes other
7 changes concerning the Illinois State Police and makes
8 technical and stylistic changes.

9 Section 10. The Consular Identification Document Act is
10 amended by changing Section 5 as follows:

11 (5 ILCS 230/5)

12 Sec. 5. Definition. As used in this Act, "consular
13 identification document" means an official identification card
14 issued by a foreign government that meets all of the following
15 requirements:

16 (1) The consular identification document is issued
17 through the foreign government's consular offices for the
18 purpose of identifying a foreign national who is living
19 outside of that nation.

20 (2) The foreign government requires an individual to
21 provide the following to obtain the consular
22 identification document: (A) proof of nationality; (B)

1 proof of identity; and (C) proof of residence in the
2 consular district.

3 (3) The foreign government includes the following
4 security features in the consular identification document:
5 (A) a unique identification number; (B) an optically
6 variable feature such as a hologram or color-shifting inks;
7 (C) an ultraviolet image; (D) encoded information; (E)
8 machine readable technology; (F) micro printing; (G)
9 secure laminate; and (H) integrated photograph and
10 signature.

11 (4) The consular identification document includes the
12 following data: (A) the name and address of the individual
13 to whom it is issued; (B) the date of issuance; (C) the
14 date of expiration; (D) the name of the issuing consulate;
15 and (E) an identification number. The consular
16 identification document must include an English
17 translation of the data fields.

18 (5) The issuing consulate has filed with the Illinois
19 ~~Department of~~ State Police a copy of the issuing
20 consulate's consular identification document and a
21 certification of the procedures that are used to satisfy
22 the requirements of paragraphs (2) and (3).

23 (Source: P.A. 94-389, eff. 1-1-06.)

24 Section 15. The Public Corruption Profit Forfeiture Act is
25 amended by changing Sections 10 and 25 as follows:

1 (5 ILCS 283/10)

2 Sec. 10. Penalties.

3 (a) A person who is convicted of a violation of any of the
4 following Sections, subsections, and clauses of the Criminal
5 Code of 1961 or the Criminal Code of 2012:

6 (1) clause (a) (6) of Section 12-6 (intimidation by a
7 public official),

8 (2) Section 33-1 (bribery),

9 (3) subsection (a) of Section 33E-7 (kickbacks), or

10 (4) Section 33C-4 or subsection (d) of Section 17-10.3
11 (fraudulently obtaining public moneys reserved for
12 disadvantaged business enterprises),

13 shall forfeit to the State of Illinois:

14 (A) any profits or proceeds and any property or
15 property interest he or she has acquired or maintained in
16 violation of any of the offenses listed in clauses (1)
17 through (4) of this subsection (a) that the court
18 determines, after a forfeiture hearing under subsection
19 (b) of this Section, to have been acquired or maintained as
20 a result of violating any of the offenses listed in clauses
21 (1) through (4) of this subsection (a); and

22 (B) any interest in, security of, claim against, or
23 property or contractual right of any kind affording a
24 source of influence over, any enterprise which he or she
25 has established, operated, controlled, conducted, or

1 participated in the conduct of, in violation of any of the
2 offenses listed in clauses (1) through (4) of this
3 subsection (a) that the court determines, after a
4 forfeiture hearing under subsection (b) of this Section, to
5 have been acquired or maintained as a result of violating
6 any of the offenses listed in clauses (1) through (4) of
7 this subsection (a) or used to facilitate a violation of
8 one of the offenses listed in clauses (1) through (4) of
9 this subsection (a).

10 (b) The court shall, upon petition by the Attorney General
11 or State's Attorney, at any time after the filing of an
12 information or return of an indictment, conduct a hearing to
13 determine whether any property or property interest is subject
14 to forfeiture under this Act. At the forfeiture hearing the
15 people shall have the burden of establishing, by a
16 preponderance of the evidence, that property or property
17 interests are subject to forfeiture under this Act. There is a
18 rebuttable presumption at such hearing that any property or
19 property interest of a person charged by information or
20 indictment with a violation of any of the offenses listed in
21 clauses (1) through (4) of subsection (a) of this Section or
22 who is convicted of a violation of any of the offenses listed
23 in clauses (1) through (4) of subsection (a) of this Section is
24 subject to forfeiture under this Section if the State
25 establishes by a preponderance of the evidence that:

26 (1) such property or property interest was acquired by

1 such person during the period of the violation of any of
2 the offenses listed in clauses (1) through (4) of
3 subsection (a) of this Section or within a reasonable time
4 after such period; and

5 (2) there was no likely source for such property or
6 property interest other than the violation of any of the
7 offenses listed in clauses (1) through (4) of subsection
8 (a) of this Section.

9 (c) In an action brought by the People of the State of
10 Illinois under this Act, wherein any restraining order,
11 injunction or prohibition or any other action in connection
12 with any property or property interest subject to forfeiture
13 under this Act is sought, the circuit court which shall preside
14 over the trial of the person or persons charged with any of the
15 offenses listed in clauses (1) through (4) of subsection (a) of
16 this Section shall first determine whether there is probable
17 cause to believe that the person or persons so charged have
18 committed a violation of any of the offenses listed in clauses
19 (1) through (4) of subsection (a) of this Section and whether
20 the property or property interest is subject to forfeiture
21 pursuant to this Act.

22 In order to make such a determination, prior to entering
23 any such order, the court shall conduct a hearing without a
24 jury, wherein the People shall establish that there is: (i)
25 probable cause that the person or persons so charged have
26 committed one of the offenses listed in clauses (1) through (4)

1 of subsection (a) of this Section and (ii) probable cause that
2 any property or property interest may be subject to forfeiture
3 pursuant to this Act. Such hearing may be conducted
4 simultaneously with a preliminary hearing, if the prosecution
5 is commenced by information or complaint, or by motion of the
6 People, at any stage in the proceedings. The court may accept a
7 finding of probable cause at a preliminary hearing following
8 the filing of a charge for violating one of the offenses listed
9 in clauses (1) through (4) of subsection (a) of this Section or
10 the return of an indictment by a grand jury charging one of the
11 offenses listed in clauses (1) through (4) of subsection (a) of
12 this Section as sufficient evidence of probable cause as
13 provided in item (i) above.

14 Upon such a finding, the circuit court shall enter such
15 restraining order, injunction or prohibition, or shall take
16 such other action in connection with any such property or
17 property interest subject to forfeiture under this Act, as is
18 necessary to insure that such property is not removed from the
19 jurisdiction of the court, concealed, destroyed or otherwise
20 disposed of by the owner of that property or property interest
21 prior to a forfeiture hearing under subsection (b) of this
22 Section. The Attorney General or State's Attorney shall file a
23 certified copy of such restraining order, injunction or other
24 prohibition with the recorder of deeds or registrar of titles
25 of each county where any such property of the defendant may be
26 located. No such injunction, restraining order or other

1 prohibition shall affect the rights of any bona fide purchaser,
2 mortgagee, judgment creditor or other lien holder arising prior
3 to the date of such filing.

4 The court may, at any time, upon verified petition by the
5 defendant, conduct a hearing to release all or portions of any
6 such property or interest which the court previously determined
7 to be subject to forfeiture or subject to any restraining
8 order, injunction, or prohibition or other action. The court
9 may release such property to the defendant for good cause shown
10 and within the sound discretion of the court.

11 (d) Prosecution under this Act may be commenced by the
12 Attorney General or a State's Attorney.

13 (e) Upon an order of forfeiture being entered pursuant to
14 subsection (b) of this Section, the court shall authorize the
15 Attorney General to seize any property or property interest
16 declared forfeited under this Act and under such terms and
17 conditions as the court shall deem proper. Any property or
18 property interest that has been the subject of an entered
19 restraining order, injunction or prohibition or any other
20 action filed under subsection (c) shall be forfeited unless the
21 claimant can show by a preponderance of the evidence that the
22 property or property interest has not been acquired or
23 maintained as a result of a violation of any of the offenses
24 listed in clauses (1) through (4) of subsection (a) of this
25 Section or has not been used to facilitate a violation of any
26 of the offenses listed in clauses (1) through (4) of subsection

1 (a) of this Section.

2 (f) The Attorney General or his or her designee is
3 authorized to sell all property forfeited and seized pursuant
4 to this Act, unless such property is required by law to be
5 destroyed or is harmful to the public, and, after the deduction
6 of all requisite expenses of administration and sale, shall
7 distribute the proceeds of such sale, along with any moneys
8 forfeited or seized, in accordance with subsection (g).

9 (g) All monies and the sale proceeds of all other property
10 forfeited and seized pursuant to this Act shall be distributed
11 as follows:

12 (1) An amount equal to 50% shall be distributed to the
13 unit of local government or other law enforcement agency
14 whose officers or employees conducted the investigation
15 into a violation of any of the offenses listed in clauses
16 (1) through (4) of subsection (a) of this Section and
17 caused the arrest or arrests and prosecution leading to the
18 forfeiture. Amounts distributed to units of local
19 government and law enforcement agencies shall be used for
20 enforcement of laws governing public corruption, or for
21 other law enforcement purposes. In the event, however, that
22 the investigation, arrest or arrests and prosecution
23 leading to the forfeiture were undertaken solely by a State
24 agency, the portion provided hereunder shall be paid into
25 the State Asset Forfeiture Fund in the State treasury to be
26 used by that State agency in accordance with law. If the

1 investigation, arrest or arrests and prosecution leading
2 to the forfeiture were undertaken by the Attorney General,
3 the portion provided hereunder shall be paid into the
4 Attorney General Whistleblower Reward and Protection Fund
5 in the State treasury to be used by the Attorney General in
6 accordance with law.

7 (2) An amount equal to 12.5% shall be distributed to
8 the county in which the prosecution resulting in the
9 forfeiture was instituted, deposited in a special fund in
10 the county treasury and appropriated to the State's
11 Attorney for use in accordance with law. If the prosecution
12 was conducted by the Attorney General, then the amount
13 provided under this subsection shall be paid into the
14 Attorney General Whistleblower Reward and Protection Fund
15 in the State treasury to be used by the Attorney General in
16 accordance with law.

17 (3) An amount equal to 12.5% shall be distributed to
18 the Office of the State's Attorneys Appellate Prosecutor
19 and deposited in the State's Attorneys Appellate
20 Prosecutor Anti-Corruption Fund, to be used by the Office
21 of the State's Attorneys Appellate Prosecutor for
22 additional expenses incurred in prosecuting appeals
23 arising under this Act. Any amounts remaining in the Fund
24 after all additional expenses have been paid shall be used
25 by the Office to reduce the participating county
26 contributions to the Office on a prorated basis as

1 determined by the board of governors of the Office of the
2 State's Attorneys Appellate Prosecutor based on the
3 populations of the participating counties. If the appeal is
4 to be conducted by the Attorney General, then the amount
5 provided under this subsection shall be paid into the
6 Attorney General Whistleblower Reward and Protection Fund
7 in the State treasury to be used by the Attorney General in
8 accordance with law.

9 (4) An amount equal to 25% shall be paid into the State
10 Asset Forfeiture Fund in the State treasury to be used by
11 the Illinois ~~Department of~~ State Police for the funding of
12 the investigation of public corruption activities. Any
13 amounts remaining in the Fund after full funding of such
14 investigations shall be used by the Illinois State Police
15 ~~Department~~ in accordance with law to fund its other
16 enforcement activities.

17 (h) All moneys deposited pursuant to this Act in the State
18 Asset Forfeiture Fund shall, subject to appropriation, be used
19 by the Illinois ~~Department of~~ State Police in the manner set
20 forth in this Section. All moneys deposited pursuant to this
21 Act in the Attorney General Whistleblower Reward and Protection
22 Fund shall, subject to appropriation, be used by the Attorney
23 General for State law enforcement purposes and for the
24 performance of the duties of that office. All moneys deposited
25 pursuant to this Act in the State's Attorneys Appellate
26 Prosecutor Anti-Corruption Fund shall, subject to

1 appropriation, be used by the Office of the State's Attorneys
2 Appellate Prosecutor in the manner set forth in this Section.
3 (Source: P.A. 101-148, eff. 7-26-19.)

4 (5 ILCS 283/25)

5 Sec. 25. Distribution of proceeds of fines.

6 (a) The proceeds of all fines received under the provisions
7 of this Act shall be transmitted to and deposited in the
8 treasurer's office at the level of government as follows:

9 (1) If the seizure was made by a combination of law
10 enforcement personnel representing differing units of
11 local government, the court levying the fine shall
12 equitably allocate 50% of the fine among these units of
13 local government and shall allocate 50% to the county
14 general corporate fund. In the event that the seizure was
15 made by law enforcement personnel representing a unit of
16 local government from a municipality where the number of
17 inhabitants exceeds 2 million, the court levying the fine
18 shall allocate 100% of the fine to that unit of local
19 government. If the seizure was made by a combination of law
20 enforcement personnel representing differing units of
21 local government, and at least one of those units
22 represents a municipality where the number of inhabitants
23 exceeds 2 million, the court shall equitably allocate 100%
24 of the proceeds of the fines received among the differing
25 units of local government.

1 (2) If such seizure was made by State law enforcement
2 personnel, then the court shall allocate 50% to the State
3 treasury and 50% to the county general corporate fund.

4 (3) If a State law enforcement agency in combination
5 with a law enforcement agency or agencies of a unit or
6 units of local government conducted the seizure, the court
7 shall equitably allocate 50% of the fines to or among the
8 law enforcement agency or agencies of the unit or units of
9 local government which conducted the seizure and shall
10 allocate 50% to the county general corporate fund.

11 (b) The proceeds of all fines allocated to the law
12 enforcement agency or agencies of the unit or units of local
13 government pursuant to subsection (a) shall be made available
14 to that law enforcement agency as expendable receipts for use
15 in the enforcement of laws regulating public corruption and
16 other laws. The proceeds of fines awarded to the State treasury
17 shall be deposited in the State Asset Forfeiture Fund. Monies
18 from this Fund may be used by the Illinois ~~Department of State~~
19 Police in the enforcement of laws regulating public corruption
20 and other laws; and all other monies shall be paid into the
21 General Revenue Fund in the State treasury.

22 (Source: P.A. 96-1019, eff. 1-1-11.)

23 Section 20. The Illinois Public Labor Relations Act is
24 amended by changing Sections 3, 6.1, and 9 as follows:

1 (5 ILCS 315/3) (from Ch. 48, par. 1603)

2 Sec. 3. Definitions. As used in this Act, unless the
3 context otherwise requires:

4 (a) "Board" means the Illinois Labor Relations Board or,
5 with respect to a matter over which the jurisdiction of the
6 Board is assigned to the State Panel or the Local Panel under
7 Section 5, the panel having jurisdiction over the matter.

8 (b) "Collective bargaining" means bargaining over terms
9 and conditions of employment, including hours, wages, and other
10 conditions of employment, as detailed in Section 7 and which
11 are not excluded by Section 4.

12 (c) "Confidential employee" means an employee who, in the
13 regular course of his or her duties, assists and acts in a
14 confidential capacity to persons who formulate, determine, and
15 effectuate management policies with regard to labor relations
16 or who, in the regular course of his or her duties, has
17 authorized access to information relating to the effectuation
18 or review of the employer's collective bargaining policies.

19 (d) "Craft employees" means skilled journeymen, crafts
20 persons, and their apprentices and helpers.

21 (e) "Essential services employees" means those public
22 employees performing functions so essential that the
23 interruption or termination of the function will constitute a
24 clear and present danger to the health and safety of the
25 persons in the affected community.

26 (f) "Exclusive representative", except with respect to

1 non-State fire fighters and paramedics employed by fire
2 departments and fire protection districts, non-State peace
3 officers, and peace officers in the Illinois ~~Department of~~
4 State Police, means the labor organization that has been (i)
5 designated by the Board as the representative of a majority of
6 public employees in an appropriate bargaining unit in
7 accordance with the procedures contained in this Act, (ii)
8 historically recognized by the State of Illinois or any
9 political subdivision of the State before July 1, 1984 (the
10 effective date of this Act) as the exclusive representative of
11 the employees in an appropriate bargaining unit, (iii) after
12 July 1, 1984 (the effective date of this Act) recognized by an
13 employer upon evidence, acceptable to the Board, that the labor
14 organization has been designated as the exclusive
15 representative by a majority of the employees in an appropriate
16 bargaining unit; (iv) recognized as the exclusive
17 representative of personal assistants under Executive Order
18 2003-8 prior to the effective date of this amendatory Act of
19 the 93rd General Assembly, and the organization shall be
20 considered to be the exclusive representative of the personal
21 assistants as defined in this Section; or (v) recognized as the
22 exclusive representative of child and day care home providers,
23 including licensed and license exempt providers, pursuant to an
24 election held under Executive Order 2005-1 prior to the
25 effective date of this amendatory Act of the 94th General
26 Assembly, and the organization shall be considered to be the

1 exclusive representative of the child and day care home
2 providers as defined in this Section.

3 With respect to non-State fire fighters and paramedics
4 employed by fire departments and fire protection districts,
5 non-State peace officers, and peace officers in the Illinois
6 ~~Department of~~ State Police, "exclusive representative" means
7 the labor organization that has been (i) designated by the
8 Board as the representative of a majority of peace officers or
9 fire fighters in an appropriate bargaining unit in accordance
10 with the procedures contained in this Act, (ii) historically
11 recognized by the State of Illinois or any political
12 subdivision of the State before January 1, 1986 (the effective
13 date of this amendatory Act of 1985) as the exclusive
14 representative by a majority of the peace officers or fire
15 fighters in an appropriate bargaining unit, or (iii) after
16 January 1, 1986 (the effective date of this amendatory Act of
17 1985) recognized by an employer upon evidence, acceptable to
18 the Board, that the labor organization has been designated as
19 the exclusive representative by a majority of the peace
20 officers or fire fighters in an appropriate bargaining unit.

21 Where a historical pattern of representation exists for the
22 workers of a water system that was owned by a public utility,
23 as defined in Section 3-105 of the Public Utilities Act, prior
24 to becoming certified employees of a municipality or
25 municipalities once the municipality or municipalities have
26 acquired the water system as authorized in Section 11-124-5 of

1 the Illinois Municipal Code, the Board shall find the labor
2 organization that has historically represented the workers to
3 be the exclusive representative under this Act, and shall find
4 the unit represented by the exclusive representative to be the
5 appropriate unit.

6 (g) "Fair share agreement" means an agreement between the
7 employer and an employee organization under which all or any of
8 the employees in a collective bargaining unit are required to
9 pay their proportionate share of the costs of the collective
10 bargaining process, contract administration, and pursuing
11 matters affecting wages, hours, and other conditions of
12 employment, but not to exceed the amount of dues uniformly
13 required of members. The amount certified by the exclusive
14 representative shall not include any fees for contributions
15 related to the election or support of any candidate for
16 political office. Nothing in this subsection (g) shall preclude
17 an employee from making voluntary political contributions in
18 conjunction with his or her fair share payment.

19 (g-1) "Fire fighter" means, for the purposes of this Act
20 only, any person who has been or is hereafter appointed to a
21 fire department or fire protection district or employed by a
22 state university and sworn or commissioned to perform fire
23 fighter duties or paramedic duties, including paramedics
24 employed by a unit of local government, except that the
25 following persons are not included: part-time fire fighters,
26 auxiliary, reserve or voluntary fire fighters, including paid

1 on-call fire fighters, clerks and dispatchers or other civilian
2 employees of a fire department or fire protection district who
3 are not routinely expected to perform fire fighter duties, or
4 elected officials.

5 (g-2) "General Assembly of the State of Illinois" means the
6 legislative branch of the government of the State of Illinois,
7 as provided for under Article IV of the Constitution of the
8 State of Illinois, and includes but is not limited to the House
9 of Representatives, the Senate, the Speaker of the House of
10 Representatives, the Minority Leader of the House of
11 Representatives, the President of the Senate, the Minority
12 Leader of the Senate, the Joint Committee on Legislative
13 Support Services and any legislative support services agency
14 listed in the Legislative Commission Reorganization Act of
15 1984.

16 (h) "Governing body" means, in the case of the State, the
17 State Panel of the Illinois Labor Relations Board, the Director
18 of the Department of Central Management Services, and the
19 Director of the Department of Labor; the county board in the
20 case of a county; the corporate authorities in the case of a
21 municipality; and the appropriate body authorized to provide
22 for expenditures of its funds in the case of any other unit of
23 government.

24 (i) "Labor organization" means any organization in which
25 public employees participate and that exists for the purpose,
26 in whole or in part, of dealing with a public employer

1 concerning wages, hours, and other terms and conditions of
2 employment, including the settlement of grievances.

3 (i-5) "Legislative liaison" means a person who is an
4 employee of a State agency, the Attorney General, the Secretary
5 of State, the Comptroller, or the Treasurer, as the case may
6 be, and whose job duties require the person to regularly
7 communicate in the course of his or her employment with any
8 official or staff of the General Assembly of the State of
9 Illinois for the purpose of influencing any legislative action.

10 (j) "Managerial employee" means an individual who is
11 engaged predominantly in executive and management functions
12 and is charged with the responsibility of directing the
13 effectuation of management policies and practices. With
14 respect only to State employees in positions under the
15 jurisdiction of the Attorney General, Secretary of State,
16 Comptroller, or Treasurer (i) that were certified in a
17 bargaining unit on or after December 2, 2008, (ii) for which a
18 petition is filed with the Illinois Public Labor Relations
19 Board on or after April 5, 2013 (the effective date of Public
20 Act 97-1172), or (iii) for which a petition is pending before
21 the Illinois Public Labor Relations Board on that date,
22 "managerial employee" means an individual who is engaged in
23 executive and management functions or who is charged with the
24 effectuation of management policies and practices or who
25 represents management interests by taking or recommending
26 discretionary actions that effectively control or implement

1 policy. Nothing in this definition prohibits an individual from
2 also meeting the definition of "supervisor" under subsection
3 (r) of this Section.

4 (k) "Peace officer" means, for the purposes of this Act
5 only, any persons who have been or are hereafter appointed to a
6 police force, department, or agency and sworn or commissioned
7 to perform police duties, except that the following persons are
8 not included: part-time police officers, special police
9 officers, auxiliary police as defined by Section 3.1-30-20 of
10 the Illinois Municipal Code, night watchmen, "merchant
11 police", court security officers as defined by Section 3-6012.1
12 of the Counties Code, temporary employees, traffic guards or
13 wardens, civilian parking meter and parking facilities
14 personnel or other individuals specially appointed to aid or
15 direct traffic at or near schools or public functions or to aid
16 in civil defense or disaster, parking enforcement employees who
17 are not commissioned as peace officers and who are not armed
18 and who are not routinely expected to effect arrests, parking
19 lot attendants, clerks and dispatchers or other civilian
20 employees of a police department who are not routinely expected
21 to effect arrests, or elected officials.

22 (l) "Person" includes one or more individuals, labor
23 organizations, public employees, associations, corporations,
24 legal representatives, trustees, trustees in bankruptcy,
25 receivers, or the State of Illinois or any political
26 subdivision of the State or governing body, but does not

1 include the General Assembly of the State of Illinois or any
2 individual employed by the General Assembly of the State of
3 Illinois.

4 (m) "Professional employee" means any employee engaged in
5 work predominantly intellectual and varied in character rather
6 than routine mental, manual, mechanical or physical work;
7 involving the consistent exercise of discretion and adjustment
8 in its performance; of such a character that the output
9 produced or the result accomplished cannot be standardized in
10 relation to a given period of time; and requiring advanced
11 knowledge in a field of science or learning customarily
12 acquired by a prolonged course of specialized intellectual
13 instruction and study in an institution of higher learning or a
14 hospital, as distinguished from a general academic education or
15 from apprenticeship or from training in the performance of
16 routine mental, manual, or physical processes; or any employee
17 who has completed the courses of specialized intellectual
18 instruction and study prescribed in this subsection (m) and is
19 performing related work under the supervision of a professional
20 person to qualify to become a professional employee as defined
21 in this subsection (m).

22 (n) "Public employee" or "employee", for the purposes of
23 this Act, means any individual employed by a public employer,
24 including (i) interns and residents at public hospitals, (ii)
25 as of the effective date of this amendatory Act of the 93rd
26 General Assembly, but not before, personal assistants working

1 under the Home Services Program under Section 3 of the
2 Rehabilitation of Persons with Disabilities Act, subject to the
3 limitations set forth in this Act and in the Rehabilitation of
4 Persons with Disabilities Act, (iii) as of the effective date
5 of this amendatory Act of the 94th General Assembly, but not
6 before, child and day care home providers participating in the
7 child care assistance program under Section 9A-11 of the
8 Illinois Public Aid Code, subject to the limitations set forth
9 in this Act and in Section 9A-11 of the Illinois Public Aid
10 Code, (iv) as of January 29, 2013 (the effective date of Public
11 Act 97-1158), but not before except as otherwise provided in
12 this subsection (n), home care and home health workers who
13 function as personal assistants and individual maintenance
14 home health workers and who also work under the Home Services
15 Program under Section 3 of the Rehabilitation of Persons with
16 Disabilities Act, no matter whether the State provides those
17 services through direct fee-for-service arrangements, with the
18 assistance of a managed care organization or other
19 intermediary, or otherwise, (v) beginning on the effective date
20 of this amendatory Act of the 98th General Assembly and
21 notwithstanding any other provision of this Act, any person
22 employed by a public employer and who is classified as or who
23 holds the employment title of Chief Stationary Engineer,
24 Assistant Chief Stationary Engineer, Sewage Plant Operator,
25 Water Plant Operator, Stationary Engineer, Plant Operating
26 Engineer, and any other employee who holds the position of:

1 Civil Engineer V, Civil Engineer VI, Civil Engineer VII,
2 Technical Manager I, Technical Manager II, Technical Manager
3 III, Technical Manager IV, Technical Manager V, Technical
4 Manager VI, Realty Specialist III, Realty Specialist IV, Realty
5 Specialist V, Technical Advisor I, Technical Advisor II,
6 Technical Advisor III, Technical Advisor IV, or Technical
7 Advisor V employed by the Department of Transportation who is
8 in a position which is certified in a bargaining unit on or
9 before the effective date of this amendatory Act of the 98th
10 General Assembly, and (vi) beginning on the effective date of
11 this amendatory Act of the 98th General Assembly and
12 notwithstanding any other provision of this Act, any mental
13 health administrator in the Department of Corrections who is
14 classified as or who holds the position of Public Service
15 Administrator (Option 8K), any employee of the Office of the
16 Inspector General in the Department of Human Services who is
17 classified as or who holds the position of Public Service
18 Administrator (Option 7), any Deputy of Intelligence in the
19 Department of Corrections who is classified as or who holds the
20 position of Public Service Administrator (Option 7), and any
21 employee of the Illinois ~~Department of~~ State Police who handles
22 issues concerning the Illinois State Police Sex Offender
23 Registry and who is classified as or holds the position of
24 Public Service Administrator (Option 7), but excluding all of
25 the following: employees of the General Assembly of the State
26 of Illinois; elected officials; executive heads of a

1 department; members of boards or commissions; the Executive
2 Inspectors General; any special Executive Inspectors General;
3 employees of each Office of an Executive Inspector General;
4 commissioners and employees of the Executive Ethics
5 Commission; the Auditor General's Inspector General; employees
6 of the Office of the Auditor General's Inspector General; the
7 Legislative Inspector General; any special Legislative
8 Inspectors General; employees of the Office of the Legislative
9 Inspector General; commissioners and employees of the
10 Legislative Ethics Commission; employees of any agency, board
11 or commission created by this Act; employees appointed to State
12 positions of a temporary or emergency nature; all employees of
13 school districts and higher education institutions except
14 firefighters and peace officers employed by a state university
15 and except peace officers employed by a school district in its
16 own police department in existence on the effective date of
17 this amendatory Act of the 96th General Assembly; managerial
18 employees; short-term employees; legislative liaisons; a
19 person who is a State employee under the jurisdiction of the
20 Office of the Attorney General who is licensed to practice law
21 or whose position authorizes, either directly or indirectly,
22 meaningful input into government decision-making on issues
23 where there is room for principled disagreement on goals or
24 their implementation; a person who is a State employee under
25 the jurisdiction of the Office of the Comptroller who holds the
26 position of Public Service Administrator or whose position is

1 otherwise exempt under the Comptroller Merit Employment Code; a
2 person who is a State employee under the jurisdiction of the
3 Secretary of State who holds the position classification of
4 Executive I or higher, whose position authorizes, either
5 directly or indirectly, meaningful input into government
6 decision-making on issues where there is room for principled
7 disagreement on goals or their implementation, or who is
8 otherwise exempt under the Secretary of State Merit Employment
9 Code; employees in the Office of the Secretary of State who are
10 completely exempt from jurisdiction B of the Secretary of State
11 Merit Employment Code and who are in Rutan-exempt positions on
12 or after April 5, 2013 (the effective date of Public Act
13 97-1172); a person who is a State employee under the
14 jurisdiction of the Treasurer who holds a position that is
15 exempt from the State Treasurer Employment Code; any employee
16 of a State agency who (i) holds the title or position of, or
17 exercises substantially similar duties as a legislative
18 liaison, Agency General Counsel, Agency Chief of Staff, Agency
19 Executive Director, Agency Deputy Director, Agency Chief
20 Fiscal Officer, Agency Human Resources Director, Public
21 Information Officer, or Chief Information Officer and (ii) was
22 neither included in a bargaining unit nor subject to an active
23 petition for certification in a bargaining unit; any employee
24 of a State agency who (i) is in a position that is
25 Rutan-exempt, as designated by the employer, and completely
26 exempt from jurisdiction B of the Personnel Code and (ii) was

1 neither included in a bargaining unit nor subject to an active
2 petition for certification in a bargaining unit; any term
3 appointed employee of a State agency pursuant to Section 8b.18
4 or 8b.19 of the Personnel Code who was neither included in a
5 bargaining unit nor subject to an active petition for
6 certification in a bargaining unit; any employment position
7 properly designated pursuant to Section 6.1 of this Act;
8 confidential employees; independent contractors; and
9 supervisors except as provided in this Act.

10 Home care and home health workers who function as personal
11 assistants and individual maintenance home health workers and
12 who also work under the Home Services Program under Section 3
13 of the Rehabilitation of Persons with Disabilities Act shall
14 not be considered public employees for any purposes not
15 specifically provided for in Public Act 93-204 or Public Act
16 97-1158, including but not limited to, purposes of vicarious
17 liability in tort and purposes of statutory retirement or
18 health insurance benefits. Home care and home health workers
19 who function as personal assistants and individual maintenance
20 home health workers and who also work under the Home Services
21 Program under Section 3 of the Rehabilitation of Persons with
22 Disabilities Act shall not be covered by the State Employees
23 Group Insurance Act of 1971 ~~(5 ILCS 375/)~~.

24 Child and day care home providers shall not be considered
25 public employees for any purposes not specifically provided for
26 in this amendatory Act of the 94th General Assembly, including

1 but not limited to, purposes of vicarious liability in tort and
2 purposes of statutory retirement or health insurance benefits.
3 Child and day care home providers shall not be covered by the
4 State Employees Group Insurance Act of 1971.

5 Notwithstanding Section 9, subsection (c), or any other
6 provisions of this Act, all peace officers above the rank of
7 captain in municipalities with more than 1,000,000 inhabitants
8 shall be excluded from this Act.

9 (o) Except as otherwise in subsection (o-5), "public
10 employer" or "employer" means the State of Illinois; any
11 political subdivision of the State, unit of local government or
12 school district; authorities including departments, divisions,
13 bureaus, boards, commissions, or other agencies of the
14 foregoing entities; and any person acting within the scope of
15 his or her authority, express or implied, on behalf of those
16 entities in dealing with its employees. As of the effective
17 date of the amendatory Act of the 93rd General Assembly, but
18 not before, the State of Illinois shall be considered the
19 employer of the personal assistants working under the Home
20 Services Program under Section 3 of the Rehabilitation of
21 Persons with Disabilities Act, subject to the limitations set
22 forth in this Act and in the Rehabilitation of Persons with
23 Disabilities Act. As of January 29, 2013 (the effective date of
24 Public Act 97-1158), but not before except as otherwise
25 provided in this subsection (o), the State shall be considered
26 the employer of home care and home health workers who function

1 as personal assistants and individual maintenance home health
2 workers and who also work under the Home Services Program under
3 Section 3 of the Rehabilitation of Persons with Disabilities
4 Act, no matter whether the State provides those services
5 through direct fee-for-service arrangements, with the
6 assistance of a managed care organization or other
7 intermediary, or otherwise, but subject to the limitations set
8 forth in this Act and the Rehabilitation of Persons with
9 Disabilities Act. The State shall not be considered to be the
10 employer of home care and home health workers who function as
11 personal assistants and individual maintenance home health
12 workers and who also work under the Home Services Program under
13 Section 3 of the Rehabilitation of Persons with Disabilities
14 Act, for any purposes not specifically provided for in Public
15 Act 93-204 or Public Act 97-1158, including but not limited to,
16 purposes of vicarious liability in tort and purposes of
17 statutory retirement or health insurance benefits. Home care
18 and home health workers who function as personal assistants and
19 individual maintenance home health workers and who also work
20 under the Home Services Program under Section 3 of the
21 Rehabilitation of Persons with Disabilities Act shall not be
22 covered by the State Employees Group Insurance Act of 1971 ~~(5~~
23 ~~ILCS 375/)~~. As of the effective date of this amendatory Act of
24 the 94th General Assembly but not before, the State of Illinois
25 shall be considered the employer of the day and child care home
26 providers participating in the child care assistance program

1 under Section 9A-11 of the Illinois Public Aid Code, subject to
2 the limitations set forth in this Act and in Section 9A-11 of
3 the Illinois Public Aid Code. The State shall not be considered
4 to be the employer of child and day care home providers for any
5 purposes not specifically provided for in this amendatory Act
6 of the 94th General Assembly, including but not limited to,
7 purposes of vicarious liability in tort and purposes of
8 statutory retirement or health insurance benefits. Child and
9 day care home providers shall not be covered by the State
10 Employees Group Insurance Act of 1971.

11 "Public employer" or "employer" as used in this Act,
12 however, does not mean and shall not include the General
13 Assembly of the State of Illinois, the Executive Ethics
14 Commission, the Offices of the Executive Inspectors General,
15 the Legislative Ethics Commission, the Office of the
16 Legislative Inspector General, the Office of the Auditor
17 General's Inspector General, the Office of the Governor, the
18 Governor's Office of Management and Budget, the Illinois
19 Finance Authority, the Office of the Lieutenant Governor, the
20 State Board of Elections, and educational employers or
21 employers as defined in the Illinois Educational Labor
22 Relations Act, except with respect to a state university in its
23 employment of firefighters and peace officers and except with
24 respect to a school district in the employment of peace
25 officers in its own police department in existence on the
26 effective date of this amendatory Act of the 96th General

1 Assembly. County boards and county sheriffs shall be designated
2 as joint or co-employers of county peace officers appointed
3 under the authority of a county sheriff. Nothing in this
4 subsection (o) shall be construed to prevent the State Panel or
5 the Local Panel from determining that employers are joint or
6 co-employers.

7 (o-5) With respect to wages, fringe benefits, hours,
8 holidays, vacations, proficiency examinations, sick leave, and
9 other conditions of employment, the public employer of public
10 employees who are court reporters, as defined in the Court
11 Reporters Act, shall be determined as follows:

12 (1) For court reporters employed by the Cook County
13 Judicial Circuit, the chief judge of the Cook County
14 Circuit Court is the public employer and employer
15 representative.

16 (2) For court reporters employed by the 12th, 18th,
17 19th, and, on and after December 4, 2006, the 22nd judicial
18 circuits, a group consisting of the chief judges of those
19 circuits, acting jointly by majority vote, is the public
20 employer and employer representative.

21 (3) For court reporters employed by all other judicial
22 circuits, a group consisting of the chief judges of those
23 circuits, acting jointly by majority vote, is the public
24 employer and employer representative.

25 (p) "Security employee" means an employee who is
26 responsible for the supervision and control of inmates at

1 correctional facilities. The term also includes other
2 non-security employees in bargaining units having the majority
3 of employees being responsible for the supervision and control
4 of inmates at correctional facilities.

5 (q) "Short-term employee" means an employee who is employed
6 for less than 2 consecutive calendar quarters during a calendar
7 year and who does not have a reasonable assurance that he or
8 she will be rehired by the same employer for the same service
9 in a subsequent calendar year.

10 (q-5) "State agency" means an agency directly responsible
11 to the Governor, as defined in Section 3.1 of the Executive
12 Reorganization Implementation Act, and the Illinois Commerce
13 Commission, the Illinois Workers' Compensation Commission, the
14 Civil Service Commission, the Pollution Control Board, the
15 Illinois Racing Board, and the Illinois ~~Department of~~ State
16 Police Merit Board.

17 (r) "Supervisor" is:

18 (1) An employee whose principal work is substantially
19 different from that of his or her subordinates and who has
20 authority, in the interest of the employer, to hire,
21 transfer, suspend, lay off, recall, promote, discharge,
22 direct, reward, or discipline employees, to adjust their
23 grievances, or to effectively recommend any of those
24 actions, if the exercise of that authority is not of a
25 merely routine or clerical nature, but requires the
26 consistent use of independent judgment. Except with

1 respect to police employment, the term "supervisor"
2 includes only those individuals who devote a preponderance
3 of their employment time to exercising that authority,
4 State supervisors notwithstanding. Nothing in this
5 definition prohibits an individual from also meeting the
6 definition of "managerial employee" under subsection (j)
7 of this Section. In addition, in determining supervisory
8 status in police employment, rank shall not be
9 determinative. The Board shall consider, as evidence of
10 bargaining unit inclusion or exclusion, the common law
11 enforcement policies and relationships between police
12 officer ranks and certification under applicable civil
13 service law, ordinances, personnel codes, or Division 2.1
14 of Article 10 of the Illinois Municipal Code, but these
15 factors shall not be the sole or predominant factors
16 considered by the Board in determining police supervisory
17 status.

18 Notwithstanding the provisions of the preceding
19 paragraph, in determining supervisory status in fire
20 fighter employment, no fire fighter shall be excluded as a
21 supervisor who has established representation rights under
22 Section 9 of this Act. Further, in new fire fighter units,
23 employees shall consist of fire fighters of the rank of
24 company officer and below. If a company officer otherwise
25 qualifies as a supervisor under the preceding paragraph,
26 however, he or she shall not be included in the fire

1 fighter unit. If there is no rank between that of chief and
2 the highest company officer, the employer may designate a
3 position on each shift as a Shift Commander, and the
4 persons occupying those positions shall be supervisors.
5 All other ranks above that of company officer shall be
6 supervisors.

7 (2) With respect only to State employees in positions
8 under the jurisdiction of the Attorney General, Secretary
9 of State, Comptroller, or Treasurer (i) that were certified
10 in a bargaining unit on or after December 2, 2008, (ii) for
11 which a petition is filed with the Illinois Public Labor
12 Relations Board on or after April 5, 2013 (the effective
13 date of Public Act 97-1172), or (iii) for which a petition
14 is pending before the Illinois Public Labor Relations Board
15 on that date, an employee who qualifies as a supervisor
16 under (A) Section 152 of the National Labor Relations Act
17 and (B) orders of the National Labor Relations Board
18 interpreting that provision or decisions of courts
19 reviewing decisions of the National Labor Relations Board.

20 (s)(1) "Unit" means a class of jobs or positions that are
21 held by employees whose collective interests may suitably be
22 represented by a labor organization for collective bargaining.
23 Except with respect to non-State fire fighters and paramedics
24 employed by fire departments and fire protection districts,
25 non-State peace officers, and peace officers in the Illinois
26 ~~Department of~~ State Police, a bargaining unit determined by the

1 Board shall not include both employees and supervisors, or
2 supervisors only, except as provided in paragraph (2) of this
3 subsection (s) and except for bargaining units in existence on
4 July 1, 1984 (the effective date of this Act). With respect to
5 non-State fire fighters and paramedics employed by fire
6 departments and fire protection districts, non-State peace
7 officers, and peace officers in the Illinois ~~Department of~~
8 State Police, a bargaining unit determined by the Board shall
9 not include both supervisors and nonsupervisors, or
10 supervisors only, except as provided in paragraph (2) of this
11 subsection (s) and except for bargaining units in existence on
12 January 1, 1986 (the effective date of this amendatory Act of
13 1985). A bargaining unit determined by the Board to contain
14 peace officers shall contain no employees other than peace
15 officers unless otherwise agreed to by the employer and the
16 labor organization or labor organizations involved.
17 Notwithstanding any other provision of this Act, a bargaining
18 unit, including a historical bargaining unit, containing sworn
19 peace officers of the Department of Natural Resources (formerly
20 designated the Department of Conservation) shall contain no
21 employees other than such sworn peace officers upon the
22 effective date of this amendatory Act of 1990 or upon the
23 expiration date of any collective bargaining agreement in
24 effect upon the effective date of this amendatory Act of 1990
25 covering both such sworn peace officers and other employees.

26 (2) Notwithstanding the exclusion of supervisors from

1 bargaining units as provided in paragraph (1) of this
2 subsection (s), a public employer may agree to permit its
3 supervisory employees to form bargaining units and may bargain
4 with those units. This Act shall apply if the public employer
5 chooses to bargain under this subsection.

6 (3) Public employees who are court reporters, as defined in
7 the Court Reporters Act, shall be divided into 3 units for
8 collective bargaining purposes. One unit shall be court
9 reporters employed by the Cook County Judicial Circuit; one
10 unit shall be court reporters employed by the 12th, 18th, 19th,
11 and, on and after December 4, 2006, the 22nd judicial circuits;
12 and one unit shall be court reporters employed by all other
13 judicial circuits.

14 (t) "Active petition for certification in a bargaining
15 unit" means a petition for certification filed with the Board
16 under one of the following case numbers: S-RC-11-110;
17 S-RC-11-098; S-UC-11-080; S-RC-11-086; S-RC-11-074;
18 S-RC-11-076; S-RC-11-078; S-UC-11-052; S-UC-11-054;
19 S-RC-11-062; S-RC-11-060; S-RC-11-042; S-RC-11-014;
20 S-RC-11-016; S-RC-11-020; S-RC-11-030; S-RC-11-004;
21 S-RC-10-244; S-RC-10-228; S-RC-10-222; S-RC-10-220;
22 S-RC-10-214; S-RC-10-196; S-RC-10-194; S-RC-10-178;
23 S-RC-10-176; S-RC-10-162; S-RC-10-156; S-RC-10-088;
24 S-RC-10-074; S-RC-10-076; S-RC-10-078; S-RC-10-060;
25 S-RC-10-070; S-RC-10-044; S-RC-10-038; S-RC-10-040;
26 S-RC-10-042; S-RC-10-018; S-RC-10-024; S-RC-10-004;

1 S-RC-10-006; S-RC-10-008; S-RC-10-010; S-RC-10-012;
2 S-RC-09-202; S-RC-09-182; S-RC-09-180; S-RC-09-156;
3 S-UC-09-196; S-UC-09-182; S-RC-08-130; S-RC-07-110; or
4 S-RC-07-100.

5 (Source: P.A. 99-143, eff. 7-27-15; 100-1131, eff. 11-28-18.)

6 (5 ILCS 315/6.1)

7 Sec. 6.1. Gubernatorial designation of certain public
8 employment positions as excluded from collective bargaining.

9 (a) Notwithstanding any provision of this Act to the
10 contrary, except subsections (e) and (f) of this Section, the
11 Governor is authorized to designate up to 3,580 State
12 employment positions collectively within State agencies
13 directly responsible to the Governor, and, upon designation,
14 those positions and employees in those positions, if any, are
15 hereby excluded from the self-organization and collective
16 bargaining provisions of Section 6 of this Act. Only those
17 employment positions that have been certified in a bargaining
18 unit on or after December 2, 2008, that have a pending petition
19 for certification in a bargaining unit on April 5, 2013 (the
20 effective date of Public Act 97-1172), or that neither have
21 been certified in a bargaining unit on or after December 2,
22 2008 nor have a pending petition for certification in a
23 bargaining unit on the effective date of this amendatory Act of
24 the 97th General Assembly are eligible to be designated by the
25 Governor under this Section. The Governor may not designate

1 under this Section, however, more than 1,900 employment
2 positions that have been certified in a bargaining unit on or
3 after December 2, 2008.

4 (b) In order to properly designate a State employment
5 position under this Section, the Governor shall provide in
6 writing to the Board: the job title and job duties of the
7 employment position; the name of the State employee currently
8 in the employment position, if any; the name of the State
9 agency employing the public employee; and the category under
10 which the position qualifies for designation under this
11 Section.

12 To qualify for designation under this Section, the
13 employment position must meet one or more of the following
14 requirements:

15 (1) it must authorize an employee in that position to
16 act as a legislative liaison;

17 (2) it must have a title of, or authorize a person who
18 holds that position to exercise substantially similar
19 duties as an, Agency General Counsel, Agency Chief of
20 Staff, Agency Executive Director, Agency Deputy Director,
21 Agency Chief Fiscal Officer, Agency Human Resources
22 Director, Senior Public Service Administrator, Public
23 Information Officer, or Chief Information Officer;

24 (3) it must be a Rutan-exempt, as designated by the
25 employer, position and completely exempt from jurisdiction
26 B of the Personnel Code;

1 (4) it must be a term appointed position pursuant to
2 Section 8b.18 or 8b.19 of the Personnel Code; or

3 (5) it must authorize an employee in that position to
4 have significant and independent discretionary authority
5 as an employee.

6 Within 60 days after the Governor makes a designation under
7 this Section, the Board shall determine, in a manner that is
8 consistent with the requirements of due process, whether the
9 designation comports with the requirements of this Section.

10 (c) For the purposes of this Section, a person has
11 significant and independent discretionary authority as an
12 employee if he or she (i) is engaged in executive and
13 management functions of a State agency and charged with the
14 effectuation of management policies and practices of a State
15 agency or represents management interests by taking or
16 recommending discretionary actions that effectively control or
17 implement the policy of a State agency or (ii) qualifies as a
18 supervisor of a State agency as that term is defined under
19 Section 152 of the National Labor Relations Act or any orders
20 of the National Labor Relations Board interpreting that
21 provision or decisions of courts reviewing decisions of the
22 National Labor Relations Board.

23 (d) The Governor must exercise the authority afforded under
24 this Section within 365 calendar days after April 5, 2013 (the
25 effective date of Public Act 97-1172). Any designation made by
26 the Governor under this Section shall be presumed to have been

1 properly made.

2 If the Governor chooses not to designate a position under
3 this Section, then that decision does not preclude a State
4 agency from otherwise challenging the certification of that
5 position under this Act.

6 The qualifying categories set forth in paragraphs (1)
7 through (5) of subsection (b) of this Section are operative and
8 function solely within this Section and do not expand or
9 restrict the scope of any other provision contained in this
10 Act.

11 (e) The provisions of this Section do not apply to any
12 employee who is employed by a public employer and who is
13 classified as, or holds the employment title of, Chief
14 Stationary Engineer, Assistant Chief Stationary Engineer,
15 Sewage Plant Operator, Water Plant Operator, Stationary
16 Engineer, Plant Operating Engineer, and any employee who holds
17 the position of: Civil Engineer V, Civil Engineer VI, Civil
18 Engineer VII, Technical Manager I, Technical Manager II,
19 Technical Manager III, Technical Manager IV, Technical Manager
20 V, Technical Manager VI, Realty Specialist III, Realty
21 Specialist IV, Realty Specialist V, Technical Advisor I,
22 Technical Advisor II, Technical Advisor III, Technical Advisor
23 IV, or Technical Advisor V employed by the Department of
24 Transportation who is in a position which is certified in a
25 bargaining unit on or before the effective date of this
26 amendatory Act of the 98th General Assembly.

1 (f) The provisions of this Section also do not apply to any
2 mental health administrator in the Department of Corrections
3 who is classified as or who holds the position of Public
4 Service Administrator (Option 8K), any employee of the Office
5 of the Inspector General in the Department of Human Services
6 who is classified as or who holds the position of Public
7 Service Administrator (Option 7), any Deputy of Intelligence in
8 the Department of Corrections who is classified as or who holds
9 the position of Public Service Administrator (Option 7), or any
10 employee of the Illinois ~~Department of~~ State Police who handles
11 issues concerning the Illinois State Police Sex Offender
12 Registry and who is classified as or holds the position of
13 Public Service Administrator (Option 7).

14 (Source: P.A. 97-1172, eff. 4-5-13; 98-100, eff. 7-19-13.)

15 (5 ILCS 315/9) (from Ch. 48, par. 1609)

16 Sec. 9. Elections; recognition.

17 (a) Whenever in accordance with such regulations as may be
18 prescribed by the Board a petition has been filed:

19 (1) by a public employee or group of public employees
20 or any labor organization acting in their behalf
21 demonstrating that 30% of the public employees in an
22 appropriate unit (A) wish to be represented for the
23 purposes of collective bargaining by a labor organization
24 as exclusive representative, or (B) asserting that the
25 labor organization which has been certified or is currently

1 recognized by the public employer as bargaining
2 representative is no longer the representative of the
3 majority of public employees in the unit; or

4 (2) by a public employer alleging that one or more
5 labor organizations have presented to it a claim that they
6 be recognized as the representative of a majority of the
7 public employees in an appropriate unit,

8 the Board shall investigate such petition, and if it has
9 reasonable cause to believe that a question of representation
10 exists, shall provide for an appropriate hearing upon due
11 notice. Such hearing shall be held at the offices of the Board
12 or such other location as the Board deems appropriate. If it
13 finds upon the record of the hearing that a question of
14 representation exists, it shall direct an election in
15 accordance with subsection (d) of this Section, which election
16 shall be held not later than 120 days after the date the
17 petition was filed regardless of whether that petition was
18 filed before or after the effective date of this amendatory Act
19 of 1987; provided, however, the Board may extend the time for
20 holding an election by an additional 60 days if, upon motion by
21 a person who has filed a petition under this Section or is the
22 subject of a petition filed under this Section and is a party
23 to such hearing, or upon the Board's own motion, the Board
24 finds that good cause has been shown for extending the election
25 date; provided further, that nothing in this Section shall
26 prohibit the Board, in its discretion, from extending the time

1 for holding an election for so long as may be necessary under
2 the circumstances, where the purpose for such extension is to
3 permit resolution by the Board of an unfair labor practice
4 charge filed by one of the parties to a representational
5 proceeding against the other based upon conduct which may
6 either affect the existence of a question concerning
7 representation or have a tendency to interfere with a fair and
8 free election, where the party filing the charge has not filed
9 a request to proceed with the election; and provided further
10 that prior to the expiration of the total time allotted for
11 holding an election, a person who has filed a petition under
12 this Section or is the subject of a petition filed under this
13 Section and is a party to such hearing or the Board, may move
14 for and obtain the entry of an order in the circuit court of
15 the county in which the majority of the public employees sought
16 to be represented by such person reside, such order extending
17 the date upon which the election shall be held. Such order
18 shall be issued by the circuit court only upon a judicial
19 finding that there has been a sufficient showing that there is
20 good cause to extend the election date beyond such period and
21 shall require the Board to hold the election as soon as is
22 feasible given the totality of the circumstances. Such 120 day
23 period may be extended one or more times by the agreement of
24 all parties to the hearing to a date certain without the
25 necessity of obtaining a court order. Nothing in this Section
26 prohibits the waiving of hearings by stipulation for the

1 purpose of a consent election in conformity with the rules and
2 regulations of the Board or an election in a unit agreed upon
3 by the parties. Other interested employee organizations may
4 intervene in the proceedings in the manner and within the time
5 period specified by rules and regulations of the Board.
6 Interested parties who are necessary to the proceedings may
7 also intervene in the proceedings in the manner and within the
8 time period specified by the rules and regulations of the
9 Board.

10 (a-5) The Board shall designate an exclusive
11 representative for purposes of collective bargaining when the
12 representative demonstrates a showing of majority interest by
13 employees in the unit. If the parties to a dispute are without
14 agreement on the means to ascertain the choice, if any, of
15 employee organization as their representative, the Board shall
16 ascertain the employees' choice of employee organization, on
17 the basis of dues deduction authorization or other evidence,
18 or, if necessary, by conducting an election. All evidence
19 submitted by an employee organization to the Board to ascertain
20 an employee's choice of an employee organization is
21 confidential and shall not be submitted to the employer for
22 review. The Board shall ascertain the employee's choice of
23 employee organization within 120 days after the filing of the
24 majority interest petition; however, the Board may extend time
25 by an additional 60 days, upon its own motion or upon the
26 motion of a party to the proceeding. If either party provides

1 to the Board, before the designation of a representative, clear
2 and convincing evidence that the dues deduction
3 authorizations, and other evidence upon which the Board would
4 otherwise rely to ascertain the employees' choice of
5 representative, are fraudulent or were obtained through
6 coercion, the Board shall promptly thereafter conduct an
7 election. The Board shall also investigate and consider a
8 party's allegations that the dues deduction authorizations and
9 other evidence submitted in support of a designation of
10 representative without an election were subsequently changed,
11 altered, withdrawn, or withheld as a result of employer fraud,
12 coercion, or any other unfair labor practice by the employer.
13 If the Board determines that a labor organization would have
14 had a majority interest but for an employer's fraud, coercion,
15 or unfair labor practice, it shall designate the labor
16 organization as an exclusive representative without conducting
17 an election. If a hearing is necessary to resolve any issues of
18 representation under this Section, the Board shall conclude its
19 hearing process and issue a certification of the entire
20 appropriate unit not later than 120 days after the date the
21 petition was filed. The 120-day period may be extended one or
22 more times by the agreement of all parties to a hearing to a
23 date certain.

24 (a-6) A labor organization or an employer may file a unit
25 clarification petition seeking to clarify an existing
26 bargaining unit. The Board shall conclude its investigation,

1 including any hearing process deemed necessary, and issue a
2 certification of clarified unit or dismiss the petition not
3 later than 120 days after the date the petition was filed. The
4 120-day period may be extended one or more times by the
5 agreement of all parties to a hearing to a date certain.

6 (b) The Board shall decide in each case, in order to assure
7 public employees the fullest freedom in exercising the rights
8 guaranteed by this Act, a unit appropriate for the purpose of
9 collective bargaining, based upon but not limited to such
10 factors as: historical pattern of recognition; community of
11 interest including employee skills and functions; degree of
12 functional integration; interchangeability and contact among
13 employees; fragmentation of employee groups; common
14 supervision, wages, hours and other working conditions of the
15 employees involved; and the desires of the employees. For
16 purposes of this subsection, fragmentation shall not be the
17 sole or predominant factor used by the Board in determining an
18 appropriate bargaining unit. Except with respect to non-State
19 fire fighters and paramedics employed by fire departments and
20 fire protection districts, non-State peace officers and peace
21 officers in the Illinois ~~State Department of~~ State Police, a
22 single bargaining unit determined by the Board may not include
23 both supervisors and nonsupervisors, except for bargaining
24 units in existence on the effective date of this Act. With
25 respect to non-State fire fighters and paramedics employed by
26 fire departments and fire protection districts, non-State

1 peace officers and peace officers in the Illinois State
2 ~~Department of~~ State Police, a single bargaining unit determined
3 by the Board may not include both supervisors and
4 nonsupervisors, except for bargaining units in existence on the
5 effective date of this amendatory Act of 1985.

6 In cases involving an historical pattern of recognition,
7 and in cases where the employer has recognized the union as the
8 sole and exclusive bargaining agent for a specified existing
9 unit, the Board shall find the employees in the unit then
10 represented by the union pursuant to the recognition to be the
11 appropriate unit.

12 Notwithstanding the above factors, where the majority of
13 public employees of a craft so decide, the Board shall
14 designate such craft as a unit appropriate for the purposes of
15 collective bargaining.

16 The Board shall not decide that any unit is appropriate if
17 such unit includes both professional and nonprofessional
18 employees, unless a majority of each group votes for inclusion
19 in such unit.

20 (c) Nothing in this Act shall interfere with or negate the
21 current representation rights or patterns and practices of
22 labor organizations which have historically represented public
23 employees for the purpose of collective bargaining, including
24 but not limited to the negotiations of wages, hours and working
25 conditions, discussions of employees' grievances, resolution
26 of jurisdictional disputes, or the establishment and

1 maintenance of prevailing wage rates, unless a majority of
2 employees so represented express a contrary desire pursuant to
3 the procedures set forth in this Act.

4 (d) In instances where the employer does not voluntarily
5 recognize a labor organization as the exclusive bargaining
6 representative for a unit of employees, the Board shall
7 determine the majority representative of the public employees
8 in an appropriate collective bargaining unit by conducting a
9 secret ballot election, except as otherwise provided in
10 subsection (a-5). Within 7 days after the Board issues its
11 bargaining unit determination and direction of election or the
12 execution of a stipulation for the purpose of a consent
13 election, the public employer shall submit to the labor
14 organization the complete names and addresses of those
15 employees who are determined by the Board to be eligible to
16 participate in the election. When the Board has determined that
17 a labor organization has been fairly and freely chosen by a
18 majority of employees in an appropriate unit, it shall certify
19 such organization as the exclusive representative. If the Board
20 determines that a majority of employees in an appropriate unit
21 has fairly and freely chosen not to be represented by a labor
22 organization, it shall so certify. The Board may also revoke
23 the certification of the public employee organizations as
24 exclusive bargaining representatives which have been found by a
25 secret ballot election to be no longer the majority
26 representative.

1 (e) The Board shall not conduct an election in any
2 bargaining unit or any subdivision thereof within which a valid
3 election has been held in the preceding 12-month period. The
4 Board shall determine who is eligible to vote in an election
5 and shall establish rules governing the conduct of the election
6 or conduct affecting the results of the election. The Board
7 shall include on a ballot in a representation election a choice
8 of "no representation". A labor organization currently
9 representing the bargaining unit of employees shall be placed
10 on the ballot in any representation election. In any election
11 where none of the choices on the ballot receives a majority, a
12 runoff election shall be conducted between the 2 choices
13 receiving the largest number of valid votes cast in the
14 election. A labor organization which receives a majority of the
15 votes cast in an election shall be certified by the Board as
16 exclusive representative of all public employees in the unit.

17 (f) A labor organization shall be designated as the
18 exclusive representative by a public employer, provided that
19 the labor organization represents a majority of the public
20 employees in an appropriate unit. Any employee organization
21 which is designated or selected by the majority of public
22 employees, in a unit of the public employer having no other
23 recognized or certified representative, as their
24 representative for purposes of collective bargaining may
25 request recognition by the public employer in writing. The
26 public employer shall post such request for a period of at

1 least 20 days following its receipt thereof on bulletin boards
2 or other places used or reserved for employee notices.

3 (g) Within the 20-day period any other interested employee
4 organization may petition the Board in the manner specified by
5 rules and regulations of the Board, provided that such
6 interested employee organization has been designated by at
7 least 10% of the employees in an appropriate bargaining unit
8 which includes all or some of the employees in the unit
9 recognized by the employer. In such event, the Board shall
10 proceed with the petition in the same manner as provided by
11 paragraph (1) of subsection (a) of this Section.

12 (h) No election shall be directed by the Board in any
13 bargaining unit where there is in force a valid collective
14 bargaining agreement. The Board, however, may process an
15 election petition filed between 90 and 60 days prior to the
16 expiration of the date of an agreement, and may further refine,
17 by rule or decision, the implementation of this provision.
18 Where more than 4 years have elapsed since the effective date
19 of the agreement, the agreement shall continue to bar an
20 election, except that the Board may process an election
21 petition filed between 90 and 60 days prior to the end of the
22 fifth year of such an agreement, and between 90 and 60 days
23 prior to the end of each successive year of such agreement.

24 (i) An order of the Board dismissing a representation
25 petition, determining and certifying that a labor organization
26 has been fairly and freely chosen by a majority of employees in

1 an appropriate bargaining unit, determining and certifying
2 that a labor organization has not been fairly and freely chosen
3 by a majority of employees in the bargaining unit or certifying
4 a labor organization as the exclusive representative of
5 employees in an appropriate bargaining unit because of a
6 determination by the Board that the labor organization is the
7 historical bargaining representative of employees in the
8 bargaining unit, is a final order. Any person aggrieved by any
9 such order issued on or after the effective date of this
10 amendatory Act of 1987 may apply for and obtain judicial review
11 in accordance with provisions of the Administrative Review Law,
12 as now or hereafter amended, except that such review shall be
13 afforded directly in the Appellate Court for the district in
14 which the aggrieved party resides or transacts business. Any
15 direct appeal to the Appellate Court shall be filed within 35
16 days from the date that a copy of the decision sought to be
17 reviewed was served upon the party affected by the decision.
18 (Source: P.A. 95-331, eff. 8-21-07; 96-813, eff. 10-30-09.)

19 Section 25. The State Employee Indemnification Act is
20 amended by changing Section 1 as follows:

21 (5 ILCS 350/1) (from Ch. 127, par. 1301)

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

23 (a) The term "State" means the State of Illinois, the
24 General Assembly, the court, or any State office, department,

1 division, bureau, board, commission, or committee, the
2 governing boards of the public institutions of higher education
3 created by the State, the Illinois National Guard, the Illinois
4 State Guard, the Comprehensive Health Insurance Board, any
5 poison control center designated under the Poison Control
6 System Act that receives State funding, or any other agency or
7 instrumentality of the State. It does not mean any local public
8 entity as that term is defined in Section 1-206 of the Local
9 Governmental and Governmental Employees Tort Immunity Act or a
10 pension fund.

11 (b) The term "employee" means: any present or former
12 elected or appointed officer, trustee or employee of the State,
13 or of a pension fund; any present or former commissioner or
14 employee of the Executive Ethics Commission or of the
15 Legislative Ethics Commission; any present or former
16 Executive, Legislative, or Auditor General's Inspector
17 General; any present or former employee of an Office of an
18 Executive, Legislative, or Auditor General's Inspector
19 General; any present or former member of the Illinois National
20 Guard while on active duty; any present or former member of the
21 Illinois State Guard while on State active duty; individuals or
22 organizations who contract with the Department of Corrections,
23 the Department of Juvenile Justice, the Comprehensive Health
24 Insurance Board, or the Department of Veterans' Affairs to
25 provide services; individuals or organizations who contract
26 with the Department of Human Services (as successor to the

1 Department of Mental Health and Developmental Disabilities) to
2 provide services including but not limited to treatment and
3 other services for sexually violent persons; individuals or
4 organizations who contract with the Department of Military
5 Affairs for youth programs; individuals or organizations who
6 contract to perform carnival and amusement ride safety
7 inspections for the Department of Labor; individuals who
8 contract with the Office of the State's Attorneys Appellate
9 Prosecutor to provide legal services, but only when performing
10 duties within the scope of the Office's prosecutorial
11 activities; individual representatives of or designated
12 organizations authorized to represent the Office of State
13 Long-Term Ombudsman for the Department on Aging; individual
14 representatives of or organizations designated by the
15 Department on Aging in the performance of their duties as adult
16 protective services agencies or regional administrative
17 agencies under the Adult Protective Services Act; individuals
18 or organizations appointed as members of a review team or the
19 Advisory Council under the Adult Protective Services Act;
20 individuals or organizations who perform volunteer services
21 for the State where such volunteer relationship is reduced to
22 writing; individuals who serve on any public entity (whether
23 created by law or administrative action) described in paragraph
24 (a) of this Section; individuals or not for profit
25 organizations who, either as volunteers, where such volunteer
26 relationship is reduced to writing, or pursuant to contract,

1 furnish professional advice or consultation to any agency or
2 instrumentality of the State; individuals who serve as foster
3 parents for the Department of Children and Family Services when
4 caring for youth in care as defined in Section 4d of the
5 Children and Family Services Act; individuals who serve as
6 members of an independent team of experts under the
7 Developmental Disability and Mental Health Safety Act (also
8 known as Brian's Law); and individuals who serve as arbitrators
9 pursuant to Part 10A of Article II of the Code of Civil
10 Procedure and the rules of the Supreme Court implementing Part
11 10A, each as now or hereafter amended; the term "employee" does
12 not mean an independent contractor except as provided in this
13 Section. The term includes an individual appointed as an
14 inspector by the Director of the Illinois State Police when
15 performing duties within the scope of the activities of a
16 Metropolitan Enforcement Group or a law enforcement
17 organization established under the Intergovernmental
18 Cooperation Act. An individual who renders professional advice
19 and consultation to the State through an organization which
20 qualifies as an "employee" under the Act is also an employee.
21 The term includes the estate or personal representative of an
22 employee.

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

25 (Source: P.A. 100-159, eff. 8-18-17; 100-1030, eff. 8-22-18;
26 101-81, eff. 7-12-19.)

1 Section 30. The State Services Assurance Act for FY2008 is
2 amended by changing Section 3-15 as follows:

3 (5 ILCS 382/3-15)

4 Sec. 3-15. Staffing standards. On or before July 1, 2008
5 each named agency shall increase and maintain the number of
6 bilingual on-board frontline staff over the levels that it
7 maintained on June 30, 2007 as follows:

8 (1) The Department of Corrections shall have at least
9 40 additional bilingual on-board frontline staff.

10 (2) Mental health and developmental centers operated
11 by the Department of Human Services shall have at least 20
12 additional bilingual on-board frontline staff.

13 (3) Family and Community Resource Centers operated by
14 the Department of Human Services shall have at least 100
15 additional bilingual on-board frontline staff.

16 (4) The Department of Children and Family Services
17 shall have at least 40 additional bilingual on-board
18 frontline staff.

19 (5) The Department of Veterans' ~~Veterans~~ Affairs shall
20 have at least 5 additional bilingual on-board frontline
21 staff.

22 (6) The Environmental Protection Agency shall have at
23 least 5 additional bilingual on-board frontline staff.

24 (7) The Department of Employment Security shall have at

1 least 10 additional bilingual on-board frontline staff.

2 (8) The Department of Natural Resources shall have at
3 least 5 additional bilingual on-board frontline staff.

4 (9) The Department of Public Health shall have at least
5 5 additional bilingual on-board frontline staff.

6 (10) The Illinois ~~Department of~~ State Police shall have
7 at least 5 additional bilingual on-board frontline staff.

8 (11) The Department of Juvenile Justice shall have at
9 least 25 additional bilingual on-board frontline staff.

10 (Source: P.A. 95-707, eff. 1-11-08; revised 9-19-16.)

11 Section 35. The State Officials and Employees Ethics Act is
12 amended by changing Sections 5-50 and 50-5 as follows:

13 (5 ILCS 430/5-50)

14 Sec. 5-50. Ex parte communications; special government
15 agents.

16 (a) This Section applies to ex parte communications made to
17 any agency listed in subsection (e).

18 (b) "Ex parte communication" means any written or oral
19 communication by any person that imparts or requests material
20 information or makes a material argument regarding potential
21 action concerning regulatory, quasi-adjudicatory, investment,
22 or licensing matters pending before or under consideration by
23 the agency. "Ex parte communication" does not include the
24 following: (i) statements by a person publicly made in a public

1 forum; (ii) statements regarding matters of procedure and
2 practice, such as format, the number of copies required, the
3 manner of filing, and the status of a matter; and (iii)
4 statements made by a State employee of the agency to the agency
5 head or other employees of that agency.

6 (b-5) An ex parte communication received by an agency,
7 agency head, or other agency employee from an interested party
8 or his or her official representative or attorney shall
9 promptly be memorialized and made a part of the record.

10 (c) An ex parte communication received by any agency,
11 agency head, or other agency employee, other than an ex parte
12 communication described in subsection (b-5), shall immediately
13 be reported to that agency's ethics officer by the recipient of
14 the communication and by any other employee of that agency who
15 responds to the communication. The ethics officer shall require
16 that the ex parte communication be promptly made a part of the
17 record. The ethics officer shall promptly file the ex parte
18 communication with the Executive Ethics Commission, including
19 all written communications, all written responses to the
20 communications, and a memorandum prepared by the ethics officer
21 stating the nature and substance of all oral communications,
22 the identity and job title of the person to whom each
23 communication was made, all responses made, the identity and
24 job title of the person making each response, the identity of
25 each person from whom the written or oral ex parte
26 communication was received, the individual or entity

1 represented by that person, any action the person requested or
2 recommended, and any other pertinent information. The
3 disclosure shall also contain the date of any ex parte
4 communication.

5 (d) "Interested party" means a person or entity whose
6 rights, privileges, or interests are the subject of or are
7 directly affected by a regulatory, quasi-adjudicatory,
8 investment, or licensing matter.

9 (e) This Section applies to the following agencies:

10 Executive Ethics Commission
11 Illinois Commerce Commission
12 Educational Labor Relations Board
13 State Board of Elections
14 Illinois Gaming Board
15 Health Facilities and Services Review Board
16 Illinois Workers' Compensation Commission
17 Illinois Labor Relations Board
18 Illinois Liquor Control Commission
19 Pollution Control Board
20 Property Tax Appeal Board
21 Illinois Racing Board
22 Illinois Purchased Care Review Board
23 Illinois ~~Department of~~ State Police Merit Board
24 Motor Vehicle Review Board
25 Prisoner Review Board
26 Civil Service Commission

1 Personnel Review Board for the Treasurer
2 Merit Commission for the Secretary of State
3 Merit Commission for the Office of the Comptroller
4 Court of Claims
5 Board of Review of the Department of Employment Security
6 Department of Insurance
7 Department of Professional Regulation and licensing boards
8 under the Department
9 Department of Public Health and licensing boards under the
10 Department
11 Office of Banks and Real Estate and licensing boards under
12 the Office
13 State Employees Retirement System Board of Trustees
14 Judges Retirement System Board of Trustees
15 General Assembly Retirement System Board of Trustees
16 Illinois Board of Investment
17 State Universities Retirement System Board of Trustees
18 Teachers Retirement System Officers Board of Trustees

19 (f) Any person who fails to (i) report an ex parte
20 communication to an ethics officer, (ii) make information part
21 of the record, or (iii) make a filing with the Executive Ethics
22 Commission as required by this Section or as required by
23 Section 5-165 of the Illinois Administrative Procedure Act
24 violates this Act.

25 (Source: P.A. 95-331, eff. 8-21-07; 96-31, eff. 6-30-09.)

1 (5 ILCS 430/50-5)

2 Sec. 50-5. Penalties.

3 (a) A person is guilty of a Class A misdemeanor if that
4 person intentionally violates any provision of Section 5-15,
5 5-30, 5-40, or 5-45 or Article 15.

6 (a-1) An ethics commission may levy an administrative fine
7 for a violation of Section 5-45 of this Act of up to 3 times the
8 total annual compensation that would have been obtained in
9 violation of Section 5-45.

10 (b) A person who intentionally violates any provision of
11 Section 5-20, 5-35, 5-50, or 5-55 is guilty of a business
12 offense subject to a fine of at least \$1,001 and up to \$5,000.

13 (c) A person who intentionally violates any provision of
14 Article 10 is guilty of a business offense and subject to a
15 fine of at least \$1,001 and up to \$5,000.

16 (d) Any person who intentionally makes a false report
17 alleging a violation of any provision of this Act to an ethics
18 commission, an inspector general, the Illinois State Police, a
19 State's Attorney, the Attorney General, or any other law
20 enforcement official is guilty of a Class A misdemeanor.

21 (e) An ethics commission may levy an administrative fine of
22 up to \$5,000 against any person who violates this Act, who
23 intentionally obstructs or interferes with an investigation
24 conducted under this Act by an inspector general, or who
25 intentionally makes a false, frivolous, or bad faith
26 allegation.

1 (f) In addition to any other penalty that may apply,
2 whether criminal or civil, a State employee who intentionally
3 violates any provision of Section 5-5, 5-15, 5-20, 5-30, 5-35,
4 5-45, or 5-50, Article 10, Article 15, or Section 20-90 or
5 25-90 is subject to discipline or discharge by the appropriate
6 ultimate jurisdictional authority.

7 (g) Any person who violates Section 5-65 is subject to a
8 fine of up to \$5,000 per offense, and is subject to discipline
9 or discharge by the appropriate ultimate jurisdictional
10 authority. Each violation of Section 5-65 is a separate
11 offense. Any penalty imposed by an ethics commission shall be
12 separate and distinct from any fines or penalties imposed by a
13 court of law or a State or federal agency.

14 (h) Any natural person or lobbying entity who intentionally
15 violates Section 4.7, paragraph (d) of Section 5, or subsection
16 (a-5) of Section 11 of the Lobbyist Registration Act is guilty
17 of a business offense and shall be subject to a fine of up to
18 \$5,000. The Executive Ethics Commission, after the
19 adjudication of a violation of Section 4.7 of the Lobbyist
20 Registration Act for which an investigation was initiated by
21 the Inspector General appointed by the Secretary of State under
22 Section 14 of the Secretary of State Act, is authorized to
23 strike or suspend the registration under the Lobbyist
24 Registration Act of any person or lobbying entity for which
25 that person is employed for a period of up to 3 years. In
26 addition to any other fine or penalty which may be imposed, the

1 Executive Ethics Commission may also levy an administrative
2 fine of up to \$5,000 for a violation specified under this
3 subsection (h). Any penalty imposed by an ethics commission
4 shall be separate and distinct from any fines or penalties
5 imposed by a court of law or by the Secretary of State under
6 the Lobbyist Registration Act.

7 (Source: P.A. 100-554, eff. 11-16-17; 100-588, eff. 6-8-18.)

8 Section 40. The Flag Display Act is amended by changing
9 Section 10 as follows:

10 (5 ILCS 465/10)

11 Sec. 10. Death of resident military member, law enforcement
12 officer, firefighter, or members of EMS crews.

13 (a) The Governor shall issue an official notice to fly the
14 following flags at half-staff upon the death of a resident of
15 this State killed (i) by hostile fire as a member of the United
16 States armed forces, (ii) in the line of duty as a law
17 enforcement officer, (iii) in the line of duty as a
18 firefighter, (iv) in the line of duty as a member of an
19 Emergency Medical Services (EMS) crew, or (v) during on duty
20 training for active military duty: the United States national
21 flag, the State flag of Illinois, and, in the case of the death
22 of the member of the United States armed forces, the
23 appropriate military flag as defined in subsection (b) of
24 Section 18.6 of the Condominium Property Act. Upon the

1 Governor's notice, each person or entity required by this Act
2 to ensure the display of the United States national flag on a
3 flagstaff shall ensure that the flags described in the notice
4 are displayed at half-staff on the day designated for the
5 resident's funeral and the 2 days preceding that day.

6 (b) The Department of Veterans' Affairs shall notify the
7 Governor of the death by hostile fire of an Illinois resident
8 member of the United States armed forces. In lieu of notice
9 being provided by the Department of Veterans' Affairs, any
10 other State or Federal entity, agency, or person holding such
11 information may notify the Governor of the death by hostile
12 fire of an Illinois resident member of the United States armed
13 forces. If such notice is provided to the Governor by an
14 entity, agency, or person other than the Department of
15 Veterans' Affairs, then the obligation to notify the Governor
16 of an Illinois resident soldier's death under this subsection
17 (b) shall be considered fulfilled. The Illinois ~~Department of~~
18 State Police shall notify the Governor of the death in the line
19 of duty of an Illinois resident law enforcement officer. The
20 Office of the State Fire Marshal shall notify the Governor of
21 the death in the line of duty of an Illinois resident
22 firefighter. The Department of Public Health shall notify the
23 Governor of the death in the line of duty of an Illinois
24 resident member of an Emergency Medical Services (EMS) crew.
25 Notice to the Governor shall include at least the resident's
26 name and Illinois address, the date designated for the funeral,

1 and the circumstances of the death.

2 (c) For the purpose of this Section, the United States
3 armed forces includes: (i) the United States Army, Navy, Marine
4 Corps, Air Force, and Coast Guard; (ii) any reserve component
5 of each of the forces listed in item (i); and (iii) the
6 National Guard.

7 (d) Nothing in this Section requires the removal or
8 relocation of any existing flags currently displayed in the
9 State. This Section does not apply to a State facility if the
10 requirements of this Section cannot be satisfied without a
11 physical modification to that facility.

12 (Source: P.A. 99-372, eff. 1-1-16; 100-33, eff. 1-1-18;
13 100-201, eff. 8-18-17.)

14 Section 50. The Seizure and Forfeiture Reporting Act is
15 amended by changing Sections 10 and 15 as follows:

16 (5 ILCS 810/10)

17 Sec. 10. Reporting by law enforcement agency.

18 (a) Each law enforcement agency that seizes property
19 subject to reporting under this Act shall report the following
20 information about property seized or forfeited under State law:

21 (1) the name of the law enforcement agency that seized
22 the property;

23 (2) the date of the seizure;

24 (3) the type of property seized, including a building,

1 vehicle, boat, cash, negotiable security, or firearm,
2 except reporting is not required for seizures of contraband
3 including alcohol, gambling devices, drug paraphernalia,
4 and controlled substances;

5 (4) a description of the property seized and the
6 estimated value of the property and if the property is a
7 conveyance, the description shall include the make, model,
8 year, and vehicle identification number or serial number;
9 and

10 (5) the location where the seizure occurred.

11 The filing requirement shall be met upon filing Illinois
12 State Police Notice/Inventory of Seized Property (Form 4-64)
13 with the State's Attorney's Office in the county where the
14 forfeiture action is being commenced or with the Attorney
15 General's Office if the forfeiture action is being commenced by
16 that office, and the forwarding of Form 4-64 upon approval of
17 the State's Attorney's Office or the Attorney General's Office
18 to the Illinois ~~Department of~~ State Police Asset Forfeiture
19 Section. With regard to seizures for which Form 4-64 is not
20 required to be filed, the filing requirement shall be met by
21 the filing of an annual summary report with the Illinois
22 ~~Department of~~ State Police no later than 60 days after December
23 31 of that year.

24 (b) Each law enforcement agency, including a drug task
25 force or Metropolitan Enforcement Group (MEG) unit, that
26 receives proceeds from forfeitures subject to reporting under

1 this Act shall file an annual report with the Illinois
2 ~~Department of~~ State Police no later than 60 days after December
3 31 of that year. The format of the report shall be developed by
4 the Illinois ~~Department of~~ State Police and shall be completed
5 by the law enforcement agency. The report shall include, at a
6 minimum, the amount of funds and other property distributed to
7 the law enforcement agency by the Illinois ~~Department of~~ State
8 Police, the amount of funds expended by the law enforcement
9 agency, and the category of expenditure, including:

10 (1) crime, gang, or abuse prevention or intervention
11 programs;

12 (2) compensation or services for crime victims;

13 (3) witness protection, informant fees, and controlled
14 purchases of contraband;

15 (4) salaries, overtime, and benefits, as permitted by
16 law;

17 (5) operating expenses, including but not limited to,
18 capital expenditures for vehicles, firearms, equipment,
19 computers, furniture, office supplies, postage, printing,
20 membership fees paid to trade associations, and fees for
21 professional services including auditing, court reporting,
22 expert witnesses, and attorneys;

23 (6) travel, meals, entertainment, conferences,
24 training, and continuing education seminars; and

25 (7) other expenditures of forfeiture proceeds.

26 (c) The Illinois ~~Department of~~ State Police shall establish

1 and maintain on its official website a public database that
2 includes annual aggregate data for each law enforcement agency
3 that reports seizures of property under subsection (a) of this
4 Section, that receives distributions of forfeiture proceeds
5 subject to reporting under this Act, or reports expenditures
6 under subsection (b) of this Section. This aggregate data shall
7 include, for each law enforcement agency:

8 (1) the total number of asset seizures reported by each
9 law enforcement agency during the calendar year;

10 (2) the monetary value of all currency or its
11 equivalent seized by the law enforcement agency during the
12 calendar year;

13 (3) the number of conveyances seized by the law
14 enforcement agency during the calendar year, and the
15 aggregate estimated value;

16 (4) the aggregate estimated value of all other property
17 seized by the law enforcement agency during the calendar
18 year;

19 (5) the monetary value of distributions by the Illinois
20 ~~Department of State Police~~ of forfeited currency or auction
21 proceeds from forfeited property to the law enforcement
22 agency during the calendar year; and

23 (6) the total amount of the law enforcement agency's
24 expenditures of forfeiture proceeds during the calendar
25 year, categorized as provided under subsection (b) of this
26 Section.

1 The database shall not provide names, addresses, phone
2 numbers, or other personally identifying information of owners
3 or interest holders, persons, business entities, covert office
4 locations, or business entities involved in the forfeiture
5 action and shall not disclose the vehicle identification number
6 or serial number of any conveyance.

7 (d) The Illinois ~~Department~~ of State Police shall adopt
8 rules to administer the asset forfeiture program, including the
9 categories of authorized expenditures consistent with the
10 statutory guidelines for each of the included forfeiture
11 statutes, the use of forfeited funds, other expenditure
12 requirements, and the reporting of seizure and forfeiture
13 information. The Illinois State Police ~~Department~~ may adopt
14 rules necessary to implement this Act through the use of
15 emergency rulemaking under Section 5-45 of the Illinois
16 Administrative Procedure Act for a period not to exceed 180
17 days after the effective date of this Act.

18 (e) The Illinois ~~Department~~ of State Police shall have
19 authority and oversight over all law enforcement agencies
20 receiving forfeited funds from the Illinois State Police
21 ~~Department~~. This authority shall include enforcement of rules
22 and regulations adopted by the Illinois State Police ~~Department~~
23 and sanctions for violations of any rules and regulations,
24 including the withholding of distributions of forfeiture
25 proceeds from the law enforcement agency in violation.

26 (f) Upon application by a law enforcement agency to the

1 Illinois ~~Department of~~ State Police, the reporting of a
2 particular asset forfeited under this Section may be delayed if
3 the asset in question was seized from a person who has become a
4 confidential informant under the agency's confidential
5 informant policy, or if the asset was seized as part of an
6 ongoing investigation. This delayed reporting shall be granted
7 by the Illinois ~~Department of~~ State Police for a maximum period
8 of 6 months if the confidential informant is still providing
9 cooperation to law enforcement or the investigation is still
10 ongoing, after which the asset shall be reported as required
11 under this Act.

12 (g) The Illinois ~~Department of~~ State Police shall, on or
13 before January 1, 2019, establish and implement the
14 requirements of this Act. In order to implement the reporting
15 and public database requirements under this Act, the Illinois
16 ~~Department of~~ State Police Asset Forfeiture Section requires a
17 one-time upgrade of its information technology software and
18 hardware. This one-time upgrade shall be funded by a temporary
19 allocation of 5% of all forfeited currency and 5% of the
20 auction proceeds from each forfeited asset, which are to be
21 distributed after the effective date of this Act. The Illinois
22 ~~Department of~~ State Police shall transfer these funds at the
23 time of distribution to a separate fund established by the
24 Illinois ~~Department of~~ State Police. Moneys deposited in this
25 fund shall be accounted for and shall be used only to pay for
26 the actual one-time cost of purchasing and installing the

1 hardware and software required to comply with this new
2 reporting and public database requirement. Moneys deposited in
3 the fund shall not be subject to reappropriation, reallocation,
4 or redistribution for any other purpose. After sufficient funds
5 are transferred to the fund to cover the actual one-time cost
6 of purchasing and installing the hardware and software required
7 to comply with this new reporting and public database
8 requirement, no additional funds shall be transferred to the
9 fund for any purpose. At the completion of the one-time upgrade
10 of the information technology hardware and software to comply
11 with this new reporting and public database requirement, any
12 remaining funds in the fund shall be returned to the
13 participating agencies under the distribution requirements of
14 the statutes from which the funds were transferred, and the
15 fund shall no longer exist.

16 (h) (1) The Illinois ~~Department~~ of State Police, in
17 consultation with and subject to the approval of the Chief
18 Procurement Officer, may procure a single contract or multiple
19 contracts to implement this Act.

20 (2) A contract or contracts under this subsection (h) are
21 not subject to the Illinois Procurement Code, except for
22 Sections 20-60, 20-65, 20-70, and 20-160 and Article 50 of that
23 Code, provided that the Chief Procurement Officer may, in
24 writing with justification, waive any certification required
25 under Article 50 of the Illinois Procurement Code. The
26 provisions of this paragraph (2), other than this sentence, are

1 inoperative on and after July 1, 2019.

2 (Source: P.A. 100-512, eff. 7-1-18; 100-699, eff. 8-3-18.)

3 (5 ILCS 810/15)

4 Sec. 15. Fund audits.

5 (a) The Auditor General shall conduct, as a part of its
6 2-year compliance audit, an audit of the State Asset Forfeiture
7 Fund for compliance with the requirements of this Act. The
8 audit shall include, but not be limited to, the following
9 determinations:

10 (1) if detailed records of all receipts and
11 disbursements from the State Asset Forfeiture Fund are
12 being maintained;

13 (2) if administrative costs charged to the fund are
14 adequately documented and are reasonable; and

15 (3) if the procedures for making disbursements under
16 the Act are adequate.

17 (b) The Illinois ~~Department of~~ State Police, and any other
18 entity or person that may have information relevant to the
19 audit, shall cooperate fully and promptly with the Office of
20 the Auditor General in conducting the audit. The Auditor
21 General shall begin the audit during the next regular 2-year
22 compliance audit of the Illinois ~~Department of~~ State Police and
23 distribute the report upon completion under Section 3-14 of the
24 Illinois State Auditing Act.

25 (Source: P.A. 100-512, eff. 7-1-18; 100-699, eff. 8-3-18.)

1 Section 55. The Law Enforcement Criminal Sexual Assault
2 Investigation Act is amended by changing Section 10 as follows:

3 (5 ILCS 815/10)

4 Sec. 10. Investigation of officer-involved criminal
5 assault; requirements.

6 (a) Each law enforcement agency shall have a written policy
7 regarding the investigation of officer-involved criminal
8 sexual assault that involves a law enforcement officer employed
9 by that law enforcement agency.

10 (b) Each officer-involved criminal sexual assault
11 investigation shall be conducted by at least 2 investigators or
12 an entity comprised of at least 2 investigators, one of whom
13 shall be the lead investigator. The investigators shall have
14 completed a specialized sexual assault and sexual abuse
15 investigation training program approved by the Illinois Law
16 Enforcement Training Standards Board or similar training
17 approved by the Illinois ~~Department of~~ State Police. No
18 investigator involved in the investigation may be employed by
19 the law enforcement agency that employs the officer involved in
20 the officer-involved criminal sexual assault, unless the
21 investigator is employed by the Illinois ~~Department of~~ State
22 Police or a municipality with a population over 1,000,000 and
23 is not assigned to the same division or unit as the officer
24 involved in the criminal sexual assault.

1 (c) Upon receipt of an allegation or complaint of an
2 officer-involved criminal sexual assault, a municipality with
3 a population over 1,000,000 shall promptly notify an
4 independent agency, created by ordinance of the municipality,
5 tasked with investigating incidents of police misconduct.

6 (Source: P.A. 100-515, eff. 1-1-18.)

7 Section 60. The Community-Law Enforcement Partnership for
8 Deflection and Substance Use Disorder Treatment Act is amended
9 by changing Section 10 as follows:

10 (5 ILCS 820/10)

11 Sec. 10. Definitions. In this Act:

12 "Case management" means those services which will assist
13 persons in gaining access to needed social, educational,
14 medical, substance use and mental health treatment, and other
15 services.

16 "Community member or organization" means an individual
17 volunteer, resident, public office, or a not-for-profit
18 organization, religious institution, charitable organization,
19 or other public body committed to the improvement of individual
20 and family mental and physical well-being and the overall
21 social welfare of the community, and may include persons with
22 lived experience in recovery from substance use disorder,
23 either themselves or as family members.

24 "Deflection program" means a program in which a peace

1 officer or member of a law enforcement agency facilitates
2 contact between an individual and a licensed substance use
3 treatment provider or clinician for assessment and
4 coordination of treatment planning. This facilitation includes
5 defined criteria for eligibility and communication protocols
6 agreed to by the law enforcement agency and the licensed
7 treatment provider for the purpose of providing substance use
8 treatment to those persons in lieu of arrest or further justice
9 system involvement. Deflection programs may include, but are
10 not limited to, the following types of responses:

11 (1) a post-overdose deflection response initiated by a
12 peace officer or law enforcement agency subsequent to
13 emergency administration of medication to reverse an
14 overdose, or in cases of severe substance use disorder with
15 acute risk for overdose;

16 (2) a self-referral deflection response initiated by
17 an individual by contacting a peace officer or law
18 enforcement agency in the acknowledgment of their
19 substance use or disorder;

20 (3) an active outreach deflection response initiated
21 by a peace officer or law enforcement agency as a result of
22 proactive identification of persons thought likely to have
23 a substance use disorder;

24 (4) an officer prevention deflection response
25 initiated by a peace officer or law enforcement agency in
26 response to a community call when no criminal charges are

1 present; and

2 (5) an officer intervention deflection response when
3 criminal charges are present but held in abeyance pending
4 engagement with treatment.

5 "Law enforcement agency" means a municipal police
6 department or county sheriff's office of this State, the
7 Illinois Department of State Police, or other law enforcement
8 agency whose officers, by statute, are granted and authorized
9 to exercise powers similar to those conferred upon any peace
10 officer employed by a law enforcement agency of this State.

11 "Licensed treatment provider" means an organization
12 licensed by the Department of Human Services to perform an
13 activity or service, or a coordinated range of those activities
14 or services, as the Department of Human Services may establish
15 by rule, such as the broad range of emergency, outpatient,
16 intensive outpatient, and residential services and care,
17 including assessment, diagnosis, case management, medical,
18 psychiatric, psychological and social services,
19 medication-assisted treatment, care and counseling, and
20 recovery support, which may be extended to persons to assess or
21 treat substance use disorder or to families of those persons.

22 "Peace officer" means any peace officer or member of any
23 duly organized State, county, or municipal peace officer unit,
24 any police force of another State, or any police force whose
25 members, by statute, are granted and authorized to exercise
26 powers similar to those conferred upon any peace officer

1 employed by a law enforcement agency of this State.

2 "Substance use disorder" means a pattern of use of alcohol
3 or other drugs leading to clinical or functional impairment, in
4 accordance with the definition in the Diagnostic and
5 Statistical Manual of Mental Disorders (DSM-5), or in any
6 subsequent editions.

7 "Treatment" means the broad range of emergency,
8 outpatient, intensive outpatient, and residential services and
9 care (including assessment, diagnosis, case management,
10 medical, psychiatric, psychological and social services,
11 medication-assisted treatment, care and counseling, and
12 recovery support) which may be extended to persons who have
13 substance use disorders, persons with mental illness, or
14 families of those persons.

15 (Source: P.A. 100-1025, eff. 1-1-19.)

16 Section 65. The Gun Trafficking Information Act is amended
17 by changing Section 10-5 as follows:

18 (5 ILCS 830/10-5)

19 Sec. 10-5. Gun trafficking information.

20 (a) The Illinois Department of State Police shall use all
21 reasonable efforts in making publicly available, on a regular
22 and ongoing basis, key information related to firearms used in
23 the commission of crimes in this State, including, but not
24 limited to: reports on crimes committed with firearms,

1 locations where the crimes occurred, the number of persons
2 killed or injured in the commission of the crimes, the state
3 where the firearms used originated, the Federal Firearms
4 Licensee that sold the firearm, and the type of firearms used.
5 The Illinois State Police Department shall make the information
6 available on its website, in addition to electronically filing
7 a report with the Governor and the General Assembly. The report
8 to the General Assembly shall be filed with the Clerk of the
9 House of Representatives and the Secretary of the Senate in
10 electronic form only, in the manner that the Clerk and the
11 Secretary shall direct.

12 (b) The Illinois State Police Department shall study, on a
13 regular and ongoing basis, and compile reports on the number of
14 Firearm Owner's Identification Card checks to determine
15 firearms trafficking or straw purchase patterns. The Illinois
16 State Police Department shall, to the extent not inconsistent
17 with law, share such reports and underlying data with academic
18 centers, foundations, and law enforcement agencies studying
19 firearms trafficking, provided that personally identifying
20 information is protected. For purposes of this subsection (b),
21 a Firearm Owner's Identification Card number is not personally
22 identifying information, provided that no other personal
23 information of the card holder is attached to the record. The
24 Illinois State Police Department may create and attach an
25 alternate unique identifying number to each Firearm Owner's
26 Identification Card number, instead of releasing the Firearm

1 Owner's Identification Card number itself.

2 (c) Each department, office, division, and agency of this
3 State shall, to the extent not inconsistent with law, cooperate
4 fully with the Illinois State Police ~~Department~~ and furnish the
5 Illinois State Police ~~Department~~ with all relevant information
6 and assistance on a timely basis as is necessary to accomplish
7 the purpose of this Act. The Illinois Criminal Justice
8 Information Authority shall submit the information required in
9 subsection (a) of this Section to the Illinois ~~Department of~~
10 State Police, and any other information as the Illinois State
11 Police ~~Department~~ may request, to assist the Illinois State
12 Police ~~Department~~ in carrying out its duties under this Act.

13 (Source: P.A. 100-1178, eff. 1-18-19.)

14 Section 70. The Keep Illinois Families Together Act is
15 amended by changing Section 5 as follows:

16 (5 ILCS 835/5)

17 Sec. 5. Public safety.

18 (a) In this Section:

19 "Law enforcement agency" means an agency in this State
20 charged with enforcement of State, county, or municipal laws or
21 with managing custody of detained persons in the State,
22 including municipal police departments, sheriff's departments,
23 campus police departments, the Illinois ~~Department of~~ State
24 Police, and the Department of Juvenile Justice.

1 "Law enforcement official" means any officer or other agent
2 of a State or local law enforcement agency authorized to
3 enforce criminal laws, rules, regulations, or local ordinances
4 or operate jails, correctional facilities, or juvenile
5 detention facilities or to maintain custody of individuals in
6 jails, correctional facilities, or juvenile detention
7 facilities also including any school resource officer or other
8 police or security officer assigned to any public school,
9 including any public pre-school and other early learning
10 program, public elementary and secondary school, or public
11 institution of higher education.

12 (b) On or after the effective date of this Act, no law
13 enforcement agency or official may enter into or remain in an
14 agreement with U.S. Immigration and Customs Enforcement under a
15 federal 287(g) program.

16 (c) Nothing in this Section shall preclude a law
17 enforcement official from otherwise executing that official's
18 duties in ensuring public safety.

19 (Source: P.A. 101-19, eff. 6-21-19.)

20 Section 72. The First Responders Suicide Prevention Act is
21 amended by changing Section 30 as follows:

22 (5 ILCS 840/30)

23 Sec. 30. First Responders Suicide Task Force.

24 (a) The First Responders Suicide Task Force is created to

1 pursue recommendations to help reduce the risk and rates of
2 suicide among first responders, along with developing a
3 mechanism to help reduce the risk and rates of suicide among
4 first responders. The Task Force shall be composed of the
5 following members:

6 (1) the Director of the Illinois State Police or his or
7 her designee;

8 (2) the Director of Public Health or his or her
9 designee;

10 (3) 2 members of the House of Representatives appointed
11 by the Speaker of the House of Representatives, one of whom
12 shall serve as co-chair;

13 (4) 2 members of the House of Representatives appointed
14 by the Minority Leader of the House of Representatives;

15 (5) 2 members of the Senate appointed by the President
16 of the Senate, one of whom shall serve as co-chair;

17 (6) 2 members of the Senate appointed by the Minority
18 Leader of the Senate;

19 (7) 2 members who represent 2 different mental health
20 organizations, one appointed by the Minority Leader of the
21 House of Representatives and one appointed by the Minority
22 Leader of the Senate;

23 (8) one member who represents an organization that
24 advocates on behalf of police appointed by the Speaker of
25 the House of Representatives;

26 (9) one member who represents the Chicago Police

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

3 (10) 2 members who represent organizations that
4 advocate on behalf of firefighters appointed by the
5 President of the Senate;

6 (11) one member who represents the Chicago Fire
7 Department appointed by the Minority Leader of the Senate;
8 and

9 (12) one member who represents an organization that
10 advocates on behalf of sheriffs in the State of Illinois
11 appointed by the President of the Senate.

12 (b) Members of the Task Force shall be appointed within 30
13 days after the effective date of this Act and shall serve
14 without compensation. The Task Force shall begin meeting no
15 later than 30 days after all members have been appointed. The
16 Illinois ~~Department~~ of State Police shall provide
17 administrative support for the Task Force, and if the subject
18 matter is either sensitive or classified, the Task Force may
19 hold its hearings in private.

20 (c) The Task Force shall issue a final report to the
21 General Assembly on or December 31, 2020 and, one year after
22 the filing of its report, is dissolved.

23 (Source: P.A. 101-375, eff. 8-16-19.)

24 Section 75. The Executive Reorganization Implementation
25 Act is amended by changing Section 3.1 as follows:

1 (15 ILCS 15/3.1)

2 Sec. 3.1. "Agency directly responsible to the Governor" or
3 "agency" means any office, officer, division, or part thereof,
4 and any other office, nonelective officer, department,
5 division, bureau, board, or commission in the executive branch
6 of State government, except that it does not apply to any
7 agency whose primary function is service to the General
8 Assembly or the Judicial Branch of State government, or to any
9 agency administered by the Attorney General, Secretary of
10 State, State Comptroller or State Treasurer. In addition the
11 term does not apply to the following agencies created by law
12 with the primary responsibility of exercising regulatory or
13 adjudicatory functions independently of the Governor:

- 14 (1) the State Board of Elections;
15 (2) the State Board of Education;
16 (3) the Illinois Commerce Commission;
17 (4) the Illinois Workers' Compensation Commission;
18 (5) the Civil Service Commission;
19 (6) the Fair Employment Practices Commission;
20 (7) the Pollution Control Board;
21 (8) the Illinois Department of State Police Merit Board;
22 (9) the Illinois Racing Board;
23 (10) the Illinois Power Agency;
24 (11) the Illinois Law Enforcement Training Standards
25 Board; and

1 (12) the Illinois Liquor Control Commission.
2 (Source: P.A. 100-995, eff. 8-20-18; 100-1050, eff. 7-1-19;
3 101-81, eff. 7-12-19.)

4 Section 80. The Secretary of State Act is amended by
5 changing Sections 13 and 13.5 as follows:

6 (15 ILCS 305/13) (from Ch. 124, par. 10.3)

7 Sec. 13. Whenever the Secretary of State is authorized or
8 required by law to consider some aspect of criminal history
9 record information for the purpose of carrying out his
10 statutory powers and responsibilities, then, upon request and
11 payment of fees in conformance with the requirements of Section
12 2605-400 of the Illinois Department of State Police Law ~~(20~~
13 ~~ILCS 2605/2605-400)~~, the Illinois Department of State Police is
14 authorized to furnish, pursuant to positive identification,
15 such information contained in State files as is necessary to
16 fulfill the request.

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

18 (15 ILCS 305/13.5)

19 Sec. 13.5. Illinois Department of State Police access to
20 driver's license and identification card photographs. The
21 Secretary of State shall allow the Illinois Department of State
22 Police to access the driver's license or Illinois
23 Identification card photograph, if available, of an applicant

1 for a firearm concealed carry license under the Firearm
2 Concealed Carry Act for the purpose of identifying the firearm
3 concealed carry license applicant and issuing a license to the
4 applicant.

5 (Source: P.A. 98-63, eff. 7-9-13.)

6 Section 85. The Secretary of State Merit Employment Code is
7 amended by changing Section 10b.1 as follows:

8 (15 ILCS 310/10b.1) (from Ch. 124, par. 110b.1)

9 Sec. 10b.1. Competitive examinations.

10 (a) For open competitive examinations to test the relative
11 fitness of applicants for the respective positions. Tests shall
12 be designed to eliminate those who are not qualified for
13 entrance into the Office of the Secretary of State and to
14 discover the relative fitness of those who are qualified. The
15 Director may use any one of or any combination of the following
16 examination methods which in his judgment best serves this end:
17 investigation of education and experience; test of cultural
18 knowledge; test of capacity; test of knowledge; test of manual
19 skill; test of linguistic ability; test of character; test of
20 physical skill; test of psychological fitness. No person with a
21 record of misdemeanor convictions except those under Sections
22 11-1.50, 11-6, 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19,
23 11-30, 11-35, 12-2, 12-6, 12-15, 14-4, 16-1, 21.1-3, 24-3.1,
24 24-5, 25-1, 28-3, 31-1, 31-4, 31-6, 31-7, 32-1, 32-2, 32-3,

1 32-4, and 32-8, subdivisions (a)(1) and (a)(2)(C) of Section
2 11-14.3, and sub-sections 1, 6 and 8 of Section 24-1 of the
3 Criminal Code of 1961 or the Criminal Code of 2012, or arrested
4 for any cause but not convicted thereon shall be disqualified
5 from taking such examinations or subsequent appointment unless
6 the person is attempting to qualify for a position which would
7 give him the powers of a peace officer, in which case the
8 person's conviction or arrest record may be considered as a
9 factor in determining the person's fitness for the position.
10 All examinations shall be announced publicly at least 2 weeks
11 in advance of the date of examinations and may be advertised
12 through the press, radio or other media.

13 The Director may, at his discretion, accept the results of
14 competitive examinations conducted by any merit system
15 established by Federal law or by the law of any State, and may
16 compile eligible lists therefrom or may add the names of
17 successful candidates in examinations conducted by those merit
18 systems to existing eligible lists in accordance with their
19 respective ratings. No person who is a non-resident of the
20 State of Illinois may be appointed from those eligible lists,
21 however, unless the requirement that applicants be residents of
22 the State of Illinois is waived by the Director of Personnel
23 and unless there are less than 3 Illinois residents available
24 for appointment from the appropriate eligible list. The results
25 of the examinations conducted by other merit systems may not be
26 used unless they are comparable in difficulty and

1 comprehensiveness to examinations conducted by the Department
2 of Personnel for similar positions. Special linguistic options
3 may also be established where deemed appropriate.

4 (b) The Director of Personnel may require that each person
5 seeking employment with the Secretary of State, as part of the
6 application process, authorize an investigation to determine
7 if the applicant has ever been convicted of a crime and if so,
8 the disposition of those convictions; this authorization shall
9 indicate the scope of the inquiry and the agencies which may be
10 contacted. Upon this authorization, the Director of Personnel
11 may request and receive information and assistance from any
12 federal, state or local governmental agency as part of the
13 authorized investigation. The investigation shall be
14 undertaken after the fingerprinting of an applicant in the form
15 and manner prescribed by the Illinois ~~Department of~~ State
16 Police. The investigation shall consist of a criminal history
17 records check performed by the Illinois ~~Department of~~ State
18 Police and the Federal Bureau of Investigation, or some other
19 entity that has the ability to check the applicant's
20 fingerprints against the fingerprint records now and hereafter
21 filed in the Illinois ~~Department of~~ State Police and Federal
22 Bureau of Investigation criminal history records databases. If
23 the Illinois ~~Department of~~ State Police and the Federal Bureau
24 of Investigation conduct an investigation directly for the
25 Secretary of State's Office, then the Illinois ~~Department of~~
26 State Police shall charge a fee for conducting the criminal

1 history records check, which shall be deposited in the State
2 Police Services Fund and shall not exceed the actual cost of
3 the records check. The Illinois ~~Department of~~ State Police
4 shall provide information concerning any criminal convictions,
5 and their disposition, brought against the applicant or
6 prospective employee of the Secretary of State upon request of
7 the Department of Personnel when the request is made in the
8 form and manner required by the Illinois ~~Department of~~ State
9 Police. The information derived from this investigation,
10 including the source of this information, and any conclusions
11 or recommendations derived from this information by the
12 Director of Personnel shall be provided to the applicant or
13 prospective employee, or his designee, upon request to the
14 Director of Personnel prior to any final action by the Director
15 of Personnel on the application. No information obtained from
16 such investigation may be placed in any automated information
17 system. Any criminal convictions and their disposition
18 information obtained by the Director of Personnel shall be
19 confidential and may not be transmitted outside the Office of
20 the Secretary of State, except as required herein, and may not
21 be transmitted to anyone within the Office of the Secretary of
22 State except as needed for the purpose of evaluating the
23 application. The only physical identity materials which the
24 applicant or prospective employee can be required to provide
25 the Director of Personnel are photographs or fingerprints;
26 these shall be returned to the applicant or prospective

1 employee upon request to the Director of Personnel, after the
2 investigation has been completed and no copy of these materials
3 may be kept by the Director of Personnel or any agency to which
4 such identity materials were transmitted. Only information and
5 standards which bear a reasonable and rational relation to the
6 performance of an employee shall be used by the Director of
7 Personnel. The Secretary of State shall adopt rules and
8 regulations for the administration of this Section. Any
9 employee of the Secretary of State who gives or causes to be
10 given away any confidential information concerning any
11 criminal convictions and their disposition of an applicant or
12 prospective employee shall be guilty of a Class A misdemeanor
13 unless release of such information is authorized by this
14 Section.

15 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

16 Section 95. The Civil Administrative Code of Illinois is
17 amended by changing Sections 1-5, 5-15, 5-20, 5-410, and 5-715
18 as follows:

19 (20 ILCS 5/1-5)

20 Sec. 1-5. Articles. The Civil Administrative Code of
21 Illinois consists of the following Articles:

22 Article 1. General Provisions (20 ILCS 5/1-1 and
23 following).

24 Article 5. Departments of State Government Law (20 ILCS

1 5/5-1 and following).

2 Article 50. State Budget Law (15 ILCS 20/).

3 Article 110. Department on Aging Law (20 ILCS 110/).

4 Article 205. Department of Agriculture Law (20 ILCS 205/).

5 Article 250. State Fair Grounds Title Law (5 ILCS 620/).

6 Article 310. Department of Human Services (Alcoholism and
7 Substance Abuse) Law (20 ILCS 310/).

8 Article 405. Department of Central Management Services Law
9 (20 ILCS 405/).

10 Article 510. Department of Children and Family Services
11 Powers Law (20 ILCS 510/).

12 Article 605. Department of Commerce and Economic
13 Opportunity Law (20 ILCS 605/).

14 Article 805. Department of Natural Resources
15 (Conservation) Law (20 ILCS 805/).

16 Article 1005. Department of Employment Security Law (20
17 ILCS 1005/).

18 Article 1405. Department of Insurance Law (20 ILCS 1405/).

19 Article 1505. Department of Labor Law (20 ILCS 1505/).

20 Article 1710. Department of Human Services (Mental Health
21 and Developmental Disabilities) Law (20 ILCS 1710/).

22 Article 1905. Department of Natural Resources (Mines and
23 Minerals) Law (20 ILCS 1905/).

24 Article 2105. Department of Professional Regulation Law
25 (20 ILCS 2105/).

26 Article 2205. Department of Healthcare and Family Services

1 Law (20 ILCS 2205/).

2 Article 2310. Department of Public Health Powers and Duties

3 Law (20 ILCS 2310/).

4 Article 2505. Department of Revenue Law (20 ILCS 2505/).

5 Article 2510. Certified Audit Program Law (20 ILCS 2510/).

6 Article 2605. Illinois ~~Department of~~ State Police Law (20
7 ILCS 2605/).

8 Article 2705. Department of Transportation Law (20 ILCS
9 2705/).

10 Article 3000. University of Illinois Exercise of Functions
11 and Duties Law (110 ILCS 355/).

12 (Source: P.A. 95-331, eff. 8-21-07; 96-328, eff. 8-11-09.)

13 (20 ILCS 5/5-15) (was 20 ILCS 5/3)

14 Sec. 5-15. Departments of State government. The
15 Departments of State government are created as follows:

16 The Department on Aging.

17 The Department of Agriculture.

18 The Department of Central Management Services.

19 The Department of Children and Family Services.

20 The Department of Commerce and Economic Opportunity.

21 The Department of Corrections.

22 The Department of Employment Security.

23 The Illinois Emergency Management Agency.

24 The Department of Financial and Professional Regulation.

25 The Department of Healthcare and Family Services.

1 The Department of Human Rights.
2 The Department of Human Services.
3 The Department of Innovation and Technology.
4 The Department of Insurance.
5 The Department of Juvenile Justice.
6 The Department of Labor.
7 The Department of the Lottery.
8 The Department of Natural Resources.
9 The Department of Public Health.
10 The Department of Revenue.
11 The Illinois ~~Department of~~ State Police.
12 The Department of Transportation.
13 The Department of Veterans' Affairs.

14 (Source: P.A. 100-611, eff. 7-20-18; 100-1179, eff. 1-18-19.)

15 (20 ILCS 5/5-20) (was 20 ILCS 5/4)

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

22 The following officers are hereby created:

23 Director of Aging, for the Department on Aging.

24 Director of Agriculture, for the Department of
25 Agriculture.

1 Director of Central Management Services, for the
2 Department of Central Management Services.

3 Director of Children and Family Services, for the
4 Department of Children and Family Services.

5 Director of Commerce and Economic Opportunity, for the
6 Department of Commerce and Economic Opportunity.

7 Director of Corrections, for the Department of
8 Corrections.

9 Director of the Illinois Emergency Management Agency, for
10 the Illinois Emergency Management Agency.

11 Director of Employment Security, for the Department of
12 Employment Security.

13 Secretary of Financial and Professional Regulation, for
14 the Department of Financial and Professional Regulation.

15 Director of Healthcare and Family Services, for the
16 Department of Healthcare and Family Services.

17 Director of Human Rights, for the Department of Human
18 Rights.

19 Secretary of Human Services, for the Department of Human
20 Services.

21 Secretary of Innovation and Technology, for the Department
22 of Innovation and Technology.

23 Director of Insurance, for the Department of Insurance.

24 Director of Juvenile Justice, for the Department of
25 Juvenile Justice.

26 Director of Labor, for the Department of Labor.

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

2 Director of Natural Resources, for the Department of
3 Natural Resources.

4 Director of Public Health, for the Department of Public
5 Health.

6 Director of Revenue, for the Department of Revenue.

7 Director of the Illinois State Police, for the Illinois
8 ~~Department of~~ State Police.

9 Secretary of Transportation, for the Department of
10 Transportation.

11 Director of Veterans' Affairs, for the Department of
12 Veterans' Affairs.

13 (Source: P.A. 100-611, eff. 7-20-18; 100-1179, eff. 1-18-19.)

14 (20 ILCS 5/5-410) (was 20 ILCS 5/9.11)

15 Sec. 5-410. In the Illinois ~~Department of~~ State Police. For
16 terms ending before December 31, 2019, the Director of the
17 Illinois State Police shall receive an annual salary as set by
18 the Compensation Review Board.

19 ~~For terms ending before December 31, 2019, the Assistant~~
20 ~~Director of State Police shall receive an annual salary as set~~
21 ~~by the Compensation Review Board.~~

22 (Source: P.A. 100-1179, eff. 1-18-19.)

23 (20 ILCS 5/5-715)

24 Sec. 5-715. Expedited licensure for service members and

1 spouses.

2 (a) In this Section, "service member" means any person who,
3 at the time of application under this Section, is an active
4 duty member of the United States Armed Forces or any reserve
5 component of the United States Armed Forces, the Coast Guard,
6 or the National Guard of any state, commonwealth, or territory
7 of the United States or the District of Columbia or whose
8 active duty service concluded within the preceding 2 years
9 before application.

10 (a-5) The Department of Financial and Professional
11 Regulation shall within 180 days after the effective date of
12 this amendatory Act of the 101st General Assembly designate one
13 staff member as the military liaison within the Department of
14 Financial and Professional Regulation to ensure proper
15 enactment of the requirements of this Section. The military
16 liaison's responsibilities shall also include, but are not
17 limited to: (1) the management of all expedited applications to
18 ensure processing within 60 days after receipt of a completed
19 application; (2) coordination with all military installation
20 military and family support center directors within this State,
21 including virtual, phone, or in-person periodic meetings with
22 each military installation military and family support center;
23 and (3) training by the military liaison to all directors of
24 each division that issues an occupational or professional
25 license to ensure proper application of this Section. Beginning
26 in 2020, and at the end of each calendar year thereafter, the

1 military liaison shall provide an annual report documenting the
2 expedited licensure program for service members and spouses,
3 and shall deliver that report to the Secretary of Financial and
4 Professional Regulation and the Lieutenant Governor.

5 (b) Each director of a department that issues an
6 occupational or professional license is authorized to and shall
7 issue an expedited license to a service member who meets the
8 requirements under this Section. Review and determination of an
9 application for a license issued by the department shall be
10 expedited by the department within 60 days after the date on
11 which the applicant provides the department with all necessary
12 documentation required for licensure. An expedited license
13 shall be issued by the department to any service members
14 meeting the application requirements of this Section,
15 regardless of whether the service member currently resides in
16 this State. The service member shall apply to the department on
17 forms provided by the department. An application must include
18 proof that:

19 (1) the applicant is a service member;

20 (2) the applicant holds a valid license in good
21 standing for the occupation or profession issued by another
22 state, commonwealth, possession, or territory of the
23 United States, the District of Columbia, or any foreign
24 jurisdiction and the requirements for licensure in the
25 other jurisdiction are determined by the department to be
26 substantially equivalent to the standards for licensure of

1 this State;

2 (3) the applicant is assigned to a duty station in this
3 State, has established legal residence in this State, or
4 will reside in this State within 6 months after the date of
5 application;

6 (4) a complete set of the applicant's fingerprints has
7 been submitted to the Illinois ~~Department of~~ State Police
8 for statewide and national criminal history checks, if
9 applicable to the requirements of the department issuing
10 the license; the applicant shall pay the fee to the
11 Illinois ~~Department of~~ State Police or to the fingerprint
12 vendor for electronic fingerprint processing; no temporary
13 occupational or professional license shall be issued to an
14 applicant if the statewide or national criminal history
15 check discloses information that would cause the denial of
16 an application for licensure under any applicable
17 occupational or professional licensing Act;

18 (5) the applicant is not ineligible for licensure
19 pursuant to Section 2105-165 of the Civil Administrative
20 Code of Illinois;

21 (6) the applicant has submitted an application for full
22 licensure; and

23 (7) the applicant has paid the required fee; fees shall
24 not be refundable.

25 (c) Each director of a department that issues an
26 occupational or professional license is authorized to and shall

1 issue an expedited license to the spouse of a service member
2 who meets the requirements under this Section. Review and
3 determination of an application for a license shall be
4 expedited by the department within 60 days after the date on
5 which the applicant provides the department with all necessary
6 documentation required for licensure. An expedited license
7 shall be issued by the department to any spouse of a service
8 member meeting the application requirements of this Section,
9 regardless of whether the spouse or the service member
10 currently reside in this State. The spouse of a service member
11 shall apply to the department on forms provided by the
12 department. An application must include proof that:

13 (1) the applicant is the spouse of a service member;

14 (2) the applicant holds a valid license in good
15 standing for the occupation or profession issued by another
16 state, commonwealth, possession, or territory of the
17 United States, the District of Columbia, or any foreign
18 jurisdiction and the requirements for licensure in the
19 other jurisdiction are determined by the department to be
20 substantially equivalent to the standards for licensure of
21 this State;

22 (3) the applicant's spouse is assigned to a duty
23 station in this State, has established legal residence in
24 this State, or will reside in this State within 6 months
25 after the date of application;

26 (4) a complete set of the applicant's fingerprints has

1 been submitted to the Illinois ~~Department of~~ State Police
2 for statewide and national criminal history checks, if
3 applicable to the requirements of the department issuing
4 the license; the applicant shall pay the fee to the
5 Illinois ~~Department of~~ State Police or to the fingerprint
6 vendor for electronic fingerprint processing; no temporary
7 occupational or professional license shall be issued to an
8 applicant if the statewide or national criminal history
9 check discloses information that would cause the denial of
10 an application for licensure under any applicable
11 occupational or professional licensing Act;

12 (5) the applicant is not ineligible for licensure
13 pursuant to Section 2105-165 of the Civil Administrative
14 Code of Illinois;

15 (6) the applicant has submitted an application for full
16 licensure; and

17 (7) the applicant has paid the required fee; fees shall
18 not be refundable.

19 (c-5) If a service member or his or her spouse relocates
20 from this State, he or she shall be provided an opportunity to
21 place his or her license in inactive status through
22 coordination with the military liaison. If the service member
23 or his or her spouse returns to this State, he or she may
24 reactivate the license in accordance with the statutory
25 provisions regulating the profession and any applicable
26 administrative rules. The license reactivation shall be

1 expedited and completed within 30 days after receipt of a
2 completed application to reactivate the license. A license
3 reactivation is only applicable when the valid license for
4 which the first issuance of a license was predicated is still
5 valid and in good standing. An application to reactivate a
6 license must include proof that the applicant still holds a
7 valid license in good standing for the occupation or profession
8 issued in another State, commonwealth, possession, or
9 territory of the United States, the District of Columbia, or
10 any foreign jurisdiction.

11 (d) All relevant experience of a service member or his or
12 her spouse in the discharge of official duties, including
13 full-time and part-time experience, shall be credited in the
14 calculation of any years of practice in an occupation or
15 profession as may be required under any applicable occupational
16 or professional licensing Act. All relevant training provided
17 by the military and completed by a service member shall be
18 credited to that service member as meeting any training or
19 education requirement under any applicable occupational or
20 professional licensing Act, provided that the training or
21 education is determined by the department to be substantially
22 equivalent to that required under any applicable Act and is not
23 otherwise contrary to any other licensure requirement.

24 (e) A department may adopt any rules necessary for the
25 implementation and administration of this Section and shall by
26 rule provide for fees for the administration of this Section.

1 (Source: P.A. 101-240, eff. 1-1-20.)

2 (20 ILCS 5/5-180 rep.)

3 Section 100. The Civil Administrative Code of Illinois is
4 amended by repealing Section 5-180.

5 Section 105. The Department of Agriculture Law of the Civil
6 Administrative Code of Illinois is amended by changing Section
7 205-425 as follows:

8 (20 ILCS 205/205-425) (was 20 ILCS 205/40.37)

9 Sec. 205-425. Criminal history record information from
10 Illinois ~~Department of~~ State Police. Whenever the Department is
11 authorized or required by law to consider some aspect of
12 criminal history record information for the purpose of carrying
13 out its statutory powers and responsibilities, then, upon
14 request and payment of fees in conformance with the
15 requirements of Section 2605-400 of the Illinois ~~Department of~~
16 State Police Law ~~(20 ILCS 2605/2605-400)~~, the Illinois
17 ~~Department of~~ State Police is authorized to furnish, pursuant
18 to positive identification, the information contained in State
19 files that is necessary to fulfill the request.

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

21 Section 110. The Substance Use Disorder Act is amended by
22 changing Sections 5-10, 10-15, and 45-55 as follows:

1 (20 ILCS 301/5-10)

2 Sec. 5-10. Functions of the Department.

3 (a) In addition to the powers, duties and functions vested
4 in the Department by this Act, or by other laws of this State,
5 the Department shall carry out the following activities:

6 (1) Design, coordinate and fund comprehensive
7 community-based and culturally and gender-appropriate
8 services throughout the State. These services must include
9 prevention, early intervention, treatment, and other
10 recovery support services for substance use disorders that
11 are accessible and addresses the needs of at-risk
12 individuals and their families.

13 (2) Act as the exclusive State agency to accept,
14 receive and expend, pursuant to appropriation, any public
15 or private monies, grants or services, including those
16 received from the federal government or from other State
17 agencies, for the purpose of providing prevention, early
18 intervention, treatment, and other recovery support
19 services for substance use disorders.

20 (2.5) In partnership with the Department of Healthcare
21 and Family Services, act as one of the principal State
22 agencies for the sole purpose of calculating the
23 maintenance of effort requirement under Section 1930 of
24 Title XIX, Part B, Subpart II of the Public Health Service
25 Act (42 U.S.C. 300x-30) and the Interim Final Rule (45 CFR

1 96.134).

2 (3) Coordinate a statewide strategy for the
3 prevention, early intervention, treatment, and recovery
4 support of substance use disorders. This strategy shall
5 include the development of a comprehensive plan, submitted
6 annually with the application for federal substance use
7 disorder block grant funding, for the provision of an array
8 of such services. The plan shall be based on local
9 community-based needs and upon data including, but not
10 limited to, that which defines the prevalence of and costs
11 associated with substance use disorders. This
12 comprehensive plan shall include identification of
13 problems, needs, priorities, services and other pertinent
14 information, including the needs of minorities and other
15 specific priority populations in the State, and shall
16 describe how the identified problems and needs will be
17 addressed. For purposes of this paragraph, the term
18 "minorities and other specific priority populations" may
19 include, but shall not be limited to, groups such as women,
20 children, intravenous drug users, persons with AIDS or who
21 are HIV infected, veterans, African-Americans, Puerto
22 Ricans, Hispanics, Asian Americans, the elderly, persons
23 in the criminal justice system, persons who are clients of
24 services provided by other State agencies, persons with
25 disabilities and such other specific populations as the
26 Department may from time to time identify. In developing

1 the plan, the Department shall seek input from providers,
2 parent groups, associations and interested citizens.

3 The plan developed under this Section shall include an
4 explanation of the rationale to be used in ensuring that
5 funding shall be based upon local community needs,
6 including, but not limited to, the incidence and prevalence
7 of, and costs associated with, substance use disorders, as
8 well as upon demonstrated program performance.

9 The plan developed under this Section shall also
10 contain a report detailing the activities of and progress
11 made through services for the care and treatment of
12 substance use disorders among pregnant women and mothers
13 and their children established under subsection (j) of
14 Section 35-5.

15 As applicable, the plan developed under this Section
16 shall also include information about funding by other State
17 agencies for prevention, early intervention, treatment,
18 and other recovery support services.

19 (4) Lead, foster and develop cooperation, coordination
20 and agreements among federal and State governmental
21 agencies and local providers that provide assistance,
22 services, funding or other functions, peripheral or
23 direct, in the prevention, early intervention, treatment,
24 and recovery support for substance use disorders. This
25 shall include, but shall not be limited to, the following:

26 (A) Cooperate with and assist other State

1 agencies, as applicable, in establishing and
2 conducting substance use disorder services among the
3 populations they respectively serve.

4 (B) Cooperate with and assist the Illinois
5 Department of Public Health in the establishment,
6 funding and support of programs and services for the
7 promotion of maternal and child health and the
8 prevention and treatment of infectious diseases,
9 including but not limited to HIV infection, especially
10 with respect to those persons who are high risk due to
11 intravenous injection of illegal drugs, or who may have
12 been sexual partners of these individuals, or who may
13 have impaired immune systems as a result of a substance
14 use disorder.

15 (C) Supply to the Department of Public Health and
16 prenatal care providers a list of all providers who are
17 licensed to provide substance use disorder treatment
18 for pregnant women in this State.

19 (D) Assist in the placement of child abuse or
20 neglect perpetrators (identified by the Illinois
21 Department of Children and Family Services (DCFS)) who
22 have been determined to be in need of substance use
23 disorder treatment pursuant to Section 8.2 of the
24 Abused and Neglected Child Reporting Act.

25 (E) Cooperate with and assist DCFS in carrying out
26 its mandates to:

1 (i) identify substance use disorders among its
2 clients and their families; and

3 (ii) develop services to deal with such
4 disorders.

5 These services may include, but shall not be limited
6 to, programs to prevent or treat substance use
7 disorders with DCFS clients and their families,
8 identifying child care needs within such treatment,
9 and assistance with other issues as required.

10 (F) Cooperate with and assist the Illinois
11 Criminal Justice Information Authority with respect to
12 statistical and other information concerning the
13 incidence and prevalence of substance use disorders.

14 (G) Cooperate with and assist the State
15 Superintendent of Education, boards of education,
16 schools, police departments, the Illinois ~~Department~~
17 ~~of~~ State Police, courts and other public and private
18 agencies and individuals in establishing prevention
19 programs statewide and preparing curriculum materials
20 for use at all levels of education.

21 (H) Cooperate with and assist the Illinois
22 Department of Healthcare and Family Services in the
23 development and provision of services offered to
24 recipients of public assistance for the treatment and
25 prevention of substance use disorders.

26 (I) (Blank).

1 (5) From monies appropriated to the Department from the
2 Drunk and Drugged Driving Prevention Fund, reimburse DUI
3 evaluation and risk education programs licensed by the
4 Department for providing indigent persons with free or
5 reduced-cost evaluation and risk education services
6 relating to a charge of driving under the influence of
7 alcohol or other drugs.

8 (6) Promulgate regulations to identify and disseminate
9 best practice guidelines that can be utilized by publicly
10 and privately funded programs as well as for levels of
11 payment to government funded programs that provide
12 prevention, early intervention, treatment, and other
13 recovery support services for substance use disorders and
14 those services referenced in Sections 15-10 and 40-5.

15 (7) In consultation with providers and related trade
16 associations, specify a uniform methodology for use by
17 funded providers and the Department for billing and
18 collection and dissemination of statistical information
19 regarding services related to substance use disorders.

20 (8) Receive data and assistance from federal, State and
21 local governmental agencies, and obtain copies of
22 identification and arrest data from all federal, State and
23 local law enforcement agencies for use in carrying out the
24 purposes and functions of the Department.

25 (9) Designate and license providers to conduct
26 screening, assessment, referral and tracking of clients

1 identified by the criminal justice system as having
2 indications of substance use disorders and being eligible
3 to make an election for treatment under Section 40-5 of
4 this Act, and assist in the placement of individuals who
5 are under court order to participate in treatment.

6 (10) Identify and disseminate evidence-based best
7 practice guidelines as maintained in administrative rule
8 that can be utilized to determine a substance use disorder
9 diagnosis.

10 (11) (Blank).

11 (12) Make grants with funds appropriated from the Drug
12 Treatment Fund in accordance with Section 7 of the
13 Controlled Substance and Cannabis Nuisance Act, or in
14 accordance with Section 80 of the Methamphetamine Control
15 and Community Protection Act, or in accordance with
16 subsections (h) and (i) of Section 411.2 of the Illinois
17 Controlled Substances Act, or in accordance with Section
18 6z-107 of the State Finance Act.

19 (13) Encourage all health and disability insurance
20 programs to include substance use disorder treatment as a
21 covered service and to use evidence-based best practice
22 criteria as maintained in administrative rule and as
23 required in Public Act 99-0480 in determining the necessity
24 for such services and continued stay.

25 (14) Award grants and enter into fixed-rate and
26 fee-for-service arrangements with any other department,

1 authority or commission of this State, or any other state
2 or the federal government or with any public or private
3 agency, including the disbursement of funds and furnishing
4 of staff, to effectuate the purposes of this Act.

5 (15) Conduct a public information campaign to inform
6 the State's Hispanic residents regarding the prevention
7 and treatment of substance use disorders.

8 (b) In addition to the powers, duties and functions vested
9 in it by this Act, or by other laws of this State, the
10 Department may undertake, but shall not be limited to, the
11 following activities:

12 (1) Require all organizations licensed or funded by the
13 Department to include an education component to inform
14 participants regarding the causes and means of
15 transmission and methods of reducing the risk of acquiring
16 or transmitting HIV infection and other infectious
17 diseases, and to include funding for such education
18 component in its support of the program.

19 (2) Review all State agency applications for federal
20 funds that include provisions relating to the prevention,
21 early intervention and treatment of substance use
22 disorders in order to ensure consistency.

23 (3) Prepare, publish, evaluate, disseminate and serve
24 as a central repository for educational materials dealing
25 with the nature and effects of substance use disorders.
26 Such materials may deal with the educational needs of the

1 citizens of Illinois, and may include at least pamphlets
2 that describe the causes and effects of fetal alcohol
3 spectrum disorders.

4 (4) Develop and coordinate, with regional and local
5 agencies, education and training programs for persons
6 engaged in providing services for persons with substance
7 use disorders, which programs may include specific HIV
8 education and training for program personnel.

9 (5) Cooperate with and assist in the development of
10 education, prevention, early intervention, and treatment
11 programs for employees of State and local governments and
12 businesses in the State.

13 (6) Utilize the support and assistance of interested
14 persons in the community, including recovering persons, to
15 assist individuals and communities in understanding the
16 dynamics of substance use disorders, and to encourage
17 individuals with substance use disorders to voluntarily
18 undergo treatment.

19 (7) Promote, conduct, assist or sponsor basic
20 clinical, epidemiological and statistical research into
21 substance use disorders and research into the prevention of
22 those problems either solely or in conjunction with any
23 public or private agency.

24 (8) Cooperate with public and private agencies,
25 organizations and individuals in the development of
26 programs, and to provide technical assistance and

1 consultation services for this purpose.

2 (9) (Blank).

3 (10) (Blank).

4 (11) Fund, promote, or assist entities dealing with
5 substance use disorders.

6 (12) With monies appropriated from the Group Home Loan
7 Revolving Fund, make loans, directly or through
8 subcontract, to assist in underwriting the costs of housing
9 in which individuals recovering from substance use
10 disorders may reside, pursuant to Section 50-40 of this
11 Act.

12 (13) Promulgate such regulations as may be necessary to
13 carry out the purposes and enforce the provisions of this
14 Act.

15 (14) Provide funding to help parents be effective in
16 preventing substance use disorders by building an
17 awareness of the family's role in preventing substance use
18 disorders through adjusting expectations, developing new
19 skills, and setting positive family goals. The programs
20 shall include, but not be limited to, the following
21 subjects: healthy family communication; establishing rules
22 and limits; how to reduce family conflict; how to build
23 self-esteem, competency, and responsibility in children;
24 how to improve motivation and achievement; effective
25 discipline; problem solving techniques; and how to talk
26 about drugs and alcohol. The programs shall be open to all

1 parents.

2 (Source: P.A. 100-494, eff. 6-1-18; 100-759, eff. 1-1-19;
3 101-10, eff. 6-5-19.)

4 (20 ILCS 301/10-15)

5 Sec. 10-15. Qualification and appointment of members. The
6 membership of the Illinois Advisory Council may, as needed,
7 consist of:

8 (a) A State's Attorney designated by the President of
9 the Illinois State's Attorneys Association.

10 (b) A judge designated by the Chief Justice of the
11 Illinois Supreme Court.

12 (c) A Public Defender appointed by the President of the
13 Illinois Public Defender Association.

14 (d) A local law enforcement officer appointed by the
15 Governor.

16 (e) A labor representative appointed by the Governor.

17 (f) An educator appointed by the Governor.

18 (g) A physician licensed to practice medicine in all
19 its branches appointed by the Governor with due regard for
20 the appointee's knowledge of the field of substance use
21 disorders.

22 (h) 4 members of the Illinois House of Representatives,
23 2 each appointed by the Speaker and Minority Leader.

24 (i) 4 members of the Illinois Senate, 2 each appointed
25 by the President and Minority Leader.

1 (j) The Chief Executive Officer of the Illinois
2 Association for Behavioral Health or his or her designee.

3 (k) An advocate for the needs of youth appointed by the
4 Governor.

5 (l) The President of the Illinois State Medical Society
6 or his or her designee.

7 (m) The President of the Illinois Hospital Association
8 or his or her designee.

9 (n) The President of the Illinois Nurses Association or
10 a registered nurse designated by the President.

11 (o) The President of the Illinois Pharmacists
12 Association or a licensed pharmacist designated by the
13 President.

14 (p) The President of the Illinois Chapter of the
15 Association of Labor-Management Administrators and
16 Consultants on Alcoholism.

17 (p-1) The Chief Executive Officer of the Community
18 Behavioral Healthcare Association of Illinois or his or her
19 designee.

20 (q) The Attorney General or his or her designee.

21 (r) The State Comptroller or his or her designee.

22 (s) 20 public members, 8 appointed by the Governor, 3
23 of whom shall be representatives of substance use disorder
24 treatment programs and one of whom shall be a
25 representative of a manufacturer or importing distributor
26 of alcoholic liquor licensed by the State of Illinois, and

1 3 public members appointed by each of the President and
2 Minority Leader of the Senate and the Speaker and Minority
3 Leader of the House.

4 (t) The Director, Secretary, or other chief
5 administrative officer, ex officio, or his or her designee,
6 of each of the following: the Department on Aging, the
7 Department of Children and Family Services, the Department
8 of Corrections, the Department of Juvenile Justice, the
9 Department of Healthcare and Family Services, the
10 Department of Revenue, the Department of Public Health, the
11 Department of Financial and Professional Regulation, the
12 Illinois ~~Department of~~ State Police, the Administrative
13 Office of the Illinois Courts, the Criminal Justice
14 Information Authority, and the Department of
15 Transportation.

16 (u) Each of the following, ex officio, or his or her
17 designee: the Secretary of State, the State Superintendent
18 of Education, and the Chairman of the Board of Higher
19 Education.

20 The public members may not be officers or employees of the
21 executive branch of State government; however, the public
22 members may be officers or employees of a State college or
23 university or of any law enforcement agency. In appointing
24 members, due consideration shall be given to the experience of
25 appointees in the fields of medicine, law, prevention,
26 correctional activities, and social welfare. Vacancies in the

1 public membership shall be filled for the unexpired term by
2 appointment in like manner as for original appointments, and
3 the appointive members shall serve until their successors are
4 appointed and have qualified. Vacancies among the public
5 members appointed by the legislative leaders shall be filled by
6 the leader of the same house and of the same political party as
7 the leader who originally appointed the member.

8 Each non-appointive member may designate a representative
9 to serve in his place by written notice to the Department. All
10 General Assembly members shall serve until their respective
11 successors are appointed or until termination of their
12 legislative service, whichever occurs first. The terms of
13 office for each of the members appointed by the Governor shall
14 be for 3 years, except that of the members first appointed, 3
15 shall be appointed for a term of one year, and 4 shall be
16 appointed for a term of 2 years. The terms of office of each of
17 the public members appointed by the legislative leaders shall
18 be for 2 years.

19 (Source: P.A. 100-201, eff. 8-18-17; 100-759, eff. 1-1-19.)

20 (20 ILCS 301/45-55)

21 Sec. 45-55. Powers and duties of designated agents.

22 (a) It is hereby made the sole and exclusive duty of the
23 Department, and its designated agents, officers and
24 investigators, to investigate all violations of this Act, and
25 to cooperate with all agencies charged with enforcement of the

1 laws of the United States, or any state, concerning matters
2 pertaining to this Act. Nothing in this Act shall bar a grand
3 jury from conducting an investigation of any alleged violation
4 of this Act. Any agent, officer, investigator or peace officer
5 designated by the Department may:

6 (1) execute and serve administrative inspection
7 warrants and subpoenas under the authority of this State.

8 (2) make seizures of property pursuant to the
9 provisions of this Act.

10 (3) perform such other duties as the Department may
11 designate.

12 The Secretary may appoint such investigators as is deemed
13 necessary to carry out the provisions of this Act. It shall be
14 the duty of such investigators to investigate and report
15 violations of the provisions of this Act. With respect to the
16 enforcement of the provisions of this Act, such investigators
17 shall have the authority to serve subpoenas, summonses and
18 administrative inspection warrants. They shall be conservators
19 of the peace and, as such, they shall have and may exercise
20 during the course of an inspection or investigation all the
21 powers possessed by policemen in the cities and sheriffs in the
22 counties of this State, except that they may exercise such
23 powers anywhere in the State.

24 (b) The Department or its designated agents, either before
25 or after the issuance of a license, may request and shall
26 receive the cooperation of the Illinois ~~Department of State~~

1 Police, county and multiple county health departments, or
2 municipal boards of health to make investigations to determine
3 if the applicant or licensee is complying with minimum
4 standards prescribed by the Department.

5 (Source: P.A. 88-80; 89-507, eff. 7-1-97.)

6 Section 115. The Department of Central Management Services
7 Law of the Civil Administrative Code of Illinois is amended by
8 changing Section 405-320 as follows:

9 (20 ILCS 405/405-320) (was 20 ILCS 405/67.25)

10 Sec. 405-320. Multi-use State facility at Collinsville;
11 State Police district headquarters at Sterling.

12 (a) To enter into an agreement with a private individual,
13 trust, partnership, or corporation or a municipality or other
14 unit of local government whereby that individual, trust,
15 partnership, or corporation or municipality or other unit of
16 local government will construct a structure in the vicinity of
17 Collinsville, Illinois for the purposes of its serving as a
18 multi-use State facility and then lease that structure to the
19 Department for the use of the Department of Transportation and
20 other State agencies.

21 (b) To enter into an agreement with a municipality or other
22 unit of local government whereby the municipality or other unit
23 of local government will construct a structure in the vicinity
24 of Sterling, Illinois for the purposes of its serving as an

1 ~~Illinois a Department of~~ State Police district headquarters and
2 then lease the structure to the Department for the use of the
3 Illinois State Police. The Director is further authorized to
4 convey the existing Illinois State Police headquarters at
5 Sterling to the City of Sterling, Illinois, a municipal
6 corporation, at a value established by the average of 3
7 appraisals in exchange for a deduction of equal value against
8 any amounts due the municipality under the State's contract to
9 acquire an Illinois State Police district headquarters at
10 Sterling.

11 (c) A lease entered into pursuant to the authority granted
12 in this Section shall be for a term not to exceed 30 years but
13 may grant to the State the option to purchase the structure
14 outright.

15 (d) The lease shall be approved by the heads of the
16 agencies occupying the facility and shall be and shall recite
17 that it is subject to termination and cancellation in any year
18 for which the General Assembly fails to make an appropriation
19 to pay the rent payable under the terms of the lease.

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

21 Section 120. The Personnel Code is amended by changing
22 Sections 4c, 8c, and 10 as follows:

23 (20 ILCS 415/4c) (from Ch. 127, par. 63b104c)

24 Sec. 4c. General exemptions. The following positions in

1 State service shall be exempt from jurisdictions A, B, and C,
2 unless the jurisdictions shall be extended as provided in this
3 Act:

4 (1) All officers elected by the people.

5 (2) All positions under the Lieutenant Governor,
6 Secretary of State, State Treasurer, State Comptroller,
7 State Board of Education, Clerk of the Supreme Court,
8 Attorney General, and State Board of Elections.

9 (3) Judges, and officers and employees of the courts,
10 and notaries public.

11 (4) All officers and employees of the Illinois General
12 Assembly, all employees of legislative commissions, all
13 officers and employees of the Illinois Legislative
14 Reference Bureau and the Legislative Printing Unit.

15 (5) All positions in the Illinois National Guard and
16 Illinois State Guard, paid from federal funds or positions
17 in the State Military Service filled by enlistment and paid
18 from State funds.

19 (6) All employees of the Governor at the executive
20 mansion and on his immediate personal staff.

21 (7) Directors of Departments, the Adjutant General,
22 the Assistant Adjutant General, the Director of the
23 Illinois Emergency Management Agency, members of boards
24 and commissions, and all other positions appointed by the
25 Governor by and with the consent of the Senate.

26 (8) The presidents, other principal administrative

1 officers, and teaching, research and extension faculties
2 of Chicago State University, Eastern Illinois University,
3 Governors State University, Illinois State University,
4 Northeastern Illinois University, Northern Illinois
5 University, Western Illinois University, the Illinois
6 Community College Board, Southern Illinois University,
7 Illinois Board of Higher Education, University of
8 Illinois, State Universities Civil Service System,
9 University Retirement System of Illinois, and the
10 administrative officers and scientific and technical staff
11 of the Illinois State Museum.

12 (9) All other employees except the presidents, other
13 principal administrative officers, and teaching, research
14 and extension faculties of the universities under the
15 jurisdiction of the Board of Regents and the colleges and
16 universities under the jurisdiction of the Board of
17 Governors of State Colleges and Universities, Illinois
18 Community College Board, Southern Illinois University,
19 Illinois Board of Higher Education, Board of Governors of
20 State Colleges and Universities, the Board of Regents,
21 University of Illinois, State Universities Civil Service
22 System, University Retirement System of Illinois, so long
23 as these are subject to the provisions of the State
24 Universities Civil Service Act.

25 (10) The Illinois State Police so long as they are
26 subject to the merit provisions of the Illinois State

1 Police Act.

2 (11) (Blank).

3 (12) The technical and engineering staffs of the
4 Department of Transportation, the Department of Nuclear
5 Safety, the Pollution Control Board, and the Illinois
6 Commerce Commission, and the technical and engineering
7 staff providing architectural and engineering services in
8 the Department of Central Management Services.

9 (13) All employees of the Illinois State Toll Highway
10 Authority.

11 (14) The Secretary of the Illinois Workers'
12 Compensation Commission.

13 (15) All persons who are appointed or employed by the
14 Director of Insurance under authority of Section 202 of the
15 Illinois Insurance Code to assist the Director of Insurance
16 in discharging his responsibilities relating to the
17 rehabilitation, liquidation, conservation, and dissolution
18 of companies that are subject to the jurisdiction of the
19 Illinois Insurance Code.

20 (16) All employees of the St. Louis Metropolitan Area
21 Airport Authority.

22 (17) All investment officers employed by the Illinois
23 State Board of Investment.

24 (18) Employees of the Illinois Young Adult
25 Conservation Corps program, administered by the Illinois
26 Department of Natural Resources, authorized grantee under

1 Title VIII of the Comprehensive Employment and Training Act
2 of 1973, 29 USC 993.

3 (19) Seasonal employees of the Department of
4 Agriculture for the operation of the Illinois State Fair
5 and the DuQuoin State Fair, no one person receiving more
6 than 29 days of such employment in any calendar year.

7 (20) All "temporary" employees hired under the
8 Department of Natural Resources' Illinois Conservation
9 Service, a youth employment program that hires young people
10 to work in State parks for a period of one year or less.

11 (21) All hearing officers of the Human Rights
12 Commission.

13 (22) All employees of the Illinois Mathematics and
14 Science Academy.

15 (23) All employees of the Kankakee River Valley Area
16 Airport Authority.

17 (24) The commissioners and employees of the Executive
18 Ethics Commission.

19 (25) The Executive Inspectors General, including
20 special Executive Inspectors General, and employees of
21 each Office of an Executive Inspector General.

22 (26) The commissioners and employees of the
23 Legislative Ethics Commission.

24 (27) The Legislative Inspector General, including
25 special Legislative Inspectors General, and employees of
26 the Office of the Legislative Inspector General.

1 (28) The Auditor General's Inspector General and
2 employees of the Office of the Auditor General's Inspector
3 General.

4 (29) All employees of the Illinois Power Agency.

5 (30) Employees having demonstrable, defined advanced
6 skills in accounting, financial reporting, or technical
7 expertise who are employed within executive branch
8 agencies and whose duties are directly related to the
9 submission to the Office of the Comptroller of financial
10 information for the publication of the Comprehensive
11 Annual Financial Report (CAFR).

12 (31) All employees of the Illinois Sentencing Policy
13 Advisory Council.

14 (Source: P.A. 100-1148, eff. 12-10-18.)

15 (20 ILCS 415/8c) (from Ch. 127, par. 63b108c)

16 Sec. 8c. Jurisdiction C; conditions of employment. For
17 positions in the State service subject to the jurisdiction of
18 the Department of Central Management Services with respect to
19 conditions of employment:

20 (1) For establishment of a plan for resolving employee
21 grievances and complaints, excluding compulsory
22 arbitration.

23 (2) For hours of work, holidays, and attendance
24 regulation in the various classes of positions in the State
25 service; for annual, sick and special leaves of absence,

1 with or without pay or with reduced pay; for compensatory
2 time off for overtime or for pay for overtime, and for the
3 rate at which compensatory time off is to be allowed or for
4 the rate which is to be paid for overtime. If the services
5 of an employee in the State service are terminated by
6 reason of his retirement, disability or death, he, or his
7 estate, as the case may be, shall be paid a lump sum, for
8 the number of days for leave for personal business which
9 the employee had accumulated but not used as of the date
10 his services were terminated, in an amount equal to 1/2 of
11 his pay per working day times the number of such leave days
12 so accumulated and not used.

13 (3) For the development and operation of programs to
14 improve the work effectiveness and morale of employees in
15 the State service, including training, safety, health,
16 welfare, counseling, recreation, employee relations, a
17 suggestion system, and others.

18 Employees whose tuition and fees are paid by the State,
19 either directly or by reimbursement, shall incur a work
20 commitment to the State. Employees whose State paid
21 training has not led to a postsecondary degree shall be
22 obligated to continue in the employ of the State, but not
23 necessarily in the same agency, for a period of at least 18
24 months following completion of the most recent course.
25 Employees whose State paid training has led to a
26 postsecondary degree and whose State payments have paid for

1 50% or more of the required credit hours shall be obligated
2 to continue in the employ of the State, but not necessarily
3 in the same agency, for a minimum of 4 years after
4 receiving the degree.

5 If the employee does not fulfill this work commitment
6 by voluntarily leaving State employment, the State may
7 recover payments in a civil action and may also recover
8 interest at the rate of 1% per month from the time the
9 State makes payment until the time the State recovers the
10 payment. The amount the State may recover under this
11 subsection (3) shall be reduced by 25% of the gross amount
12 paid by the State for each year the employee is employed by
13 the State after the employee receives a postsecondary
14 degree, and 1/18th of the gross amount paid by the State
15 for each month the employee is employed by the State after
16 the employee completes the most recent course which has not
17 led to a postsecondary degree.

18 The State shall not recover payments for course work or
19 a training program that was (a) started before the
20 effective date of this Act; (b) completed as a requirement
21 for a grammar school certificate or a high school diploma,
22 to prepare for high school equivalency testing, or to
23 improve literacy or numeracy; (c) specialized training in
24 the form of a conference, seminar, workshop, or similar
25 arrangement offered by public or private organizations;
26 (d) provided as part of the Upward Mobility Program

1 administered by the Department of Central Management
2 Services; or (e) a condition of continued employment.

3 Illinois ~~Department of~~ State Police employees who are
4 enrolled in an official training program that lasts longer
5 than one year shall incur a work commitment to the State.
6 The work commitment shall be 2 months for each month of
7 completed training. If the employee fails to fulfill this
8 work commitment by voluntarily leaving State employment,
9 the State may recover wages in a civil action and may also
10 recover interest at the rate of 1% per month from the time
11 the State makes payment until the time the State recovers
12 the payment. The amount the State may recover under this
13 subsection (3) shall be reduced by the number of months
14 served after the training is completed times the monthly
15 salary at the time of separation.

16 The Department of Central Management Services shall
17 promulgate rules governing recovery activities to be used
18 by all State agencies paying, whether directly or by
19 reimbursement, for employee tuition and fees. Each such
20 agency shall make necessary efforts, including pursuing
21 appropriate legal action, to recover the actual
22 reimbursements and applicable interest due the State under
23 this subsection (3).

24 (4) For the establishment of a sick pay plan in
25 accordance with Section 36 of the State Finance Act.

26 (5) For the establishment of a family responsibility

1 leave plan under which an employee in the State service may
2 request and receive a leave of absence for up to one year
3 without penalty whenever such leave is requested to enable
4 the employee to meet a bona fide family responsibility of
5 such employee. The procedure for determining and
6 documenting the existence of a bona fide family
7 responsibility shall be as provided by rule, but without
8 limiting the circumstances which shall constitute a bona
9 fide family responsibility under the rules, such
10 circumstances shall include leave incident to the birth of
11 the employee's child and the responsibility thereafter to
12 provide proper care to that child or to a newborn child
13 adopted by the employee, the responsibility to provide
14 regular care to a disabled, incapacitated or bedridden
15 resident of the employee's household or member of the
16 employee's family, and the responsibility to furnish
17 special guidance, care and supervision to a resident of the
18 employee's household or member of the employee's family in
19 need thereof under circumstances temporarily inconsistent
20 with uninterrupted employment in State service. The family
21 responsibility leave plan so established shall provide
22 that any such leave shall be without pay, that the
23 seniority of the employee on such leave shall not be
24 reduced during the period of the leave, that such leave
25 shall not under any circumstance or for any purpose be
26 deemed to cause a break in such employee's State service,

1 that during the period of such leave any coverage of the
2 employee or the employee's dependents which existed at the
3 commencement of the leave under any group health, hospital,
4 medical and life insurance plan provided through the State
5 shall continue so long as the employee pays to the State
6 when due the full premium incident to such coverage, and
7 that upon expiration of the leave the employee shall be
8 returned to the same position and classification which such
9 employee held at the commencement of the leave. The
10 Director of Central Management Services shall prepare
11 proposed rules consistent with this paragraph within 45
12 days after the effective date of this amendatory Act of
13 1983, shall promptly thereafter cause a public hearing
14 thereon to be held as provided in Section 8 and shall
15 within 120 days after the effective date of this amendatory
16 Act of 1983 cause such proposed rules to be submitted to
17 the Civil Service Commission as provided in Section 8.

18 (6) For the development and operation of a plan for
19 alternative employment for any employee who is able to
20 perform alternative employment after a work related or
21 non-work related disability essentially precludes that
22 employee from performing his or her currently assigned
23 duties. Such a plan shall be voluntary for any employee and
24 nonparticipation shall not be grounds for denial of any
25 benefit to which the employee would otherwise be eligible.
26 Any plan seeking to cover positions for which there is a

1 recognized bargaining agent shall be subject to collective
2 bargaining between the parties.

3 (7) For the development and operation of an Executive
4 Development Program to provide scholarships for the
5 receipt of academic degrees or senior executive training
6 beyond the Bachelor's degree level for as many as 25
7 employees at any given time:

8 (i) each of whom is nominated for such scholarship
9 by the head of the employee's agency and approved by
10 the Director;

11 (ii) who are subject to Term Appointment under
12 Section 8b.18 or who would be subject to such Term
13 Appointment but for Federal funding or who are exempt
14 from Jurisdiction B under subsections (2), (3) or (6)
15 of Section 4d of this Act:

16 (iii) who meet the admission standards established
17 by the institution awarding the advanced degree or
18 conducting the training;

19 (iv) each of whom agrees, as a condition of
20 accepting such scholarship, that the State may recover
21 the scholarship by garnishment, lien or other
22 appropriate legal action if the employee fails to
23 continue in the employ of the State, but not
24 necessarily in the same agency, for a minimum of 4
25 years following receipt of an advanced degree or
26 training and that the State may charge interest from

1 the time of payment until the time of recovery of such
2 scholarship of no less than 1% per month or 12% per
3 annum on all funds recovered by the State. The amount
4 the State may recover under this Section will be
5 reduced by 25% of the gross amount paid by the State
6 for each year of employment following receipt of the
7 advanced degree or training.

8 The Director shall in approving eligible employees for
9 the Executive Development Program make every attempt to
10 guarantee that at least 1/3 of the employees appointed to
11 the program reflect the ratio of sex, race, and ethnicity
12 of eligible employees.

13 Such scholarships shall not exceed the amount
14 established for tuition and fees for the applicable
15 advanced degree or training at State universities in
16 Illinois whether the employee enrolls at any Illinois
17 public or private institution, and shall not include any
18 textbooks or equipment such as personal computers.

19 The Department of Central Management Services shall
20 make necessary efforts, including appropriate legal
21 action, to recover scholarships and interest thereupon due
22 subject to recovery by the State under Subparagraph (iv) of
23 this Subsection (7).

24 (Source: P.A. 98-718, eff. 1-1-15.)

25 (20 ILCS 415/10) (from Ch. 127, par. 63b110)

1 Sec. 10. Duties and powers of the Commission. The Civil
2 Service Commission shall have duties and powers as follows:

3 (1) Upon written recommendations by the Director of the
4 Department of Central Management Services to exempt from
5 jurisdiction B of this Act positions which, in the judgment
6 of the Commission, involve either principal administrative
7 responsibility for the determination of policy or
8 principal administrative responsibility for the way in
9 which policies are carried out. This authority may not be
10 exercised, however, with respect to the position of
11 Assistant Director of Healthcare and Family Services in the
12 Department of Healthcare and Family Services.

13 (2) To require such special reports from the Director
14 as it may consider desirable.

15 (3) To disapprove original rules or any part thereof
16 within 90 days and any amendment thereof within 30 days
17 after the submission of such rules to the Civil Service
18 Commission by the Director, and to disapprove any
19 amendments thereto in the same manner.

20 (4) To approve or disapprove within 60 days from date
21 of submission the position classification plan submitted
22 by the Director as provided in the rules, and any revisions
23 thereof within 30 days from the date of submission.

24 (5) To hear appeals of employees who do not accept the
25 allocation of their positions under the position
26 classification plan.

1 (6) To hear and determine written charges filed seeking
2 the discharge, demotion of employees and suspension
3 totaling more than thirty days in any 12-month period, as
4 provided in Section 11 hereof, and appeals from transfers
5 from one geographical area in the State to another, and in
6 connection therewith to administer oaths, subpoena
7 witnesses, and compel the production of books and papers.

8 (7) The fees of subpoenaed witnesses under this Act for
9 attendance and travel shall be the same as fees of
10 witnesses before the circuit courts of the State, such fees
11 to be paid when the witness is excused from further
12 attendance. Whenever a subpoena is issued the Commission
13 may require that the cost of service and the fee of the
14 witness shall be borne by the party at whose insistence the
15 witness is summoned. The Commission has the power, at its
16 discretion, to require a deposit from such party to cover
17 the cost of service and witness fees and the payment of the
18 legal witness fee and mileage to the witness served with
19 the subpoena. A subpoena issued under this Act shall be
20 served in the same manner as a subpoena issued out of a
21 court.

22 Upon the failure or refusal to obey a subpoena, a
23 petition shall be prepared by the party serving the
24 subpoena for enforcement in the circuit court of the county
25 in which the person to whom the subpoena was directed
26 either resides or has his or her principal place of

1 business.

2 Not less than five days before the petition is filed in
3 the appropriate court, it shall be served on the person
4 along with a notice of the time and place the petition is
5 to be presented.

6 Following a hearing on the petition, the circuit court
7 shall have jurisdiction to enforce subpoenas issued
8 pursuant to this Section.

9 On motion and for good cause shown the Commission may
10 quash or modify any subpoena.

11 (8) To make an annual report regarding the work of the
12 Commission to the Governor, such report to be a public
13 report.

14 (9) If any violation of this Act is found, the
15 Commission shall direct compliance in writing.

16 (10) To appoint a full-time executive secretary and
17 such other employees, experts, and special assistants as
18 may be necessary to carry out the powers and duties of the
19 Commission under this Act and employees, experts, and
20 special assistants so appointed by the Commission shall be
21 subject to the provisions of jurisdictions A, B and C of
22 this Act. These powers and duties supersede any contrary
23 provisions herein contained.

24 (11) To make rules to carry out and implement their
25 powers and duties under this Act, with authority to amend
26 such rules from time to time.

1 (12) To hear or conduct investigations as it deems
2 necessary of appeals of layoff filed by employees appointed
3 under Jurisdiction B after examination provided that such
4 appeals are filed within 15 calendar days following the
5 effective date of such layoff and are made on the basis
6 that the provisions of the Personnel Code or of the Rules
7 of the Department of Central Management Services relating
8 to layoff have been violated or have not been complied
9 with.

10 All hearings shall be public. A decision shall be
11 rendered within 60 days after receipt of the transcript of
12 the proceedings. The Commission shall order the
13 reinstatement of the employee if it is proven that the
14 provisions of the Personnel Code or of the rules of the
15 Department of Central Management Services relating to
16 layoff have been violated or have not been complied with.
17 In connection therewith the Commission may administer
18 oaths, subpoena witnesses, and compel the production of
19 books and papers.

20 (13) Whenever the Civil Service Commission is
21 authorized or required by law to consider some aspect of
22 criminal history record information for the purpose of
23 carrying out its statutory powers and responsibilities,
24 then, upon request and payment of fees in conformance with
25 the requirements of Section 2605-400 of the Illinois
26 ~~Department of State Police Law (20 ILCS 2605/2605-400)~~, the

1 Illinois ~~Department of~~ State Police is authorized to
2 furnish, pursuant to positive identification, such
3 information contained in State files as is necessary to
4 fulfill the request.

5 (Source: P.A. 100-201, eff. 8-18-17.)

6 Section 125. The Children and Family Services Act is
7 amended by changing Sections 5, 35.5, and 35.6 as follows:

8 (20 ILCS 505/5) (from Ch. 23, par. 5005)

9 Sec. 5. Direct child welfare services; Department of
10 Children and Family Services. To provide direct child welfare
11 services when not available through other public or private
12 child care or program facilities.

13 (a) For purposes of this Section:

14 (1) "Children" means persons found within the State who
15 are under the age of 18 years. The term also includes
16 persons under age 21 who:

17 (A) were committed to the Department pursuant to
18 the Juvenile Court Act or the Juvenile Court Act of
19 1987, ~~as amended,~~ and who continue under the
20 jurisdiction of the court; or

21 (B) were accepted for care, service and training by
22 the Department prior to the age of 18 and whose best
23 interest in the discretion of the Department would be
24 served by continuing that care, service and training

1 because of severe emotional disturbances, physical
2 disability, social adjustment or any combination
3 thereof, or because of the need to complete an
4 educational or vocational training program.

5 (2) "Homeless youth" means persons found within the
6 State who are under the age of 19, are not in a safe and
7 stable living situation and cannot be reunited with their
8 families.

9 (3) "Child welfare services" means public social
10 services which are directed toward the accomplishment of
11 the following purposes:

12 (A) protecting and promoting the health, safety
13 and welfare of children, including homeless,
14 dependent, or neglected children;

15 (B) remedying, or assisting in the solution of
16 problems which may result in, the neglect, abuse,
17 exploitation, or delinquency of children;

18 (C) preventing the unnecessary separation of
19 children from their families by identifying family
20 problems, assisting families in resolving their
21 problems, and preventing the breakup of the family
22 where the prevention of child removal is desirable and
23 possible when the child can be cared for at home
24 without endangering the child's health and safety;

25 (D) restoring to their families children who have
26 been removed, by the provision of services to the child

1 and the families when the child can be cared for at
2 home without endangering the child's health and
3 safety;

4 (E) placing children in suitable adoptive homes,
5 in cases where restoration to the biological family is
6 not safe, possible, or appropriate;

7 (F) assuring safe and adequate care of children
8 away from their homes, in cases where the child cannot
9 be returned home or cannot be placed for adoption. At
10 the time of placement, the Department shall consider
11 concurrent planning, as described in subsection (1-1)
12 of this Section so that permanency may occur at the
13 earliest opportunity. Consideration should be given so
14 that if reunification fails or is delayed, the
15 placement made is the best available placement to
16 provide permanency for the child;

17 (G) (blank);

18 (H) (blank); and

19 (I) placing and maintaining children in facilities
20 that provide separate living quarters for children
21 under the age of 18 and for children 18 years of age
22 and older, unless a child 18 years of age is in the
23 last year of high school education or vocational
24 training, in an approved individual or group treatment
25 program, in a licensed shelter facility, or secure
26 child care facility. The Department is not required to

1 place or maintain children:

2 (i) who are in a foster home, or

3 (ii) who are persons with a developmental
4 disability, as defined in the Mental Health and
5 Developmental Disabilities Code, or

6 (iii) who are female children who are
7 pregnant, pregnant and parenting, or parenting, or

8 (iv) who are siblings, in facilities that
9 provide separate living quarters for children 18
10 years of age and older and for children under 18
11 years of age.

12 (b) (Blank).

13 (c) The Department shall establish and maintain
14 tax-supported child welfare services and extend and seek to
15 improve voluntary services throughout the State, to the end
16 that services and care shall be available on an equal basis
17 throughout the State to children requiring such services.

18 (d) The Director may authorize advance disbursements for
19 any new program initiative to any agency contracting with the
20 Department. As a prerequisite for an advance disbursement, the
21 contractor must post a surety bond in the amount of the advance
22 disbursement and have a purchase of service contract approved
23 by the Department. The Department may pay up to 2 months
24 operational expenses in advance. The amount of the advance
25 disbursement shall be prorated over the life of the contract or
26 the remaining months of the fiscal year, whichever is less, and

1 the installment amount shall then be deducted from future
2 bills. Advance disbursement authorizations for new initiatives
3 shall not be made to any agency after that agency has operated
4 during 2 consecutive fiscal years. The requirements of this
5 Section concerning advance disbursements shall not apply with
6 respect to the following: payments to local public agencies for
7 child day care services as authorized by Section 5a of this
8 Act; and youth service programs receiving grant funds under
9 Section 17a-4.

10 (e) (Blank).

11 (f) (Blank).

12 (g) The Department shall establish rules and regulations
13 concerning its operation of programs designed to meet the goals
14 of child safety and protection, family preservation, family
15 reunification, and adoption, including, but not limited to:

16 (1) adoption;

17 (2) foster care;

18 (3) family counseling;

19 (4) protective services;

20 (5) (blank);

21 (6) homemaker service;

22 (7) return of runaway children;

23 (8) (blank);

24 (9) placement under Section 5-7 of the Juvenile Court
25 Act or Section 2-27, 3-28, 4-25, or 5-740 of the Juvenile
26 Court Act of 1987 in accordance with the federal Adoption

1 Assistance and Child Welfare Act of 1980; and

2 (10) interstate services.

3 Rules and regulations established by the Department shall
4 include provisions for training Department staff and the staff
5 of Department grantees, through contracts with other agencies
6 or resources, in screening techniques to identify substance use
7 disorders, as defined in the Substance Use Disorder Act,
8 approved by the Department of Human Services, as a successor to
9 the Department of Alcoholism and Substance Abuse, for the
10 purpose of identifying children and adults who should be
11 referred for an assessment at an organization appropriately
12 licensed by the Department of Human Services for substance use
13 disorder treatment.

14 (h) If the Department finds that there is no appropriate
15 program or facility within or available to the Department for a
16 youth in care and that no licensed private facility has an
17 adequate and appropriate program or none agrees to accept the
18 youth in care, the Department shall create an appropriate
19 individualized, program-oriented plan for such youth in care.
20 The plan may be developed within the Department or through
21 purchase of services by the Department to the extent that it is
22 within its statutory authority to do.

23 (i) Service programs shall be available throughout the
24 State and shall include but not be limited to the following
25 services:

26 (1) case management;

- 1 (2) homemakers;
- 2 (3) counseling;
- 3 (4) parent education;
- 4 (5) day care; and
- 5 (6) emergency assistance and advocacy.

6 In addition, the following services may be made available
7 to assess and meet the needs of children and families:

- 8 (1) comprehensive family-based services;
- 9 (2) assessments;
- 10 (3) respite care; and
- 11 (4) in-home health services.

12 The Department shall provide transportation for any of the
13 services it makes available to children or families or for
14 which it refers children or families.

15 (j) The Department may provide categories of financial
16 assistance and education assistance grants, and shall
17 establish rules and regulations concerning the assistance and
18 grants, to persons who adopt children with physical or mental
19 disabilities, children who are older, or other hard-to-place
20 children who (i) immediately prior to their adoption were youth
21 in care or (ii) were determined eligible for financial
22 assistance with respect to a prior adoption and who become
23 available for adoption because the prior adoption has been
24 dissolved and the parental rights of the adoptive parents have
25 been terminated or because the child's adoptive parents have
26 died. The Department may continue to provide financial

1 assistance and education assistance grants for a child who was
2 determined eligible for financial assistance under this
3 subsection (j) in the interim period beginning when the child's
4 adoptive parents died and ending with the finalization of the
5 new adoption of the child by another adoptive parent or
6 parents. The Department may also provide categories of
7 financial assistance and education assistance grants, and
8 shall establish rules and regulations for the assistance and
9 grants, to persons appointed guardian of the person under
10 Section 5-7 of the Juvenile Court Act or Section 2-27, 3-28,
11 4-25, or 5-740 of the Juvenile Court Act of 1987 for children
12 who were youth in care for 12 months immediately prior to the
13 appointment of the guardian.

14 The amount of assistance may vary, depending upon the needs
15 of the child and the adoptive parents, as set forth in the
16 annual assistance agreement. Special purpose grants are
17 allowed where the child requires special service but such costs
18 may not exceed the amounts which similar services would cost
19 the Department if it were to provide or secure them as guardian
20 of the child.

21 Any financial assistance provided under this subsection is
22 inalienable by assignment, sale, execution, attachment,
23 garnishment, or any other remedy for recovery or collection of
24 a judgment or debt.

25 (j-5) The Department shall not deny or delay the placement
26 of a child for adoption if an approved family is available

1 either outside of the Department region handling the case, or
2 outside of the State of Illinois.

3 (k) The Department shall accept for care and training any
4 child who has been adjudicated neglected or abused, or
5 dependent committed to it pursuant to the Juvenile Court Act or
6 the Juvenile Court Act of 1987.

7 (l) The Department shall offer family preservation
8 services, as defined in Section 8.2 of the Abused and Neglected
9 Child Reporting Act, to help families, including adoptive and
10 extended families. Family preservation services shall be
11 offered (i) to prevent the placement of children in substitute
12 care when the children can be cared for at home or in the
13 custody of the person responsible for the children's welfare,
14 (ii) to reunite children with their families, or (iii) to
15 maintain an adoptive placement. Family preservation services
16 shall only be offered when doing so will not endanger the
17 children's health or safety. With respect to children who are
18 in substitute care pursuant to the Juvenile Court Act of 1987,
19 family preservation services shall not be offered if a goal
20 other than those of subdivisions (A), (B), or (B-1) of
21 subsection (2) of Section 2-28 of that Act has been set, except
22 that reunification services may be offered as provided in
23 paragraph (F) of subsection (2) of Section 2-28 of that Act.
24 Nothing in this paragraph shall be construed to create a
25 private right of action or claim on the part of any individual
26 or child welfare agency, except that when a child is the

1 subject of an action under Article II of the Juvenile Court Act
2 of 1987 and the child's service plan calls for services to
3 facilitate achievement of the permanency goal, the court
4 hearing the action under Article II of the Juvenile Court Act
5 of 1987 may order the Department to provide the services set
6 out in the plan, if those services are not provided with
7 reasonable promptness and if those services are available.

8 The Department shall notify the child and his family of the
9 Department's responsibility to offer and provide family
10 preservation services as identified in the service plan. The
11 child and his family shall be eligible for services as soon as
12 the report is determined to be "indicated". The Department may
13 offer services to any child or family with respect to whom a
14 report of suspected child abuse or neglect has been filed,
15 prior to concluding its investigation under Section 7.12 of the
16 Abused and Neglected Child Reporting Act. However, the child's
17 or family's willingness to accept services shall not be
18 considered in the investigation. The Department may also
19 provide services to any child or family who is the subject of
20 any report of suspected child abuse or neglect or may refer
21 such child or family to services available from other agencies
22 in the community, even if the report is determined to be
23 unfounded, if the conditions in the child's or family's home
24 are reasonably likely to subject the child or family to future
25 reports of suspected child abuse or neglect. Acceptance of such
26 services shall be voluntary. The Department may also provide

1 services to any child or family after completion of a family
2 assessment, as an alternative to an investigation, as provided
3 under the "differential response program" provided for in
4 subsection (a-5) of Section 7.4 of the Abused and Neglected
5 Child Reporting Act.

6 The Department may, at its discretion except for those
7 children also adjudicated neglected or dependent, accept for
8 care and training any child who has been adjudicated addicted,
9 as a truant minor in need of supervision or as a minor
10 requiring authoritative intervention, under the Juvenile Court
11 Act or the Juvenile Court Act of 1987, but no such child shall
12 be committed to the Department by any court without the
13 approval of the Department. On and after January 1, 2015 (the
14 effective date of Public Act 98-803) and before January 1,
15 2017, a minor charged with a criminal offense under the
16 Criminal Code of 1961 or the Criminal Code of 2012 or
17 adjudicated delinquent shall not be placed in the custody of or
18 committed to the Department by any court, except (i) a minor
19 less than 16 years of age committed to the Department under
20 Section 5-710 of the Juvenile Court Act of 1987, (ii) a minor
21 for whom an independent basis of abuse, neglect, or dependency
22 exists, which must be defined by departmental rule, or (iii) a
23 minor for whom the court has granted a supplemental petition to
24 reinstate wardship pursuant to subsection (2) of Section 2-33
25 of the Juvenile Court Act of 1987. On and after January 1,
26 2017, a minor charged with a criminal offense under the

1 Criminal Code of 1961 or the Criminal Code of 2012 or
2 adjudicated delinquent shall not be placed in the custody of or
3 committed to the Department by any court, except (i) a minor
4 less than 15 years of age committed to the Department under
5 Section 5-710 of the Juvenile Court Act of 1987, ii) a minor
6 for whom an independent basis of abuse, neglect, or dependency
7 exists, which must be defined by departmental rule, or (iii) a
8 minor for whom the court has granted a supplemental petition to
9 reinstate wardship pursuant to subsection (2) of Section 2-33
10 of the Juvenile Court Act of 1987. An independent basis exists
11 when the allegations or adjudication of abuse, neglect, or
12 dependency do not arise from the same facts, incident, or
13 circumstances which give rise to a charge or adjudication of
14 delinquency. The Department shall assign a caseworker to attend
15 any hearing involving a youth in the care and custody of the
16 Department who is placed on aftercare release, including
17 hearings involving sanctions for violation of aftercare
18 release conditions and aftercare release revocation hearings.

19 As soon as is possible after August 7, 2009 (the effective
20 date of Public Act 96-134), the Department shall develop and
21 implement a special program of family preservation services to
22 support intact, foster, and adoptive families who are
23 experiencing extreme hardships due to the difficulty and stress
24 of caring for a child who has been diagnosed with a pervasive
25 developmental disorder if the Department determines that those
26 services are necessary to ensure the health and safety of the

1 child. The Department may offer services to any family whether
2 or not a report has been filed under the Abused and Neglected
3 Child Reporting Act. The Department may refer the child or
4 family to services available from other agencies in the
5 community if the conditions in the child's or family's home are
6 reasonably likely to subject the child or family to future
7 reports of suspected child abuse or neglect. Acceptance of
8 these services shall be voluntary. The Department shall develop
9 and implement a public information campaign to alert health and
10 social service providers and the general public about these
11 special family preservation services. The nature and scope of
12 the services offered and the number of families served under
13 the special program implemented under this paragraph shall be
14 determined by the level of funding that the Department annually
15 allocates for this purpose. The term "pervasive developmental
16 disorder" under this paragraph means a neurological condition,
17 including, but not limited to, Asperger's Syndrome and autism,
18 as defined in the most recent edition of the Diagnostic and
19 Statistical Manual of Mental Disorders of the American
20 Psychiatric Association.

21 (1-1) The legislature recognizes that the best interests of
22 the child require that the child be placed in the most
23 permanent living arrangement as soon as is practically
24 possible. To achieve this goal, the legislature directs the
25 Department of Children and Family Services to conduct
26 concurrent planning so that permanency may occur at the

1 earliest opportunity. Permanent living arrangements may
2 include prevention of placement of a child outside the home of
3 the family when the child can be cared for at home without
4 endangering the child's health or safety; reunification with
5 the family, when safe and appropriate, if temporary placement
6 is necessary; or movement of the child toward the most
7 permanent living arrangement and permanent legal status.

8 When determining reasonable efforts to be made with respect
9 to a child, as described in this subsection, and in making such
10 reasonable efforts, the child's health and safety shall be the
11 paramount concern.

12 When a child is placed in foster care, the Department shall
13 ensure and document that reasonable efforts were made to
14 prevent or eliminate the need to remove the child from the
15 child's home. The Department must make reasonable efforts to
16 reunify the family when temporary placement of the child occurs
17 unless otherwise required, pursuant to the Juvenile Court Act
18 of 1987. At any time after the dispositional hearing where the
19 Department believes that further reunification services would
20 be ineffective, it may request a finding from the court that
21 reasonable efforts are no longer appropriate. The Department is
22 not required to provide further reunification services after
23 such a finding.

24 A decision to place a child in substitute care shall be
25 made with considerations of the child's health, safety, and
26 best interests. At the time of placement, consideration should

1 also be given so that if reunification fails or is delayed, the
2 placement made is the best available placement to provide
3 permanency for the child.

4 The Department shall adopt rules addressing concurrent
5 planning for reunification and permanency. The Department
6 shall consider the following factors when determining
7 appropriateness of concurrent planning:

8 (1) the likelihood of prompt reunification;

9 (2) the past history of the family;

10 (3) the barriers to reunification being addressed by
11 the family;

12 (4) the level of cooperation of the family;

13 (5) the foster parents' willingness to work with the
14 family to reunite;

15 (6) the willingness and ability of the foster family to
16 provide an adoptive home or long-term placement;

17 (7) the age of the child;

18 (8) placement of siblings.

19 (m) The Department may assume temporary custody of any
20 child if:

21 (1) it has received a written consent to such temporary
22 custody signed by the parents of the child or by the parent
23 having custody of the child if the parents are not living
24 together or by the guardian or custodian of the child if
25 the child is not in the custody of either parent, or

26 (2) the child is found in the State and neither a

1 parent, guardian nor custodian of the child can be located.
2 If the child is found in his or her residence without a parent,
3 guardian, custodian, or responsible caretaker, the Department
4 may, instead of removing the child and assuming temporary
5 custody, place an authorized representative of the Department
6 in that residence until such time as a parent, guardian, or
7 custodian enters the home and expresses a willingness and
8 apparent ability to ensure the child's health and safety and
9 resume permanent charge of the child, or until a relative
10 enters the home and is willing and able to ensure the child's
11 health and safety and assume charge of the child until a
12 parent, guardian, or custodian enters the home and expresses
13 such willingness and ability to ensure the child's safety and
14 resume permanent charge. After a caretaker has remained in the
15 home for a period not to exceed 12 hours, the Department must
16 follow those procedures outlined in Section 2-9, 3-11, 4-8, or
17 5-415 of the Juvenile Court Act of 1987.

18 The Department shall have the authority, responsibilities
19 and duties that a legal custodian of the child would have
20 pursuant to subsection (9) of Section 1-3 of the Juvenile Court
21 Act of 1987. Whenever a child is taken into temporary custody
22 pursuant to an investigation under the Abused and Neglected
23 Child Reporting Act, or pursuant to a referral and acceptance
24 under the Juvenile Court Act of 1987 of a minor in limited
25 custody, the Department, during the period of temporary custody
26 and before the child is brought before a judicial officer as

1 required by Section 2-9, 3-11, 4-8, or 5-415 of the Juvenile
2 Court Act of 1987, shall have the authority, responsibilities
3 and duties that a legal custodian of the child would have under
4 subsection (9) of Section 1-3 of the Juvenile Court Act of
5 1987.

6 The Department shall ensure that any child taken into
7 custody is scheduled for an appointment for a medical
8 examination.

9 A parent, guardian, or custodian of a child in the
10 temporary custody of the Department who would have custody of
11 the child if he were not in the temporary custody of the
12 Department may deliver to the Department a signed request that
13 the Department surrender the temporary custody of the child.
14 The Department may retain temporary custody of the child for 10
15 days after the receipt of the request, during which period the
16 Department may cause to be filed a petition pursuant to the
17 Juvenile Court Act of 1987. If a petition is so filed, the
18 Department shall retain temporary custody of the child until
19 the court orders otherwise. If a petition is not filed within
20 the 10-day period, the child shall be surrendered to the
21 custody of the requesting parent, guardian, or custodian not
22 later than the expiration of the 10-day period, at which time
23 the authority and duties of the Department with respect to the
24 temporary custody of the child shall terminate.

25 (m-1) The Department may place children under 18 years of
26 age in a secure child care facility licensed by the Department

1 that cares for children who are in need of secure living
2 arrangements for their health, safety, and well-being after a
3 determination is made by the facility director and the Director
4 or the Director's designate prior to admission to the facility
5 subject to Section 2-27.1 of the Juvenile Court Act of 1987.
6 This subsection (m-1) does not apply to a child who is subject
7 to placement in a correctional facility operated pursuant to
8 Section 3-15-2 of the Unified Code of Corrections, unless the
9 child is a youth in care who was placed in the care of the
10 Department before being subject to placement in a correctional
11 facility and a court of competent jurisdiction has ordered
12 placement of the child in a secure care facility.

13 (n) The Department may place children under 18 years of age
14 in licensed child care facilities when in the opinion of the
15 Department, appropriate services aimed at family preservation
16 have been unsuccessful and cannot ensure the child's health and
17 safety or are unavailable and such placement would be for their
18 best interest. Payment for board, clothing, care, training and
19 supervision of any child placed in a licensed child care
20 facility may be made by the Department, by the parents or
21 guardians of the estates of those children, or by both the
22 Department and the parents or guardians, except that no
23 payments shall be made by the Department for any child placed
24 in a licensed child care facility for board, clothing, care,
25 training and supervision of such a child that exceed the
26 average per capita cost of maintaining and of caring for a

1 child in institutions for dependent or neglected children
2 operated by the Department. However, such restriction on
3 payments does not apply in cases where children require
4 specialized care and treatment for problems of severe emotional
5 disturbance, physical disability, social adjustment, or any
6 combination thereof and suitable facilities for the placement
7 of such children are not available at payment rates within the
8 limitations set forth in this Section. All reimbursements for
9 services delivered shall be absolutely inalienable by
10 assignment, sale, attachment, or garnishment or otherwise.

11 (n-1) The Department shall provide or authorize child
12 welfare services, aimed at assisting minors to achieve
13 sustainable self-sufficiency as independent adults, for any
14 minor eligible for the reinstatement of wardship pursuant to
15 subsection (2) of Section 2-33 of the Juvenile Court Act of
16 1987, whether or not such reinstatement is sought or allowed,
17 provided that the minor consents to such services and has not
18 yet attained the age of 21. The Department shall have
19 responsibility for the development and delivery of services
20 under this Section. An eligible youth may access services under
21 this Section through the Department of Children and Family
22 Services or by referral from the Department of Human Services.
23 Youth participating in services under this Section shall
24 cooperate with the assigned case manager in developing an
25 agreement identifying the services to be provided and how the
26 youth will increase skills to achieve self-sufficiency. A

1 homeless shelter is not considered appropriate housing for any
2 youth receiving child welfare services under this Section. The
3 Department shall continue child welfare services under this
4 Section to any eligible minor until the minor becomes 21 years
5 of age, no longer consents to participate, or achieves
6 self-sufficiency as identified in the minor's service plan. The
7 Department of Children and Family Services shall create clear,
8 readable notice of the rights of former foster youth to child
9 welfare services under this Section and how such services may
10 be obtained. The Department of Children and Family Services and
11 the Department of Human Services shall disseminate this
12 information statewide. The Department shall adopt regulations
13 describing services intended to assist minors in achieving
14 sustainable self-sufficiency as independent adults.

15 (o) The Department shall establish an administrative
16 review and appeal process for children and families who request
17 or receive child welfare services from the Department. Youth in
18 care who are placed by private child welfare agencies, and
19 foster families with whom those youth are placed, shall be
20 afforded the same procedural and appeal rights as children and
21 families in the case of placement by the Department, including
22 the right to an initial review of a private agency decision by
23 that agency. The Department shall ensure that any private child
24 welfare agency, which accepts youth in care for placement,
25 affords those rights to children and foster families. The
26 Department shall accept for administrative review and an appeal

1 hearing a complaint made by (i) a child or foster family
2 concerning a decision following an initial review by a private
3 child welfare agency or (ii) a prospective adoptive parent who
4 alleges a violation of subsection (j-5) of this Section. An
5 appeal of a decision concerning a change in the placement of a
6 child shall be conducted in an expedited manner. A court
7 determination that a current foster home placement is necessary
8 and appropriate under Section 2-28 of the Juvenile Court Act of
9 1987 does not constitute a judicial determination on the merits
10 of an administrative appeal, filed by a former foster parent,
11 involving a change of placement decision.

12 (p) (Blank).

13 (q) The Department may receive and use, in their entirety,
14 for the benefit of children any gift, donation, or bequest of
15 money or other property which is received on behalf of such
16 children, or any financial benefits to which such children are
17 or may become entitled while under the jurisdiction or care of
18 the Department.

19 The Department shall set up and administer no-cost,
20 interest-bearing accounts in appropriate financial
21 institutions for children for whom the Department is legally
22 responsible and who have been determined eligible for Veterans'
23 Benefits, Social Security benefits, assistance allotments from
24 the armed forces, court ordered payments, parental voluntary
25 payments, Supplemental Security Income, Railroad Retirement
26 payments, Black Lung benefits, or other miscellaneous

1 payments. Interest earned by each account shall be credited to
2 the account, unless disbursed in accordance with this
3 subsection.

4 In disbursing funds from children's accounts, the
5 Department shall:

6 (1) Establish standards in accordance with State and
7 federal laws for disbursing money from children's
8 accounts. In all circumstances, the Department's
9 "Guardianship Administrator" or his or her designee must
10 approve disbursements from children's accounts. The
11 Department shall be responsible for keeping complete
12 records of all disbursements for each account for any
13 purpose.

14 (2) Calculate on a monthly basis the amounts paid from
15 State funds for the child's board and care, medical care
16 not covered under Medicaid, and social services; and
17 utilize funds from the child's account, as covered by
18 regulation, to reimburse those costs. Monthly,
19 disbursements from all children's accounts, up to 1/12 of
20 \$13,000,000, shall be deposited by the Department into the
21 General Revenue Fund and the balance over 1/12 of
22 \$13,000,000 into the DCFS Children's Services Fund.

23 (3) Maintain any balance remaining after reimbursing
24 for the child's costs of care, as specified in item (2).
25 The balance shall accumulate in accordance with relevant
26 State and federal laws and shall be disbursed to the child

1 or his or her guardian, or to the issuing agency.

2 (r) The Department shall promulgate regulations
3 encouraging all adoption agencies to voluntarily forward to the
4 Department or its agent names and addresses of all persons who
5 have applied for and have been approved for adoption of a
6 hard-to-place child or child with a disability and the names of
7 such children who have not been placed for adoption. A list of
8 such names and addresses shall be maintained by the Department
9 or its agent, and coded lists which maintain the
10 confidentiality of the person seeking to adopt the child and of
11 the child shall be made available, without charge, to every
12 adoption agency in the State to assist the agencies in placing
13 such children for adoption. The Department may delegate to an
14 agent its duty to maintain and make available such lists. The
15 Department shall ensure that such agent maintains the
16 confidentiality of the person seeking to adopt the child and of
17 the child.

18 (s) The Department of Children and Family Services may
19 establish and implement a program to reimburse Department and
20 private child welfare agency foster parents licensed by the
21 Department of Children and Family Services for damages
22 sustained by the foster parents as a result of the malicious or
23 negligent acts of foster children, as well as providing third
24 party coverage for such foster parents with regard to actions
25 of foster children to other individuals. Such coverage will be
26 secondary to the foster parent liability insurance policy, if

1 applicable. The program shall be funded through appropriations
2 from the General Revenue Fund, specifically designated for such
3 purposes.

4 (t) The Department shall perform home studies and
5 investigations and shall exercise supervision over visitation
6 as ordered by a court pursuant to the Illinois Marriage and
7 Dissolution of Marriage Act or the Adoption Act only if:

8 (1) an order entered by an Illinois court specifically
9 directs the Department to perform such services; and

10 (2) the court has ordered one or both of the parties to
11 the proceeding to reimburse the Department for its
12 reasonable costs for providing such services in accordance
13 with Department rules, or has determined that neither party
14 is financially able to pay.

15 The Department shall provide written notification to the
16 court of the specific arrangements for supervised visitation
17 and projected monthly costs within 60 days of the court order.
18 The Department shall send to the court information related to
19 the costs incurred except in cases where the court has
20 determined the parties are financially unable to pay. The court
21 may order additional periodic reports as appropriate.

22 (u) In addition to other information that must be provided,
23 whenever the Department places a child with a prospective
24 adoptive parent or parents, ~~or~~ in a licensed foster home, group
25 home, or child care institution, or in a relative home, the
26 Department shall provide to the prospective adoptive parent or

1 parents or other caretaker:

2 (1) available detailed information concerning the
3 child's educational and health history, copies of
4 immunization records (including insurance and medical card
5 information), a history of the child's previous
6 placements, if any, and reasons for placement changes
7 excluding any information that identifies or reveals the
8 location of any previous caretaker;

9 (2) a copy of the child's portion of the client service
10 plan, including any visitation arrangement, and all
11 amendments or revisions to it as related to the child; and

12 (3) information containing details of the child's
13 individualized educational plan when the child is
14 receiving special education services.

15 The caretaker shall be informed of any known social or
16 behavioral information (including, but not limited to,
17 criminal background, fire setting, perpetuation of sexual
18 abuse, destructive behavior, and substance abuse) necessary to
19 care for and safeguard the children to be placed or currently
20 in the home. The Department may prepare a written summary of
21 the information required by this paragraph, which may be
22 provided to the foster or prospective adoptive parent in
23 advance of a placement. The foster or prospective adoptive
24 parent may review the supporting documents in the child's file
25 in the presence of casework staff. In the case of an emergency
26 placement, casework staff shall at least provide known

1 information verbally, if necessary, and must subsequently
2 provide the information in writing as required by this
3 subsection.

4 The information described in this subsection shall be
5 provided in writing. In the case of emergency placements when
6 time does not allow prior review, preparation, and collection
7 of written information, the Department shall provide such
8 information as it becomes available. Within 10 business days
9 after placement, the Department shall obtain from the
10 prospective adoptive parent or parents or other caretaker a
11 signed verification of receipt of the information provided.
12 Within 10 business days after placement, the Department shall
13 provide to the child's guardian ad litem a copy of the
14 information provided to the prospective adoptive parent or
15 parents or other caretaker. The information provided to the
16 prospective adoptive parent or parents or other caretaker shall
17 be reviewed and approved regarding accuracy at the supervisory
18 level.

19 (u-5) Effective July 1, 1995, only foster care placements
20 licensed as foster family homes pursuant to the Child Care Act
21 of 1969 shall be eligible to receive foster care payments from
22 the Department. Relative caregivers who, as of July 1, 1995,
23 were approved pursuant to approved relative placement rules
24 previously promulgated by the Department at 89 Ill. Adm. Code
25 335 and had submitted an application for licensure as a foster
26 family home may continue to receive foster care payments only

1 until the Department determines that they may be licensed as a
2 foster family home or that their application for licensure is
3 denied or until September 30, 1995, whichever occurs first.

4 (v) The Department shall access criminal history record
5 information as defined in the Illinois Uniform Conviction
6 Information Act and information maintained in the adjudicatory
7 and dispositional record system as defined in Section 2605-355
8 of the Illinois ~~Department of~~ State Police Law ~~(20 ILCS~~
9 ~~2605/2605-355)~~ if the Department determines the information is
10 necessary to perform its duties under the Abused and Neglected
11 Child Reporting Act, the Child Care Act of 1969, and the
12 Children and Family Services Act. The Department shall provide
13 for interactive computerized communication and processing
14 equipment that permits direct on-line communication with the
15 Illinois ~~Department of~~ State Police's central criminal history
16 data repository. The Department shall comply with all
17 certification requirements and provide certified operators who
18 have been trained by personnel from the Illinois ~~Department of~~
19 State Police. In addition, one Office of the Inspector General
20 investigator shall have training in the use of the criminal
21 history information access system and have access to the
22 terminal. The Department of Children and Family Services and
23 its employees shall abide by rules and regulations established
24 by the Illinois ~~Department of~~ State Police relating to the
25 access and dissemination of this information.

26 (v-1) Prior to final approval for placement of a child, the

1 Department shall conduct a criminal records background check of
2 the prospective foster or adoptive parent, including
3 fingerprint-based checks of national crime information
4 databases. Final approval for placement shall not be granted if
5 the record check reveals a felony conviction for child abuse or
6 neglect, for spousal abuse, for a crime against children, or
7 for a crime involving violence, including rape, sexual assault,
8 or homicide, but not including other physical assault or
9 battery, or if there is a felony conviction for physical
10 assault, battery, or a drug-related offense committed within
11 the past 5 years.

12 (v-2) Prior to final approval for placement of a child, the
13 Department shall check its child abuse and neglect registry for
14 information concerning prospective foster and adoptive
15 parents, and any adult living in the home. If any prospective
16 foster or adoptive parent or other adult living in the home has
17 resided in another state in the preceding 5 years, the
18 Department shall request a check of that other state's child
19 abuse and neglect registry.

20 (w) Within 120 days of August 20, 1995 (the effective date
21 of Public Act 89-392), the Department shall prepare and submit
22 to the Governor and the General Assembly, a written plan for
23 the development of in-state licensed secure child care
24 facilities that care for children who are in need of secure
25 living arrangements for their health, safety, and well-being.
26 For purposes of this subsection, secure care facility shall

1 mean a facility that is designed and operated to ensure that
2 all entrances and exits from the facility, a building or a
3 distinct part of the building, are under the exclusive control
4 of the staff of the facility, whether or not the child has the
5 freedom of movement within the perimeter of the facility,
6 building, or distinct part of the building. The plan shall
7 include descriptions of the types of facilities that are needed
8 in Illinois; the cost of developing these secure care
9 facilities; the estimated number of placements; the potential
10 cost savings resulting from the movement of children currently
11 out-of-state who are projected to be returned to Illinois; the
12 necessary geographic distribution of these facilities in
13 Illinois; and a proposed timetable for development of such
14 facilities.

15 (x) The Department shall conduct annual credit history
16 checks to determine the financial history of children placed
17 under its guardianship pursuant to the Juvenile Court Act of
18 1987. The Department shall conduct such credit checks starting
19 when a youth in care turns 12 years old and each year
20 thereafter for the duration of the guardianship as terminated
21 pursuant to the Juvenile Court Act of 1987. The Department
22 shall determine if financial exploitation of the child's
23 personal information has occurred. If financial exploitation
24 appears to have taken place or is presently ongoing, the
25 Department shall notify the proper law enforcement agency, the
26 proper State's Attorney, or the Attorney General.

1 (y) Beginning on July 22, 2010 (the effective date of
2 Public Act 96-1189), a child with a disability who receives
3 residential and educational services from the Department shall
4 be eligible to receive transition services in accordance with
5 Article 14 of the School Code from the age of 14.5 through age
6 21, inclusive, notwithstanding the child's residential
7 services arrangement. For purposes of this subsection, "child
8 with a disability" means a child with a disability as defined
9 by the federal Individuals with Disabilities Education
10 Improvement Act of 2004.

11 (z) The Department shall access criminal history record
12 information as defined as "background information" in this
13 subsection and criminal history record information as defined
14 in the Illinois Uniform Conviction Information Act for each
15 Department employee or Department applicant. Each Department
16 employee or Department applicant shall submit his or her
17 fingerprints to the Illinois ~~Department of~~ State Police in the
18 form and manner prescribed by the Illinois ~~Department of~~ State
19 Police. These fingerprints shall be checked against the
20 fingerprint records now and hereafter filed in the Illinois
21 ~~Department of~~ State Police and the Federal Bureau of
22 Investigation criminal history records databases. The Illinois
23 ~~Department of~~ State Police shall charge a fee for conducting
24 the criminal history record check, which shall be deposited
25 into the State Police Services Fund and shall not exceed the
26 actual cost of the record check. The Illinois ~~Department of~~

1 State Police shall furnish, pursuant to positive
2 identification, all Illinois conviction information to the
3 Department of Children and Family Services.

4 For purposes of this subsection:

5 "Background information" means all of the following:

6 (i) Upon the request of the Department of Children and
7 Family Services, conviction information obtained from the
8 Illinois Department of State Police as a result of a
9 fingerprint-based criminal history records check of the
10 Illinois criminal history records database and the Federal
11 Bureau of Investigation criminal history records database
12 concerning a Department employee or Department applicant.

13 (ii) Information obtained by the Department of
14 Children and Family Services after performing a check of
15 the Illinois Department of State Police's Sex Offender
16 Database, as authorized by Section 120 of the Sex Offender
17 Community Notification Law, concerning a Department
18 employee or Department applicant.

19 (iii) Information obtained by the Department of
20 Children and Family Services after performing a check of
21 the Child Abuse and Neglect Tracking System (CANTS)
22 operated and maintained by the Department.

23 "Department employee" means a full-time or temporary
24 employee coded or certified within the State of Illinois
25 Personnel System.

26 "Department applicant" means an individual who has

1 conditional Department full-time or part-time work, a
2 contractor, an individual used to replace or supplement staff,
3 an academic intern, a volunteer in Department offices or on
4 Department contracts, a work-study student, an individual or
5 entity licensed by the Department, or an unlicensed service
6 provider who works as a condition of a contract or an agreement
7 and whose work may bring the unlicensed service provider into
8 contact with Department clients or client records.

9 (Source: P.A. 100-159, eff. 8-18-17; 100-522, eff. 9-22-17;
10 100-759, eff. 1-1-19; 100-863, eff. 8-14-18; 100-978, eff.
11 8-19-18; 101-13, eff. 6-12-19; 101-79, eff. 7-12-19; 101-81,
12 eff. 7-12-19; revised 8-1-19.)

13 (20 ILCS 505/35.5)

14 Sec. 35.5. Inspector General.

15 (a) The Governor shall appoint, and the Senate shall
16 confirm, an Inspector General who shall have the authority to
17 conduct investigations into allegations of or incidents of
18 possible misconduct, misfeasance, malfeasance, or violations
19 of rules, procedures, or laws by any employee, foster parent,
20 service provider, or contractor of the Department of Children
21 and Family Services, except for allegations of violations of
22 the State Officials and Employees Ethics Act which shall be
23 referred to the Office of the Governor's Executive Inspector
24 General for investigation. The Inspector General shall make
25 recommendations to the Director of Children and Family Services

1 concerning sanctions or disciplinary actions against
2 Department employees or providers of service under contract to
3 the Department. The Director of Children and Family Services
4 shall provide the Inspector General with an implementation
5 report on the status of any corrective actions taken on
6 recommendations under review and shall continue sending
7 updated reports until the corrective action is completed. The
8 Director shall provide a written response to the Inspector
9 General indicating the status of any sanctions or disciplinary
10 actions against employees or providers of service involving any
11 investigation subject to review. In any case, information
12 included in the reports to the Inspector General and Department
13 responses shall be subject to the public disclosure
14 requirements of the Abused and Neglected Child Reporting Act.
15 Any investigation conducted by the Inspector General shall be
16 independent and separate from the investigation mandated by the
17 Abused and Neglected Child Reporting Act. The Inspector General
18 shall be appointed for a term of 4 years. The Inspector General
19 shall function independently within the Department of Children
20 and Family Services with respect to the operations of the
21 Office of Inspector General, including the performance of
22 investigations and issuance of findings and recommendations,
23 and shall report to the Director of Children and Family
24 Services and the Governor and perform other duties the Director
25 may designate. The Inspector General shall adopt rules as
26 necessary to carry out the functions, purposes, and duties of

1 the office of Inspector General in the Department of Children
2 and Family Services, in accordance with the Illinois
3 Administrative Procedure Act and any other applicable law.

4 (b) The Inspector General shall have access to all
5 information and personnel necessary to perform the duties of
6 the office. To minimize duplication of efforts, and to assure
7 consistency and conformance with the requirements and
8 procedures established in the B.H. v. Suter consent decree and
9 to share resources when appropriate, the Inspector General
10 shall coordinate his or her activities with the Bureau of
11 Quality Assurance within the Department.

12 (c) The Inspector General shall be the primary liaison
13 between the Department and the Illinois ~~Department of~~ State
14 Police with regard to investigations conducted under the
15 Inspector General's auspices. If the Inspector General
16 determines that a possible criminal act has been committed, or
17 that special expertise is required in the investigation, he or
18 she shall immediately notify the Illinois ~~Department of~~ State
19 Police. All investigations conducted by the Inspector General
20 shall be conducted in a manner designed to ensure the
21 preservation of evidence for possible use in a criminal
22 prosecution.

23 (d) The Inspector General may recommend to the Department
24 of Children and Family Services, the Department of Public
25 Health, or any other appropriate agency, sanctions to be
26 imposed against service providers under the jurisdiction of or

1 under contract with the Department for the protection of
2 children in the custody or under the guardianship of the
3 Department who received services from those providers. The
4 Inspector General may seek the assistance of the Attorney
5 General or any of the several State's Attorneys in imposing
6 sanctions.

7 (e) The Inspector General shall at all times be granted
8 access to any foster home, facility, or program operated for or
9 licensed or funded by the Department.

10 (f) Nothing in this Section shall limit investigations by
11 the Department of Children and Family Services that may
12 otherwise be required by law or that may be necessary in that
13 Department's capacity as the central administrative authority
14 for child welfare.

15 (g) The Inspector General shall have the power to subpoena
16 witnesses and compel the production of books and papers
17 pertinent to an investigation authorized by this Act. The power
18 to subpoena or to compel the production of books and papers,
19 however, shall not extend to the person or documents of a labor
20 organization or its representatives insofar as the person or
21 documents of a labor organization relate to the function of
22 representing an employee subject to investigation under this
23 Act. Any person who fails to appear in response to a subpoena
24 or to answer any question or produce any books or papers
25 pertinent to an investigation under this Act, except as
26 otherwise provided in this Section, or who knowingly gives

1 false testimony in relation to an investigation under this Act
2 is guilty of a Class A misdemeanor.

3 (h) The Inspector General shall provide to the General
4 Assembly and the Governor, no later than January 1 of each
5 year, a summary of reports and investigations made under this
6 Section for the prior fiscal year. The summaries shall detail
7 the imposition of sanctions and the final disposition of those
8 recommendations. The summaries shall not contain any
9 confidential or identifying information concerning the
10 subjects of the reports and investigations. The summaries also
11 shall include detailed recommended administrative actions and
12 matters for consideration by the General Assembly.

13 (Source: P.A. 95-527, eff. 6-1-08; 96-555, eff. 8-18-09.)

14 (20 ILCS 505/35.6)

15 Sec. 35.6. State-wide toll-free telephone number.

16 (a) There shall be a State-wide, toll-free telephone number
17 for any person, whether or not mandated by law, to report to
18 the Inspector General of the Department, suspected misconduct,
19 malfeasance, misfeasance, or violations of rules, procedures,
20 or laws by Department employees, service providers, or
21 contractors that is detrimental to the best interest of
22 children receiving care, services, or training from or who were
23 committed to the Department as allowed under Section 5 of this
24 Act. Immediately upon receipt of a telephone call regarding
25 suspected abuse or neglect of children, the Inspector General

1 shall refer the call to the Child Abuse and Neglect Hotline or
2 to the Illinois State Police as mandated by the Abused and
3 Neglected Child Reporting Act and Section 35.5 of this Act. A
4 mandated reporter shall not be relieved of his or her duty to
5 report incidents to the Child Abuse and Neglect Hotline
6 referred to in this subsection. The Inspector General shall
7 also establish rules and procedures for evaluating reports of
8 suspected misconduct and violation of rules and for conducting
9 an investigation of such reports.

10 (b) The Inspector General shall prepare and maintain
11 written records from the reporting source that shall contain
12 the following information to the extent known at the time the
13 report is made: (1) the names and addresses of the child and
14 the person responsible for the child's welfare; (2) the nature
15 of the misconduct and the detriment cause to the child's best
16 interest; (3) the names of the persons or agencies responsible
17 for the alleged misconduct. Any investigation conducted by the
18 Inspector General pursuant to such information shall not
19 duplicate and shall be separate from the investigation mandated
20 by the Abused and Neglected Child Reporting Act. However, the
21 Inspector General may include the results of such investigation
22 in reports compiled under this Section. At the request of the
23 reporting agent, the Inspector General shall keep the identity
24 of the reporting agent strictly confidential from the operation
25 of the Department, until the Inspector General shall determine
26 what recommendations shall be made with regard to discipline or

1 sanction of the Department employee, service provider, or
2 contractor, with the exception of suspected child abuse or
3 neglect which shall be handled consistent with the Abused and
4 Neglected Child Reporting Act and Section 35.5 of this Act. The
5 Department shall take whatever steps are necessary to assure
6 that a person making a report in good faith under this Section
7 is not adversely affected solely on the basis of having made
8 such report.

9 (Source: P.A. 92-334, eff. 8-10-01.)

10 Section 130. The Department of Children and Family Services
11 Powers Law of the Civil Administrative Code of Illinois is
12 amended by changing Section 510-100 as follows:

13 (20 ILCS 510/510-100) (was 20 ILCS 510/65.8)

14 Sec. 510-100. Criminal history record information.
15 Whenever the Department is authorized or required by law to
16 consider some aspect of criminal history record information for
17 the purpose of carrying out its statutory powers and
18 responsibilities, then, upon request and payment of fees in
19 conformance with the requirements of Section 2605-400 of the
20 Illinois Department of State Police Law (~~20 ILCS~~
21 ~~2605/2605-400~~), the Illinois Department of State Police is
22 authorized to furnish, pursuant to positive identification,
23 the information contained in State files that is necessary to
24 fulfill the request.

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

2 Section 135. The Child Death Review Team Act is amended by
3 changing Section 15 as follows:

4 (20 ILCS 515/15)

5 Sec. 15. Child death review teams; establishment.

6 (a) The Inspector General of the Department, in
7 consultation and cooperation with the Executive Council, law
8 enforcement, and other professionals who work in the field of
9 investigating, treating, or preventing child abuse or neglect
10 in that subregion, shall appoint members to a child death
11 review team in each of the Department's administrative
12 subregions of the State outside Cook County and at least one
13 child death review team in Cook County. The members of a team
14 shall be appointed for 2-year terms and shall be eligible for
15 reappointment upon the expiration of the terms. The Inspector
16 General of the Department must fill any vacancy in a team
17 within 60 days after that vacancy occurs.

18 (b) Each child death review team shall consist of at least
19 one member from each of the following categories:

20 (1) Pediatrician or other physician knowledgeable
21 about child abuse and neglect.

22 (2) Representative of the Department.

23 (3) State's attorney or State's attorney's
24 representative.

- 1 (4) Representative of a local law enforcement agency.
- 2 (5) Psychologist or psychiatrist.
- 3 (6) Representative of a local health department.
- 4 (7) Representative of a school district or other
5 education or child care interests.
- 6 (8) Coroner or forensic pathologist.
- 7 (9) Representative of a child welfare agency or child
8 advocacy organization.
- 9 (10) Representative of a local hospital, trauma
10 center, or provider of emergency medical services.
- 11 (11) Representative of the Illinois ~~Department of~~
12 State Police.
- 13 (12) Representative of the Department of Public
14 Health.

15 Each child death review team may make recommendations to
16 the Inspector General of the Department concerning additional
17 appointments. In the event of a disagreement, the Executive
18 Council's decision shall control.

19 Each child death review team member must have demonstrated
20 experience and an interest in investigating, treating, or
21 preventing child abuse or neglect.

22 (c) Each child death review team shall select a chairperson
23 and vice-chairperson from among its members. The chairperson
24 shall also serve on the Illinois Child Death Review Teams
25 Executive Council. The vice-chairperson may also serve on the
26 Illinois Child Death Review Teams Executive Council, but shall

1 not have a vote on child death review team business unless the
2 chairperson is unable to attend a meeting.

3 (d) The child death review teams shall be funded under a
4 separate line item in the Department's annual budget.

5 (e) The Department shall provide at least one full-time
6 Statewide Department of Children and Family Services Liaison
7 who shall attend all child death review team meetings, all
8 Executive meetings, all Executive Council meetings, and
9 meetings between the Director and the Executive Council.

10 (Source: P.A. 100-397, eff. 1-1-18; 100-1122, eff. 11-27-18.)

11 Section 140. The Financial Institutions Code is amended by
12 changing Section 6 as follows:

13 (20 ILCS 1205/6) (from Ch. 17, par. 106)

14 Sec. 6. In addition to the duties imposed elsewhere in this
15 Act, the Department has the following powers:

16 (1) To exercise the rights, powers and duties vested by law
17 in the Auditor of Public Accounts under "An Act to provide for
18 the incorporation, management and regulation of pawners'
19 societies and limiting the rate of compensation to be paid for
20 advances, storage and insurance on pawns and pledges and to
21 allow the loaning of money upon personal property", approved
22 March 29, 1899, as amended.

23 (2) To exercise the rights, powers and duties vested by law
24 in the Auditor of Public Accounts under "An Act in relation to

1 the definition, licensing and regulation of community currency
2 exchanges and ambulatory currency exchanges, and the operators
3 and employees thereof, and to make an appropriation therefor,
4 and to provide penalties and remedies for the violation
5 thereof", approved June 30, 1943, as amended.

6 (3) To exercise the rights, powers, and duties vested by
7 law in the Auditor of Public Accounts under "An Act in relation
8 to the buying and selling of foreign exchange and the
9 transmission or transfer of money to foreign countries",
10 approved June 28, 1923, as amended.

11 (4) To exercise the rights, powers, and duties vested by
12 law in the Auditor of Public Accounts under "An Act to provide
13 for and regulate the business of guaranteeing titles to real
14 estate by corporations", approved May 13, 1901, as amended.

15 (5) To exercise the rights, powers and duties vested by law
16 in the Department of Insurance under "An Act to define,
17 license, and regulate the business of making loans of eight
18 hundred dollars or less, permitting an interest charge thereon
19 greater than otherwise allowed by law, authorizing and
20 regulating the assignment of wages or salary when taken as
21 security for any such loan or as consideration for a payment of
22 eight hundred dollars or less, providing penalties, and to
23 repeal Acts therein named", approved July 11, 1935, as amended.

24 (6) To administer and enforce "An Act to license and
25 regulate the keeping and letting of safety deposit boxes,
26 safes, and vaults, and the opening thereof, and to repeal a

1 certain Act therein named", approved June 13, 1945, as amended.

2 (7) Whenever the Department is authorized or required by
3 law to consider some aspect of criminal history record
4 information for the purpose of carrying out its statutory
5 powers and responsibilities, then, upon request and payment of
6 fees in conformance with the requirements of Section 2605-400
7 of the Illinois ~~Department of~~ State Police Law (~~20 ILCS~~
8 ~~2605/2605-400~~), the Illinois ~~Department of~~ State Police is
9 authorized to furnish, pursuant to positive identification,
10 such information contained in State files as is necessary to
11 fulfill the request.

12 (8) To administer the Payday Loan Reform Act.

13 (Source: P.A. 94-13, eff. 12-6-05.)

14 Section 145. The Department of Human Services Act is
15 amended by changing Section 1-17 as follows:

16 (20 ILCS 1305/1-17)

17 Sec. 1-17. Inspector General.

18 (a) Nature and purpose. It is the express intent of the
19 General Assembly to ensure the health, safety, and financial
20 condition of individuals receiving services in this State due
21 to mental illness, developmental disability, or both by
22 protecting those persons from acts of abuse, neglect, or both
23 by service providers. To that end, the Office of the Inspector
24 General for the Department of Human Services is created to

1 investigate and report upon allegations of the abuse, neglect,
2 or financial exploitation of individuals receiving services
3 within mental health facilities, developmental disabilities
4 facilities, and community agencies operated, licensed, funded,
5 or certified by the Department of Human Services, but not
6 licensed or certified by any other State agency.

7 (b) Definitions. The following definitions apply to this
8 Section:

9 "Adult student with a disability" means an adult student,
10 age 18 through 21, inclusive, with an Individual Education
11 Program, other than a resident of a facility licensed by the
12 Department of Children and Family Services in accordance with
13 the Child Care Act of 1969. For purposes of this definition,
14 "through age 21, inclusive", means through the day before the
15 student's 22nd birthday.

16 "Agency" or "community agency" means (i) a community agency
17 licensed, funded, or certified by the Department, but not
18 licensed or certified by any other human services agency of the
19 State, to provide mental health service or developmental
20 disabilities service, or (ii) a program licensed, funded, or
21 certified by the Department, but not licensed or certified by
22 any other human services agency of the State, to provide mental
23 health service or developmental disabilities service.

24 "Aggravating circumstance" means a factor that is
25 attendant to a finding and that tends to compound or increase
26 the culpability of the accused.

1 "Allegation" means an assertion, complaint, suspicion, or
2 incident involving any of the following conduct by an employee,
3 facility, or agency against an individual or individuals:
4 mental abuse, physical abuse, sexual abuse, neglect, or
5 financial exploitation.

6 "Day" means working day, unless otherwise specified.

7 "Deflection" means a situation in which an individual is
8 presented for admission to a facility or agency, and the
9 facility staff or agency staff do not admit the individual.
10 "Deflection" includes triage, redirection, and denial of
11 admission.

12 "Department" means the Department of Human Services.

13 "Developmental disability" means "developmental
14 disability" as defined in the Mental Health and Developmental
15 Disabilities Code.

16 "Egregious neglect" means a finding of neglect as
17 determined by the Inspector General that (i) represents a gross
18 failure to adequately provide for, or a callused indifference
19 to, the health, safety, or medical needs of an individual and
20 (ii) results in an individual's death or other serious
21 deterioration of an individual's physical condition or mental
22 condition.

23 "Employee" means any person who provides services at the
24 facility or agency on-site or off-site. The service
25 relationship can be with the individual or with the facility or
26 agency. Also, "employee" includes any employee or contractual

1 agent of the Department of Human Services or the community
2 agency involved in providing or monitoring or administering
3 mental health or developmental disability services. This
4 includes but is not limited to: owners, operators, payroll
5 personnel, contractors, subcontractors, and volunteers.

6 "Facility" or "State-operated facility" means a mental
7 health facility or developmental disabilities facility
8 operated by the Department.

9 "Financial exploitation" means taking unjust advantage of
10 an individual's assets, property, or financial resources
11 through deception, intimidation, or conversion for the
12 employee's, facility's, or agency's own advantage or benefit.

13 "Finding" means the Office of Inspector General's
14 determination regarding whether an allegation is
15 substantiated, unsubstantiated, or unfounded.

16 "Health Care Worker Registry" or "Registry" means the
17 Health Care Worker Registry under the Health Care Worker
18 Background Check Act.

19 "Individual" means any person receiving mental health
20 service, developmental disabilities service, or both from a
21 facility or agency, while either on-site or off-site.

22 "Mental abuse" means the use of demeaning, intimidating, or
23 threatening words, signs, gestures, or other actions by an
24 employee about an individual and in the presence of an
25 individual or individuals that results in emotional distress or
26 maladaptive behavior, or could have resulted in emotional

1 distress or maladaptive behavior, for any individual present.

2 "Mental illness" means "mental illness" as defined in the
3 Mental Health and Developmental Disabilities Code.

4 "Mentally ill" means having a mental illness.

5 "Mitigating circumstance" means a condition that (i) is
6 attendant to a finding, (ii) does not excuse or justify the
7 conduct in question, but (iii) may be considered in evaluating
8 the severity of the conduct, the culpability of the accused, or
9 both the severity of the conduct and the culpability of the
10 accused.

11 "Neglect" means an employee's, agency's, or facility's
12 failure to provide adequate medical care, personal care, or
13 maintenance and that, as a consequence, (i) causes an
14 individual pain, injury, or emotional distress, (ii) results in
15 either an individual's maladaptive behavior or the
16 deterioration of an individual's physical condition or mental
17 condition, or (iii) places the individual's health or safety at
18 substantial risk.

19 "Person with a developmental disability" means a person
20 having a developmental disability.

21 "Physical abuse" means an employee's non-accidental and
22 inappropriate contact with an individual that causes bodily
23 harm. "Physical abuse" includes actions that cause bodily harm
24 as a result of an employee directing an individual or person to
25 physically abuse another individual.

26 "Recommendation" means an admonition, separate from a

1 finding, that requires action by the facility, agency, or
2 Department to correct a systemic issue, problem, or deficiency
3 identified during an investigation.

4 "Required reporter" means any employee who suspects,
5 witnesses, or is informed of an allegation of any one or more
6 of the following: mental abuse, physical abuse, sexual abuse,
7 neglect, or financial exploitation.

8 "Secretary" means the Chief Administrative Officer of the
9 Department.

10 "Sexual abuse" means any sexual contact or intimate
11 physical contact between an employee and an individual,
12 including an employee's coercion or encouragement of an
13 individual to engage in sexual behavior that results in sexual
14 contact, intimate physical contact, sexual behavior, or
15 intimate physical behavior. Sexual abuse also includes (i) an
16 employee's actions that result in the sending or showing of
17 sexually explicit images to an individual via computer,
18 cellular phone, electronic mail, portable electronic device,
19 or other media with or without contact with the individual or
20 (ii) an employee's posting of sexually explicit images of an
21 individual online or elsewhere whether or not there is contact
22 with the individual.

23 "Sexually explicit images" includes, but is not limited to,
24 any material which depicts nudity, sexual conduct, or
25 sado-masochistic abuse, or which contains explicit and
26 detailed verbal descriptions or narrative accounts of sexual

1 excitement, sexual conduct, or sado-masochistic abuse.

2 "Substantiated" means there is a preponderance of the
3 evidence to support the allegation.

4 "Unfounded" means there is no credible evidence to support
5 the allegation.

6 "Unsubstantiated" means there is credible evidence, but
7 less than a preponderance of evidence to support the
8 allegation.

9 (c) Appointment. The Governor shall appoint, and the Senate
10 shall confirm, an Inspector General. The Inspector General
11 shall be appointed for a term of 4 years and shall function
12 within the Department of Human Services and report to the
13 Secretary and the Governor.

14 (d) Operation and appropriation. The Inspector General
15 shall function independently within the Department with
16 respect to the operations of the Office, including the
17 performance of investigations and issuance of findings and
18 recommendations. The appropriation for the Office of Inspector
19 General shall be separate from the overall appropriation for
20 the Department.

21 (e) Powers and duties. The Inspector General shall
22 investigate reports of suspected mental abuse, physical abuse,
23 sexual abuse, neglect, or financial exploitation of
24 individuals in any mental health or developmental disabilities
25 facility or agency and shall have authority to take immediate
26 action to prevent any one or more of the following from

1 happening to individuals under its jurisdiction: mental abuse,
2 physical abuse, sexual abuse, neglect, or financial
3 exploitation. Upon written request of an agency of this State,
4 the Inspector General may assist another agency of the State in
5 investigating reports of the abuse, neglect, or abuse and
6 neglect of persons with mental illness, persons with
7 developmental disabilities, or persons with both. To comply
8 with the requirements of subsection (k) of this Section, the
9 Inspector General shall also review all reportable deaths for
10 which there is no allegation of abuse or neglect. Nothing in
11 this Section shall preempt any duties of the Medical Review
12 Board set forth in the Mental Health and Developmental
13 Disabilities Code. The Inspector General shall have no
14 authority to investigate alleged violations of the State
15 Officials and Employees Ethics Act. Allegations of misconduct
16 under the State Officials and Employees Ethics Act shall be
17 referred to the Office of the Governor's Executive Inspector
18 General for investigation.

19 (f) Limitations. The Inspector General shall not conduct an
20 investigation within an agency or facility if that
21 investigation would be redundant to or interfere with an
22 investigation conducted by another State agency. The Inspector
23 General shall have no supervision over, or involvement in, the
24 routine programmatic, licensing, funding, or certification
25 operations of the Department. Nothing in this subsection limits
26 investigations by the Department that may otherwise be required

1 by law or that may be necessary in the Department's capacity as
2 central administrative authority responsible for the operation
3 of the State's mental health and developmental disabilities
4 facilities.

5 (g) Rulemaking authority. The Inspector General shall
6 promulgate rules establishing minimum requirements for
7 reporting allegations as well as for initiating, conducting,
8 and completing investigations based upon the nature of the
9 allegation or allegations. The rules shall clearly establish
10 that if 2 or more State agencies could investigate an
11 allegation, the Inspector General shall not conduct an
12 investigation that would be redundant to, or interfere with, an
13 investigation conducted by another State agency. The rules
14 shall further clarify the method and circumstances under which
15 the Office of Inspector General may interact with the
16 licensing, funding, or certification units of the Department in
17 preventing further occurrences of mental abuse, physical
18 abuse, sexual abuse, neglect, egregious neglect, and financial
19 exploitation.

20 (h) Training programs. The Inspector General shall (i)
21 establish a comprehensive program to ensure that every person
22 authorized to conduct investigations receives ongoing training
23 relative to investigation techniques, communication skills,
24 and the appropriate means of interacting with persons receiving
25 treatment for mental illness, developmental disability, or
26 both mental illness and developmental disability, and (ii)

1 establish and conduct periodic training programs for facility
2 and agency employees concerning the prevention and reporting of
3 any one or more of the following: mental abuse, physical abuse,
4 sexual abuse, neglect, egregious neglect, or financial
5 exploitation. The Inspector General shall further ensure (i)
6 every person authorized to conduct investigations at community
7 agencies receives ongoing training in Title 59, Parts 115, 116,
8 and 119 of the Illinois Administrative Code, and (ii) every
9 person authorized to conduct investigations shall receive
10 ongoing training in Title 59, Part 50 of the Illinois
11 Administrative Code. Nothing in this Section shall be deemed to
12 prevent the Office of Inspector General from conducting any
13 other training as determined by the Inspector General to be
14 necessary or helpful.

15 (i) Duty to cooperate.

16 (1) The Inspector General shall at all times be granted
17 access to any facility or agency for the purpose of
18 investigating any allegation, conducting unannounced site
19 visits, monitoring compliance with a written response, or
20 completing any other statutorily assigned duty. The
21 Inspector General shall conduct unannounced site visits to
22 each facility at least annually for the purpose of
23 reviewing and making recommendations on systemic issues
24 relative to preventing, reporting, investigating, and
25 responding to all of the following: mental abuse, physical
26 abuse, sexual abuse, neglect, egregious neglect, or

1 financial exploitation.

2 (2) Any employee who fails to cooperate with an Office
3 of the Inspector General investigation is in violation of
4 this Act. Failure to cooperate with an investigation
5 includes, but is not limited to, any one or more of the
6 following: (i) creating and transmitting a false report to
7 the Office of the Inspector General hotline, (ii) providing
8 false information to an Office of the Inspector General
9 Investigator during an investigation, (iii) colluding with
10 other employees to cover up evidence, (iv) colluding with
11 other employees to provide false information to an Office
12 of the Inspector General investigator, (v) destroying
13 evidence, (vi) withholding evidence, or (vii) otherwise
14 obstructing an Office of the Inspector General
15 investigation. Additionally, any employee who, during an
16 unannounced site visit or written response compliance
17 check, fails to cooperate with requests from the Office of
18 the Inspector General is in violation of this Act.

19 (j) Subpoena powers. The Inspector General shall have the
20 power to subpoena witnesses and compel the production of all
21 documents and physical evidence relating to his or her
22 investigations and any hearings authorized by this Act. This
23 subpoena power shall not extend to persons or documents of a
24 labor organization or its representatives insofar as the
25 persons are acting in a representative capacity to an employee
26 whose conduct is the subject of an investigation or the

1 documents relate to that representation. Any person who
2 otherwise fails to respond to a subpoena or who knowingly
3 provides false information to the Office of the Inspector
4 General by subpoena during an investigation is guilty of a
5 Class A misdemeanor.

6 (k) Reporting allegations and deaths.

7 (1) Allegations. If an employee witnesses, is told of,
8 or has reason to believe an incident of mental abuse,
9 physical abuse, sexual abuse, neglect, or financial
10 exploitation has occurred, the employee, agency, or
11 facility shall report the allegation by phone to the Office
12 of the Inspector General hotline according to the agency's
13 or facility's procedures, but in no event later than 4
14 hours after the initial discovery of the incident,
15 allegation, or suspicion of any one or more of the
16 following: mental abuse, physical abuse, sexual abuse,
17 neglect, or financial exploitation. A required reporter as
18 defined in subsection (b) of this Section who knowingly or
19 intentionally fails to comply with these reporting
20 requirements is guilty of a Class A misdemeanor.

21 (2) Deaths. Absent an allegation, a required reporter
22 shall, within 24 hours after initial discovery, report by
23 phone to the Office of the Inspector General hotline each
24 of the following:

25 (i) Any death of an individual occurring within 14
26 calendar days after discharge or transfer of the

1 individual from a residential program or facility.

2 (ii) Any death of an individual occurring within 24
3 hours after deflection from a residential program or
4 facility.

5 (iii) Any other death of an individual occurring at
6 an agency or facility or at any Department-funded site.

7 (3) Retaliation. It is a violation of this Act for any
8 employee or administrator of an agency or facility to take
9 retaliatory action against an employee who acts in good
10 faith in conformance with his or her duties as a required
11 reporter.

12 (1) Reporting to law enforcement.

13 (1) Reporting criminal acts. Within 24 hours after
14 determining that there is credible evidence indicating
15 that a criminal act may have been committed or that special
16 expertise may be required in an investigation, the
17 Inspector General shall notify the Illinois ~~Department of~~
18 State Police or other appropriate law enforcement
19 authority, or ensure that such notification is made. The
20 Illinois ~~Department of~~ State Police shall investigate any
21 report from a State-operated facility indicating a
22 possible murder, sexual assault, or other felony by an
23 employee. All investigations conducted by the Inspector
24 General shall be conducted in a manner designed to ensure
25 the preservation of evidence for possible use in a criminal
26 prosecution.

1 (2) Reporting allegations of adult students with
2 disabilities. Upon receipt of a reportable allegation
3 regarding an adult student with a disability, the
4 Department's Office of the Inspector General shall
5 determine whether the allegation meets the criteria for the
6 Domestic Abuse Program under the Abuse of Adults with
7 Disabilities Intervention Act. If the allegation is
8 reportable to that program, the Office of the Inspector
9 General shall initiate an investigation. If the allegation
10 is not reportable to the Domestic Abuse Program, the Office
11 of the Inspector General shall make an expeditious referral
12 to the respective law enforcement entity. If the alleged
13 victim is already receiving services from the Department,
14 the Office of the Inspector General shall also make a
15 referral to the respective Department of Human Services'
16 Division or Bureau.

17 (m) Investigative reports. Upon completion of an
18 investigation, the Office of Inspector General shall issue an
19 investigative report identifying whether the allegations are
20 substantiated, unsubstantiated, or unfounded. Within 10
21 business days after the transmittal of a completed
22 investigative report substantiating an allegation, finding an
23 allegation is unsubstantiated, or if a recommendation is made,
24 the Inspector General shall provide the investigative report on
25 the case to the Secretary and to the director of the facility
26 or agency where any one or more of the following occurred:

1 mental abuse, physical abuse, sexual abuse, neglect, egregious
2 neglect, or financial exploitation. The director of the
3 facility or agency shall be responsible for maintaining the
4 confidentiality of the investigative report consistent with
5 State and federal law. In a substantiated case, the
6 investigative report shall include any mitigating or
7 aggravating circumstances that were identified during the
8 investigation. If the case involves substantiated neglect, the
9 investigative report shall also state whether egregious
10 neglect was found. An investigative report may also set forth
11 recommendations. All investigative reports prepared by the
12 Office of the Inspector General shall be considered
13 confidential and shall not be released except as provided by
14 the law of this State or as required under applicable federal
15 law. Unsubstantiated and unfounded reports shall not be
16 disclosed except as allowed under Section 6 of the Abused and
17 Neglected Long Term Care Facility Residents Reporting Act. Raw
18 data used to compile the investigative report shall not be
19 subject to release unless required by law or a court order.
20 "Raw data used to compile the investigative report" includes,
21 but is not limited to, any one or more of the following: the
22 initial complaint, witness statements, photographs,
23 investigator's notes, police reports, or incident reports. If
24 the allegations are substantiated, the victim, the victim's
25 guardian, and the accused shall be provided with a redacted
26 copy of the investigative report. Death reports where there was

1 no allegation of abuse or neglect shall only be released
2 pursuant to applicable State or federal law or a valid court
3 order. Unredacted investigative reports, as well as raw data,
4 may be shared with a local law enforcement entity, a State's
5 Attorney's office, or a county coroner's office upon written
6 request.

7 (n) Written responses, clarification requests, and
8 reconsideration requests.

9 (1) Written responses. Within 30 calendar days from
10 receipt of a substantiated investigative report or an
11 investigative report which contains recommendations,
12 absent a reconsideration request, the facility or agency
13 shall file a written response that addresses, in a concise
14 and reasoned manner, the actions taken to: (i) protect the
15 individual; (ii) prevent recurrences; and (iii) eliminate
16 the problems identified. The response shall include the
17 implementation and completion dates of such actions. If the
18 written response is not filed within the allotted 30
19 calendar day period, the Secretary shall determine the
20 appropriate corrective action to be taken.

21 (2) Requests for clarification. The facility, agency,
22 victim or guardian, or the subject employee may request
23 that the Office of Inspector General clarify the finding or
24 findings for which clarification is sought.

25 (3) Requests for reconsideration. The facility,
26 agency, victim or guardian, or the subject employee may

1 request that the Office of the Inspector General reconsider
2 the finding or findings or the recommendations. A request
3 for reconsideration shall be subject to a multi-layer
4 review and shall include at least one reviewer who did not
5 participate in the investigation or approval of the
6 original investigative report. After the multi-layer
7 review process has been completed, the Inspector General
8 shall make the final determination on the reconsideration
9 request. The investigation shall be reopened if the
10 reconsideration determination finds that additional
11 information is needed to complete the investigative
12 record.

13 (o) Disclosure of the finding by the Inspector General. The
14 Inspector General shall disclose the finding of an
15 investigation to the following persons: (i) the Governor, (ii)
16 the Secretary, (iii) the director of the facility or agency,
17 (iv) the alleged victims and their guardians, (v) the
18 complainant, and (vi) the accused. This information shall
19 include whether the allegations were deemed substantiated,
20 unsubstantiated, or unfounded.

21 (p) Secretary review. Upon review of the Inspector
22 General's investigative report and any agency's or facility's
23 written response, the Secretary shall accept or reject the
24 written response and notify the Inspector General of that
25 determination. The Secretary may further direct that other
26 administrative action be taken, including, but not limited to,

1 any one or more of the following: (i) additional site visits,
2 (ii) training, (iii) provision of technical assistance
3 relative to administrative needs, licensure, or certification,
4 or (iv) the imposition of appropriate sanctions.

5 (q) Action by facility or agency. Within 30 days of the
6 date the Secretary approves the written response or directs
7 that further administrative action be taken, the facility or
8 agency shall provide an implementation report to the Inspector
9 General that provides the status of the action taken. The
10 facility or agency shall be allowed an additional 30 days to
11 send notice of completion of the action or to send an updated
12 implementation report. If the action has not been completed
13 within the additional 30-day period, the facility or agency
14 shall send updated implementation reports every 60 days until
15 completion. The Inspector General shall conduct a review of any
16 implementation plan that takes more than 120 days after
17 approval to complete, and shall monitor compliance through a
18 random review of approved written responses, which may include,
19 but are not limited to: (i) site visits, (ii) telephone
20 contact, and (iii) requests for additional documentation
21 evidencing compliance.

22 (r) Sanctions. Sanctions, if imposed by the Secretary under
23 Subdivision (p)(iv) of this Section, shall be designed to
24 prevent further acts of mental abuse, physical abuse, sexual
25 abuse, neglect, egregious neglect, or financial exploitation
26 or some combination of one or more of those acts at a facility

1 or agency, and may include any one or more of the following:

2 (1) Appointment of on-site monitors.

3 (2) Transfer or relocation of an individual or
4 individuals.

5 (3) Closure of units.

6 (4) Termination of any one or more of the following:

7 (i) Department licensing, (ii) funding, or (iii)
8 certification.

9 The Inspector General may seek the assistance of the
10 Illinois Attorney General or the office of any State's Attorney
11 in implementing sanctions.

12 (s) Health Care Worker Registry.

13 (1) Reporting to the Registry. The Inspector General
14 shall report to the Department of Public Health's Health
15 Care Worker Registry, a public registry, the identity and
16 finding of each employee of a facility or agency against
17 whom there is a final investigative report containing a
18 substantiated allegation of physical or sexual abuse,
19 financial exploitation, or egregious neglect of an
20 individual.

21 (2) Notice to employee. Prior to reporting the name of
22 an employee, the employee shall be notified of the
23 Department's obligation to report and shall be granted an
24 opportunity to request an administrative hearing, the sole
25 purpose of which is to determine if the substantiated
26 finding warrants reporting to the Registry. Notice to the

1 employee shall contain a clear and concise statement of the
2 grounds on which the report to the Registry is based, offer
3 the employee an opportunity for a hearing, and identify the
4 process for requesting such a hearing. Notice is sufficient
5 if provided by certified mail to the employee's last known
6 address. If the employee fails to request a hearing within
7 30 days from the date of the notice, the Inspector General
8 shall report the name of the employee to the Registry.
9 Nothing in this subdivision (s) (2) shall diminish or impair
10 the rights of a person who is a member of a collective
11 bargaining unit under the Illinois Public Labor Relations
12 Act or under any other federal labor statute.

13 (3) Registry hearings. If the employee requests an
14 administrative hearing, the employee shall be granted an
15 opportunity to appear before an administrative law judge to
16 present reasons why the employee's name should not be
17 reported to the Registry. The Department shall bear the
18 burden of presenting evidence that establishes, by a
19 preponderance of the evidence, that the substantiated
20 finding warrants reporting to the Registry. After
21 considering all the evidence presented, the administrative
22 law judge shall make a recommendation to the Secretary as
23 to whether the substantiated finding warrants reporting
24 the name of the employee to the Registry. The Secretary
25 shall render the final decision. The Department and the
26 employee shall have the right to request that the

1 administrative law judge consider a stipulated disposition
2 of these proceedings.

3 (4) Testimony at Registry hearings. A person who makes
4 a report or who investigates a report under this Act shall
5 testify fully in any judicial proceeding resulting from
6 such a report, as to any evidence of abuse or neglect, or
7 the cause thereof. No evidence shall be excluded by reason
8 of any common law or statutory privilege relating to
9 communications between the alleged perpetrator of abuse or
10 neglect, or the individual alleged as the victim in the
11 report, and the person making or investigating the report.
12 Testimony at hearings is exempt from the confidentiality
13 requirements of subsection (f) of Section 10 of the Mental
14 Health and Developmental Disabilities Confidentiality Act.

15 (5) Employee's rights to collateral action. No
16 reporting to the Registry shall occur and no hearing shall
17 be set or proceed if an employee notifies the Inspector
18 General in writing, including any supporting
19 documentation, that he or she is formally contesting an
20 adverse employment action resulting from a substantiated
21 finding by complaint filed with the Illinois Civil Service
22 Commission, or which otherwise seeks to enforce the
23 employee's rights pursuant to any applicable collective
24 bargaining agreement. If an action taken by an employer
25 against an employee as a result of a finding of physical
26 abuse, sexual abuse, or egregious neglect is overturned

1 through an action filed with the Illinois Civil Service
2 Commission or under any applicable collective bargaining
3 agreement and if that employee's name has already been sent
4 to the Registry, the employee's name shall be removed from
5 the Registry.

6 (6) Removal from Registry. At any time after the report
7 to the Registry, but no more than once in any 12-month
8 period, an employee may petition the Department in writing
9 to remove his or her name from the Registry. Upon receiving
10 notice of such request, the Inspector General shall conduct
11 an investigation into the petition. Upon receipt of such
12 request, an administrative hearing will be set by the
13 Department. At the hearing, the employee shall bear the
14 burden of presenting evidence that establishes, by a
15 preponderance of the evidence, that removal of the name
16 from the Registry is in the public interest. The parties
17 may jointly request that the administrative law judge
18 consider a stipulated disposition of these proceedings.

19 (t) Review of Administrative Decisions. The Department
20 shall preserve a record of all proceedings at any formal
21 hearing conducted by the Department involving Health Care
22 Worker Registry hearings. Final administrative decisions of
23 the Department are subject to judicial review pursuant to
24 provisions of the Administrative Review Law.

25 (u) Quality Care Board. There is created, within the Office
26 of the Inspector General, a Quality Care Board to be composed

1 of 7 members appointed by the Governor with the advice and
2 consent of the Senate. One of the members shall be designated
3 as chairman by the Governor. Of the initial appointments made
4 by the Governor, 4 Board members shall each be appointed for a
5 term of 4 years and 3 members shall each be appointed for a
6 term of 2 years. Upon the expiration of each member's term, a
7 successor shall be appointed for a term of 4 years. In the case
8 of a vacancy in the office of any member, the Governor shall
9 appoint a successor for the remainder of the unexpired term.

10 Members appointed by the Governor shall be qualified by
11 professional knowledge or experience in the area of law,
12 investigatory techniques, or in the area of care of the
13 mentally ill or care of persons with developmental
14 disabilities. Two members appointed by the Governor shall be
15 persons with a disability or parents of persons with a
16 disability. Members shall serve without compensation, but
17 shall be reimbursed for expenses incurred in connection with
18 the performance of their duties as members.

19 The Board shall meet quarterly, and may hold other meetings
20 on the call of the chairman. Four members shall constitute a
21 quorum allowing the Board to conduct its business. The Board
22 may adopt rules and regulations it deems necessary to govern
23 its own procedures.

24 The Board shall monitor and oversee the operations,
25 policies, and procedures of the Inspector General to ensure the
26 prompt and thorough investigation of allegations of neglect and

1 abuse. In fulfilling these responsibilities, the Board may do
2 the following:

3 (1) Provide independent, expert consultation to the
4 Inspector General on policies and protocols for
5 investigations of alleged abuse, neglect, or both abuse and
6 neglect.

7 (2) Review existing regulations relating to the
8 operation of facilities.

9 (3) Advise the Inspector General as to the content of
10 training activities authorized under this Section.

11 (4) Recommend policies concerning methods for
12 improving the intergovernmental relationships between the
13 Office of the Inspector General and other State or federal
14 offices.

15 (v) Annual report. The Inspector General shall provide to
16 the General Assembly and the Governor, no later than January 1
17 of each year, a summary of reports and investigations made
18 under this Act for the prior fiscal year with respect to
19 individuals receiving mental health or developmental
20 disabilities services. The report shall detail the imposition
21 of sanctions, if any, and the final disposition of any
22 corrective or administrative action directed by the Secretary.
23 The summaries shall not contain any confidential or identifying
24 information of any individual, but shall include objective data
25 identifying any trends in the number of reported allegations,
26 the timeliness of the Office of the Inspector General's

1 investigations, and their disposition, for each facility and
2 Department-wide, for the most recent 3-year time period. The
3 report shall also identify, by facility, the staff-to-patient
4 ratios taking account of direct care staff only. The report
5 shall also include detailed recommended administrative actions
6 and matters for consideration by the General Assembly.

7 (w) Program audit. The Auditor General shall conduct a
8 program audit of the Office of the Inspector General on an
9 as-needed basis, as determined by the Auditor General. The
10 audit shall specifically include the Inspector General's
11 compliance with the Act and effectiveness in investigating
12 reports of allegations occurring in any facility or agency. The
13 Auditor General shall conduct the program audit according to
14 the provisions of the Illinois State Auditing Act and shall
15 report its findings to the General Assembly no later than
16 January 1 following the audit period.

17 (x) Nothing in this Section shall be construed to mean that
18 an individual is a victim of abuse or neglect because of health
19 care services appropriately provided or not provided by health
20 care professionals.

21 (y) Nothing in this Section shall require a facility,
22 including its employees, agents, medical staff members, and
23 health care professionals, to provide a service to an
24 individual in contravention of that individual's stated or
25 implied objection to the provision of that service on the
26 ground that that service conflicts with the individual's

1 religious beliefs or practices, nor shall the failure to
2 provide a service to an individual be considered abuse under
3 this Section if the individual has objected to the provision of
4 that service based on his or her religious beliefs or
5 practices.

6 (Source: P.A. 100-313, eff. 8-24-17; 100-432, eff. 8-25-17;
7 100-863, eff. 8-14-18; 100-943, eff. 1-1-19; 100-991, eff.
8 8-20-18; 100-1098, eff. 8-26-18; 101-81, eff. 7-12-19.)

9 Section 150. The Department of Innovation and Technology
10 Act is amended by changing Section 1-5 as follows:

11 (20 ILCS 1370/1-5)

12 Sec. 1-5. Definitions. In this Act:

13 "Bureau of Communications and Computer Services" means the
14 Bureau of Communications and Computer Services, also known as
15 the Bureau of Information and Communication Services, created
16 by rule (2 Illinois Administrative Code 750.40) within the
17 Department of Central Management Services.

18 "Client agency" means each transferring agency, or its
19 successor. When applicable, "client agency" may also include
20 any other public agency to which the Department provides
21 service to the extent specified in an interagency contract with
22 the public agency.

23 "Dedicated unit" means the dedicated bureau, division,
24 office, or other unit within a transferring agency that is

1 responsible for the information technology functions of the
2 transferring agency. For the Office of the Governor, "dedicated
3 unit" means the Information Technology Office, also known as
4 the Office of the Chief Information Officer. For the Department
5 of Central Management Services, "dedicated unit" means the
6 Bureau of Communications and Computer Services, also known as
7 the Bureau of Information and Communication Services.

8 "Department" means the Department of Innovation and
9 Technology.

10 "Information technology" means technology, infrastructure,
11 equipment, systems, software, networks, and processes used to
12 create, send, receive, and store electronic or digital
13 information, including, without limitation, computer systems
14 and telecommunication services and systems. "Information
15 technology" shall be construed broadly to incorporate future
16 technologies (such as sensors and balanced private hybrid or
17 public cloud posture tailored to the mission of the agency)
18 that change or supplant those in effect as of the effective
19 date of this Act.

20 "Information technology functions" means the development,
21 procurement, installation, retention, maintenance, operation,
22 possession, storage, and related functions of all information
23 technology.

24 "Information Technology Office" means the Information
25 Technology Office, also known as the Office of the Chief
26 Information Officer, within the Office of the Governor, created

1 by Executive Order 1999-05, or its successor.

2 "Legacy information technology division" means any
3 division, bureau, or other unit of a transferring agency which
4 has responsibility for information technology functions for
5 the agency prior to the transfer of those functions to the
6 Department, including, without limitation, the Bureau of
7 Communications and Computer Services.

8 "Secretary" means the Secretary of Innovation and
9 Technology.

10 "State agency" means each State agency, department, board,
11 and commission directly responsible to the Governor.

12 "Transferring agency" means the Department on Aging; the
13 Departments of Agriculture, Central Management Services,
14 Children and Family Services, Commerce and Economic
15 Opportunity, Corrections, Employment Security, Financial and
16 Professional Regulation, Healthcare and Family Services, Human
17 Rights, Human Services, Insurance, Juvenile Justice, Labor,
18 Lottery, Military Affairs, Natural Resources, Public Health,
19 Revenue, ~~State Police~~, Transportation, and Veterans' Affairs;
20 the Illinois State Police; the Capital Development Board; the
21 Deaf and Hard of Hearing Commission; the Environmental
22 Protection Agency; the Governor's Office of Management and
23 Budget; the Guardianship and Advocacy Commission; the Historic
24 Preservation Agency; the Illinois Arts Council; the Illinois
25 Council on Developmental Disabilities; the Illinois Emergency
26 Management Agency; the Illinois Gaming Board; the Illinois

1 Health Information Exchange Authority; the Illinois Liquor
2 Control Commission; the Illinois Technology Office; the Office
3 of the State Fire Marshal; and the Prisoner Review Board.
4 "Transferring agency" does not include a State constitutional
5 office, the Office of the Executive Inspector General, or any
6 office of the legislative or judicial branches of State
7 government.

8 (Source: P.A. 100-611, eff. 7-20-18; 100-1169, eff. 1-4-19.)

9 Section 155. The Department of Labor Law of the Civil
10 Administrative Code of Illinois is amended by changing Section
11 1505-200 as follows:

12 (20 ILCS 1505/1505-200) (was 20 ILCS 1505/43.21)

13 Sec. 1505-200. Criminal history record information.
14 Whenever the Department is authorized or required by law to
15 consider some aspect of criminal history record information for
16 the purpose of carrying out its statutory powers and
17 responsibilities, then, upon request and payment of fees in
18 conformance with the requirements of Section 2605-400 of the
19 Illinois Department of State Police Law (~~20 ILCS~~
20 ~~2605/2605-400~~), the Illinois Department of State Police is
21 authorized to furnish, pursuant to positive identification,
22 any information contained in State files that is necessary to
23 fulfill the request.

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

1 Section 160. The Illinois Lottery Law is amended by
2 changing Sections 10.4 and 21.10 as follows:

3 (20 ILCS 1605/10.4) (from Ch. 120, par. 1160.4)

4 Sec. 10.4. Every person who shall violate the provisions of
5 Section 10.3, or who does not segregate and keep separate and
6 apart from all other funds and assets, all proceeds from the
7 sale of lottery tickets received by a person in the capacity of
8 a sales agent, shall upon conviction thereof be guilty of a
9 Class 4 felony. The provisions of this Section shall be
10 enforced by the Illinois ~~Department of~~ State Police and
11 prosecuted by the Attorney General.

12 (Source: P.A. 85-183; 86-1475.)

13 (20 ILCS 1605/21.10)

14 Sec. 21.10. Scratch-off for State police memorials.

15 (a) The Department shall offer a special instant
16 scratch-off game for the benefit of State police memorials. The
17 game shall commence on January 1, 2019 or as soon thereafter,
18 at the discretion of the Director, as is reasonably practical.
19 The operation of the game shall be governed by this Act and any
20 rules adopted by the Department. If any provision of this
21 Section is inconsistent with any other provision of this Act,
22 then this Section governs.

23 (b) The net revenue from the State police memorials

1 scratch-off game shall be deposited into the Criminal Justice
2 Information Projects Fund and distributed equally, as soon as
3 practical but at least on a monthly basis, to the Chicago
4 Police Memorial Foundation Fund, the Police Memorial Committee
5 Fund, and the Illinois State Police Memorial Park Fund. Moneys
6 transferred to the funds under this Section shall be used,
7 subject to appropriation, to fund grants for building and
8 maintaining memorials and parks; holding annual memorial
9 commemorations; giving scholarships to children of officers
10 killed or catastrophically injured in the line of duty, or
11 those interested in pursuing a career in law enforcement;
12 providing financial assistance to police officers and their
13 families when a police officer is killed or injured in the line
14 of duty; and providing financial assistance to officers for the
15 purchase or replacement of bulletproof vests to be used in the
16 line of duty.

17 For purposes of this subsection, "net revenue" means the
18 total amount for which tickets have been sold less the sum of
19 the amount paid out in the prizes and the actual administrative
20 expenses of the Department solely related to the scratch-off
21 game under this Section.

22 (c) During the time that tickets are sold for the State
23 police memorials scratch-off game, the Department shall not
24 unreasonably diminish the efforts devoted to marketing any
25 other instant scratch-off lottery game.

26 (d) The Department may adopt any rules necessary to

1 implement and administer the provisions of this Section.

2 (Source: P.A. 100-647, eff. 7-30-18; 101-81, eff. 7-12-19.)

3 Section 165. The Mental Health and Developmental
4 Disabilities Administrative Act is amended by changing Section
5 4.2 as follows:

6 (20 ILCS 1705/4.2) (from Ch. 91 1/2, par. 100-4.2)

7 Sec. 4.2. Facility staff.

8 (a) The Department shall describe and delineate guidelines
9 for each of the facilities it operates regarding the number and
10 qualifications of the staff required to carry out prescribed
11 duties. The guidelines shall be based on consideration of
12 recipient needs as well as professional and programmatic
13 requirements, including those established for purposes of
14 national accreditation and for certification under Titles
15 XVIII and XIX of the federal Social Security Act.

16 (b) As used in this Section, "direct care position" means
17 any position with the Department in which the job titles which
18 will regularly or temporarily entail contact with recipients in
19 the Department's facilities for persons with a mental illness
20 or a developmental disability.

21 (c) The Department shall require that each candidate for
22 employment in a direct care position, as a condition of
23 employment, shall submit to a fingerprint-based criminal
24 background investigation to determine whether the candidate

1 for employment in a direct care position has ever been charged
2 with a crime and, if so, the disposition of those charges. This
3 authorization shall indicate the scope of the inquiry and the
4 agencies which may be contacted. Upon this authorization, the
5 Director (or, on or after July 1, 1997, the Secretary) shall
6 request and receive information and assistance from any
7 federal, State or local governmental agency as part of the
8 authorized investigation. The Illinois ~~Department of~~ State
9 Police shall provide information concerning any criminal
10 charges, and their disposition, now or hereafter filed against
11 a candidate for employment in a direct care position upon
12 request of the Department when the request is made in the form
13 and manner required by the Illinois ~~Department of~~ State Police.

14 Information concerning convictions of a candidate for
15 employment in a direct care position investigated under this
16 Section, including the source of the information and any
17 conclusions or recommendations derived from the information,
18 shall be provided, upon request, to the candidate for
19 employment in a direct care position before final action by the
20 Department on the application. Information on convictions of a
21 candidate for employment in a direct care position under this
22 Act shall be provided to the director of the employing unit,
23 and, upon request, to the candidate for employment in a direct
24 care position. Any information concerning criminal charges and
25 the disposition of those charges obtained by the Department
26 shall be confidential and may not be transmitted outside the

1 Department, except as required in this Act, and may not be
2 transmitted to anyone within the Department except as needed
3 for the purpose of evaluating an application of a candidate for
4 employment in a direct care position. Only information and
5 standards which bear a reasonable and rational relation to the
6 performance of a direct care position shall be used by the
7 Department. Any employee of the Department or the Illinois
8 ~~Department of~~ State Police receiving confidential information
9 under this Section who gives or causes to be given any
10 confidential information concerning any criminal convictions
11 of a candidate for employment in a direct care position shall
12 be guilty of a Class A misdemeanor unless release of the
13 information is authorized by this Section.

14 A Department employing unit may hire, on a probationary
15 basis, any candidate for employment in a direct care position,
16 authorizing a criminal background investigation under this
17 Section, pending the result of the investigation. A candidate
18 for employment in a direct care position shall be notified
19 before he or she is hired that his or her employment may be
20 terminated on the basis of criminal background information
21 obtained by the employing unit.

22 No person may be employed in a direct care position who
23 refuses to authorize an investigation as required by this
24 subsection (c).

25 (Source: P.A. 92-218, eff. 1-1-02.)

1 Section 170. The Department of Human Services (Mental
2 Health and Developmental Disabilities) Law of the Civil
3 Administrative Code of Illinois is amended by changing Section
4 1710-75 as follows:

5 (20 ILCS 1710/1710-75) (was 20 ILCS 1710/53 in part)

6 Sec. 1710-75. Criminal history record information.
7 Whenever the Department is authorized or required by law to
8 consider some aspect of criminal history record information for
9 the purpose of carrying out its statutory powers and
10 responsibilities, then, upon request and payment of fees in
11 conformance with the requirements of Section 2605-400 of the
12 Illinois Department of State Police Law ~~(20 ILCS~~
13 ~~2605/2605-400)~~, the Illinois Department of State Police is
14 authorized to furnish, pursuant to positive identification,
15 the information contained in State files that is necessary to
16 fulfill the request.

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

18 Section 175. The Department of Natural Resources (Mines and
19 Minerals) Law of the Civil Administrative Code of Illinois is
20 amended by changing Section 1905-150 as follows:

21 (20 ILCS 1905/1905-150) (was 20 ILCS 1905/45 in part)

22 Sec. 1905-150. Criminal history record information.
23 Whenever the Department is authorized or required by law to

1 consider some aspect of criminal history record information for
2 the purpose of carrying out its statutory powers and
3 responsibilities, then upon request and payment of fees in
4 conformance with the requirements of Section 2605-400 of the
5 Illinois Department of State Police Law ~~(20 ILCS~~
6 ~~2605/2605-400)~~, the Illinois Department of State Police is
7 authorized to furnish, pursuant to positive identification,
8 the information contained in State files that is necessary to
9 fulfill the request.

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

11 Section 180. The Department of Professional Regulation Law
12 of the Civil Administrative Code of Illinois is amended by
13 changing Sections 2105-15 and 2105-20 as follows:

14 (20 ILCS 2105/2105-15)

15 Sec. 2105-15. General powers and duties.

16 (a) The Department has, subject to the provisions of the
17 Civil Administrative Code of Illinois, the following powers and
18 duties:

19 (1) To authorize examinations in English to ascertain
20 the qualifications and fitness of applicants to exercise
21 the profession, trade, or occupation for which the
22 examination is held.

23 (2) To prescribe rules and regulations for a fair and
24 wholly impartial method of examination of candidates to

1 exercise the respective professions, trades, or
2 occupations.

3 (3) To pass upon the qualifications of applicants for
4 licenses, certificates, and authorities, whether by
5 examination, by reciprocity, or by endorsement.

6 (4) To prescribe rules and regulations defining, for
7 the respective professions, trades, and occupations, what
8 shall constitute a school, college, or university, or
9 department of a university, or other institution,
10 reputable and in good standing, and to determine the
11 reputability and good standing of a school, college, or
12 university, or department of a university, or other
13 institution, reputable and in good standing, by reference
14 to a compliance with those rules and regulations; provided,
15 that no school, college, or university, or department of a
16 university, or other institution that refuses admittance
17 to applicants solely on account of race, color, creed, sex,
18 sexual orientation, or national origin shall be considered
19 reputable and in good standing.

20 (5) To conduct hearings on proceedings to revoke,
21 suspend, refuse to renew, place on probationary status, or
22 take other disciplinary action as authorized in any
23 licensing Act administered by the Department with regard to
24 licenses, certificates, or authorities of persons
25 exercising the respective professions, trades, or
26 occupations and to revoke, suspend, refuse to renew, place

1 on probationary status, or take other disciplinary action
2 as authorized in any licensing Act administered by the
3 Department with regard to those licenses, certificates, or
4 authorities.

5 The Department shall issue a monthly disciplinary
6 report.

7 The Department shall refuse to issue or renew a license
8 to, or shall suspend or revoke a license of, any person
9 who, after receiving notice, fails to comply with a
10 subpoena or warrant relating to a paternity or child
11 support proceeding. However, the Department may issue a
12 license or renewal upon compliance with the subpoena or
13 warrant.

14 The Department, without further process or hearings,
15 shall revoke, suspend, or deny any license or renewal
16 authorized by the Civil Administrative Code of Illinois to
17 a person who is certified by the Department of Healthcare
18 and Family Services (formerly Illinois Department of
19 Public Aid) as being more than 30 days delinquent in
20 complying with a child support order or who is certified by
21 a court as being in violation of the Non-Support Punishment
22 Act for more than 60 days. The Department may, however,
23 issue a license or renewal if the person has established a
24 satisfactory repayment record as determined by the
25 Department of Healthcare and Family Services (formerly
26 Illinois Department of Public Aid) or if the person is

1 determined by the court to be in compliance with the
2 Non-Support Punishment Act. The Department may implement
3 this paragraph as added by Public Act 89-6 through the use
4 of emergency rules in accordance with Section 5-45 of the
5 Illinois Administrative Procedure Act. For purposes of the
6 Illinois Administrative Procedure Act, the adoption of
7 rules to implement this paragraph shall be considered an
8 emergency and necessary for the public interest, safety,
9 and welfare.

10 (6) To transfer jurisdiction of any realty under the
11 control of the Department to any other department of the
12 State Government or to acquire or accept federal lands when
13 the transfer, acquisition, or acceptance is advantageous
14 to the State and is approved in writing by the Governor.

15 (7) To formulate rules and regulations necessary for
16 the enforcement of any Act administered by the Department.

17 (8) To exchange with the Department of Healthcare and
18 Family Services information that may be necessary for the
19 enforcement of child support orders entered pursuant to the
20 Illinois Public Aid Code, the Illinois Marriage and
21 Dissolution of Marriage Act, the Non-Support of Spouse and
22 Children Act, the Non-Support Punishment Act, the Revised
23 Uniform Reciprocal Enforcement of Support Act, the Uniform
24 Interstate Family Support Act, the Illinois Parentage Act
25 of 1984, or the Illinois Parentage Act of 2015.
26 Notwithstanding any provisions in this Code to the

1 contrary, the Department of Professional Regulation shall
2 not be liable under any federal or State law to any person
3 for any disclosure of information to the Department of
4 Healthcare and Family Services (formerly Illinois
5 Department of Public Aid) under this paragraph (8) or for
6 any other action taken in good faith to comply with the
7 requirements of this paragraph (8).

8 (8.3) To exchange information with the Department of
9 Human Rights regarding recommendations received under
10 paragraph (B) of Section 8-109 of the Illinois Human Rights
11 Act regarding a licensee or candidate for licensure who has
12 committed a civil rights violation that may lead to the
13 refusal, suspension, or revocation of a license from the
14 Department.

15 (8.5) To accept continuing education credit for
16 mandated reporter training on how to recognize and report
17 child abuse offered by the Department of Children and
18 Family Services and completed by any person who holds a
19 professional license issued by the Department and who is a
20 mandated reporter under the Abused and Neglected Child
21 Reporting Act. The Department shall adopt any rules
22 necessary to implement this paragraph.

23 (9) To perform other duties prescribed by law.

24 (a-5) Except in cases involving delinquency in complying
25 with a child support order or violation of the Non-Support
26 Punishment Act and notwithstanding anything that may appear in

1 any individual licensing Act or administrative rule, no person
2 or entity whose license, certificate, or authority has been
3 revoked as authorized in any licensing Act administered by the
4 Department may apply for restoration of that license,
5 certification, or authority until 3 years after the effective
6 date of the revocation.

7 (b) (Blank).

8 (c) For the purpose of securing and preparing evidence, and
9 for the purchase of controlled substances, professional
10 services, and equipment necessary for enforcement activities,
11 recoupment of investigative costs, and other activities
12 directed at suppressing the misuse and abuse of controlled
13 substances, including those activities set forth in Sections
14 504 and 508 of the Illinois Controlled Substances Act, the
15 Director and agents appointed and authorized by the Director
16 may expend sums from the Professional Regulation Evidence Fund
17 that the Director deems necessary from the amounts appropriated
18 for that purpose. Those sums may be advanced to the agent when
19 the Director deems that procedure to be in the public interest.
20 Sums for the purchase of controlled substances, professional
21 services, and equipment necessary for enforcement activities
22 and other activities as set forth in this Section shall be
23 advanced to the agent who is to make the purchase from the
24 Professional Regulation Evidence Fund on vouchers signed by the
25 Director. The Director and those agents are authorized to
26 maintain one or more commercial checking accounts with any

1 State banking corporation or corporations organized under or
2 subject to the Illinois Banking Act for the deposit and
3 withdrawal of moneys to be used for the purposes set forth in
4 this Section; provided, that no check may be written nor any
5 withdrawal made from any such account except upon the written
6 signatures of 2 persons designated by the Director to write
7 those checks and make those withdrawals. Vouchers for those
8 expenditures must be signed by the Director. All such
9 expenditures shall be audited by the Director, and the audit
10 shall be submitted to the Department of Central Management
11 Services for approval.

12 (d) Whenever the Department is authorized or required by
13 law to consider some aspect of criminal history record
14 information for the purpose of carrying out its statutory
15 powers and responsibilities, then, upon request and payment of
16 fees in conformance with the requirements of Section 2605-400
17 of the Illinois ~~Department of~~ State Police Law (~~20 ILCS~~
18 ~~2605/2605-400~~), the Illinois ~~Department of~~ State Police is
19 authorized to furnish, pursuant to positive identification,
20 the information contained in State files that is necessary to
21 fulfill the request.

22 (e) The provisions of this Section do not apply to private
23 business and vocational schools as defined by Section 15 of the
24 Private Business and Vocational Schools Act of 2012.

25 (f) (Blank).

26 (f-5) Notwithstanding anything that may appear in any

1 individual licensing statute or administrative rule, the
2 Department shall allow an applicant to provide his or her
3 individual taxpayer identification number as an alternative to
4 providing a social security number when applying for a license.

5 (g) Notwithstanding anything that may appear in any
6 individual licensing statute or administrative rule, the
7 Department shall deny any license application or renewal
8 authorized under any licensing Act administered by the
9 Department to any person who has failed to file a return, or to
10 pay the tax, penalty, or interest shown in a filed return, or
11 to pay any final assessment of tax, penalty, or interest, as
12 required by any tax Act administered by the Illinois Department
13 of Revenue, until such time as the requirement of any such tax
14 Act are satisfied; however, the Department may issue a license
15 or renewal if the person has established a satisfactory
16 repayment record as determined by the Illinois Department of
17 Revenue. For the purpose of this Section, "satisfactory
18 repayment record" shall be defined by rule.

19 In addition, a complaint filed with the Department by the
20 Illinois Department of Revenue that includes a certification,
21 signed by its Director or designee, attesting to the amount of
22 the unpaid tax liability or the years for which a return was
23 not filed, or both, is prima facie evidence of the licensee's
24 failure to comply with the tax laws administered by the
25 Illinois Department of Revenue. Upon receipt of that
26 certification, the Department shall, without a hearing,

1 immediately suspend all licenses held by the licensee.
2 Enforcement of the Department's order shall be stayed for 60
3 days. The Department shall provide notice of the suspension to
4 the licensee by mailing a copy of the Department's order to the
5 licensee's address of record or emailing a copy of the order to
6 the licensee's email address of record. The notice shall advise
7 the licensee that the suspension shall be effective 60 days
8 after the issuance of the Department's order unless the
9 Department receives, from the licensee, a request for a hearing
10 before the Department to dispute the matters contained in the
11 order.

12 Any suspension imposed under this subsection (g) shall be
13 terminated by the Department upon notification from the
14 Illinois Department of Revenue that the licensee is in
15 compliance with all tax laws administered by the Illinois
16 Department of Revenue.

17 The Department may promulgate rules for the administration
18 of this subsection (g).

19 (h) The Department may grant the title "Retired", to be
20 used immediately adjacent to the title of a profession
21 regulated by the Department, to eligible retirees. For
22 individuals licensed under the Medical Practice Act of 1987,
23 the title "Retired" may be used in the profile required by the
24 Patients' Right to Know Act. The use of the title "Retired"
25 shall not constitute representation of current licensure,
26 registration, or certification. Any person without an active

1 license, registration, or certificate in a profession that
2 requires licensure, registration, or certification shall not
3 be permitted to practice that profession.

4 (i) The Department shall make available on its website
5 general information explaining how the Department utilizes
6 criminal history information in making licensure application
7 decisions, including a list of enumerated offenses that serve
8 as a statutory bar to licensure.

9 (Source: P.A. 100-262, eff. 8-22-17; 100-863, eff. 8-14-18;
10 100-872, eff. 8-14-18; 100-883, eff. 8-14-18; 100-1078, eff.
11 1-1-19; 101-81, eff. 7-12-19; 101-221, eff. 1-1-20.)

12 (20 ILCS 2105/2105-20)

13 Sec. 2105-20. Criminal history records checks. Licensees
14 or applicants applying for expedited licensure through an
15 interstate compact enacted into law by the General Assembly,
16 including, but not limited to, the Interstate Medical Licensure
17 Compact Act, who have designated Illinois as the principal
18 state of licensure for the purposes of the compact shall have
19 his or her fingerprints submitted to the Illinois ~~Department of~~
20 State Police in an electronic format that complies with the
21 form and manner for requesting and furnishing criminal history
22 record information as prescribed by the Illinois ~~Department of~~
23 State Police. These fingerprints shall be checked against the
24 Illinois ~~Department of~~ State Police and Federal Bureau of
25 Investigation criminal history record databases now and

1 hereafter filed. The Illinois ~~Department of~~ State Police shall
2 charge applicants or licensees a fee for conducting the
3 criminal history records check, which shall be deposited into
4 the State Police Services Fund and shall not exceed the actual
5 cost of the records check. The Illinois ~~Department of~~ State
6 Police shall furnish, pursuant to positive identification,
7 records of Illinois convictions to the Department. The
8 Department may require applicants or licensees to pay a
9 separate fingerprinting fee, either to the Department or to a
10 vendor designated or approved by the Department. The
11 Department, in its discretion, may allow an applicant or
12 licensee who does not have reasonable access to a designated
13 vendor to provide his or her fingerprints in an alternative
14 manner. The Department may adopt any rules necessary to
15 implement this Section. Communication between the Department
16 and an interstate compact governing body, including, but not
17 limited to, the Interstate Commission as defined in Section 180
18 of the Interstate Medical Licensure Compact Act, may not
19 include information received from the Federal Bureau of
20 Investigation relating to a State and federal criminal history
21 records check.

22 (Source: P.A. 100-230, eff. 8-18-17.)

23 Section 185. The Department of Public Health Powers and
24 Duties Law of the Civil Administrative Code of Illinois is
25 amended by changing Sections 2310-185 and 2310-376 as follows:

1 (20 ILCS 2310/2310-185) (was 20 ILCS 2310/55.51)
2 Sec. 2310-185. Criminal history record information.
3 Whenever the Department is authorized or required by law to
4 consider some aspect of criminal history record information for
5 the purpose of carrying out its statutory powers and
6 responsibilities, then, upon request and payment of fees in
7 conformance with the requirements of Section 2605-400 of the
8 Illinois Department of State Police Law (~~20 ILCS~~
9 ~~2605/2605-400~~), the Illinois Department of State Police is
10 authorized to furnish, pursuant to positive identification,
11 the information contained in State files that is necessary to
12 fulfill the request.
13 (Source: P.A. 91-239, eff. 1-1-00.)

14 (20 ILCS 2310/2310-376)
15 Sec. 2310-376. Hepatitis education and outreach.
16 (a) The Illinois General Assembly finds and declares the
17 following:
18 (1) The World Health Organization characterizes
19 hepatitis as a disease of primary concern to humanity.
20 (2) Hepatitis is considered a silent killer; no
21 recognizable signs or symptoms occur until severe liver
22 damage has occurred.
23 (3) Studies indicate that nearly 4 million Americans
24 (1.8 percent of the population) carry the virus HCV that

1 causes the disease.

2 (4) 30,000 acute new infections occur each year in the
3 United States, and only 25 to 30 percent are diagnosed.

4 (5) 8,000 to 10,000 Americans die from the disease each
5 year.

6 (6) 200,000 Illinois residents may be carriers and
7 could develop the debilitating and potentially deadly
8 liver disease.

9 (7) Inmates of correctional facilities have a higher
10 incidence of hepatitis and, upon their release, present a
11 significant health risk to the general population.

12 (8) Illinois members of the armed services are subject
13 to an increased risk of contracting hepatitis due to their
14 possible receipt of contaminated blood during a
15 transfusion occurring for the treatment of wounds and due
16 to their service in areas of the World where the disease is
17 more prevalent and healthcare is less capable of detecting
18 and treating the disease. Many of these service members are
19 unaware of the danger of hepatitis and their increased risk
20 of contracting the disease.

21 (b) Subject to appropriation, the Department shall conduct
22 an education and outreach campaign, in addition to its overall
23 effort to prevent infectious disease in Illinois, in order to
24 raise awareness about and promote prevention of hepatitis.

25 (c) Subject to appropriation, in addition to the education
26 and outreach campaign provided in subsection (b), the

1 Department shall develop and make available to physicians,
2 other health care providers, members of the armed services, and
3 other persons subject to an increased risk of contracting
4 hepatitis, educational materials, in written and electronic
5 forms, on the diagnosis, treatment, and prevention of the
6 disease. These materials shall include the recommendations of
7 the federal Centers for Disease Control and Prevention and any
8 other persons or entities determined by the Department to have
9 particular expertise on hepatitis, including the American
10 Liver Foundation. These materials shall be written in terms
11 that are understandable by members of the general public.

12 (d) The Department shall establish an Advisory Council on
13 Hepatitis to develop a hepatitis prevention plan. The
14 Department shall specify the membership, members' terms,
15 provisions for removal of members, chairmen, and purpose of the
16 Advisory Council. The Advisory Council shall consist of one
17 representative from each of the following State agencies or
18 offices, appointed by the head of each agency or office:

- 19 (1) The Department of Public Health.
- 20 (2) The Department of Public Aid.
- 21 (3) The Department of Corrections.
- 22 (4) The Department of Veterans' Affairs.
- 23 (5) The Department on Aging.
- 24 (6) The Department of Human Services.
- 25 (7) The Illinois ~~Department of~~ State Police.
- 26 (8) The office of the State Fire Marshal.

1 The Director shall appoint representatives of
2 organizations and advocates in the State of Illinois,
3 including, but not limited to, the American Liver Foundation.
4 The Director shall also appoint interested members of the
5 public, including consumers and providers of health services
6 and representatives of local public health agencies, to provide
7 recommendations and information to the members of the Advisory
8 Council. Members of the Advisory Council shall serve on a
9 voluntary, unpaid basis and are not entitled to reimbursement
10 for mileage or other costs they incur in connection with
11 performing their duties.

12 (Source: P.A. 93-129, eff. 1-1-04; 94-406, eff. 8-2-05.)

13 Section 190. The Department of Revenue Law of the Civil
14 Administrative Code of Illinois is amended by changing Section
15 2505-675 as follows:

16 (20 ILCS 2505/2505-675) (was 20 ILCS 2505/39b50)

17 Sec. 2505-675. Whenever the Department is authorized or
18 required by law to consider some aspect of criminal history
19 record information for the purpose of carrying out its
20 statutory powers and responsibilities, then, upon request and
21 payment of fees in conformance with the requirements of Section
22 2605-400 of the Illinois ~~Department of~~ State Police Law ~~(20~~
23 ~~ILCS 2605/2605-400)~~, the Illinois ~~Department of~~ State Police is
24 authorized to furnish, pursuant to positive identification,

1 the information contained in State files that is necessary to
2 fulfill the request.

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

4 Section 195. The Department of State Police Law of the
5 Civil Administrative Code of Illinois is amended by changing
6 the heading of Article 2605 and Sections 2605-1, 2605-5,
7 2605-10, 2605-25, 2605-30, 2605-35, 2605-40, 2605-45, 2605-50,
8 2605-52, 2605-54, 2605-55, 2605-75, 2605-190, 2605-200,
9 2605-211, 2605-212, 2605-220, 2605-250, 2605-305, 2605-315,
10 2605-320, 2605-325, 2605-327, 2605-330, 2605-335, 2605-340,
11 2605-345, 2605-355, 2605-375, 2605-377, 2605-378, 2605-380,
12 2605-400, 2605-405, 2605-407, 2605-410, 2605-420, 2605-475,
13 2605-480, 2605-485, 2605-505, 2605-550, 2605-575, 2605-585,
14 2605-590, 2605-595, 2605-600, 2605-605, and 2605-610 and by
15 adding Section 2605-51 as follows:

16 (20 ILCS 2605/Art. 2605 heading)

17 ARTICLE 2605. ILLINOIS ~~DEPARTMENT OF~~ STATE POLICE

18 (20 ILCS 2605/2605-1)

19 Sec. 2605-1. Article short title. This Article 2605 of the
20 Civil Administrative Code of Illinois may be cited as the
21 Illinois ~~Department of~~ State Police Law (formerly the
22 Department of State Police Law).

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

1 (20 ILCS 2605/2605-5)

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

3 ~~"Department" means the Department of State Police.~~

4 "Director" means the Director of the Illinois State Police.

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

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

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

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

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

15 (20 ILCS 2605/2605-10) (was 20 ILCS 2605/55a in part)

16 Sec. 2605-10. Powers and duties, generally.

17 (a) The Illinois State Police shall exercise the rights,
18 powers, and duties that have been vested in the Illinois State
19 Police by the following:

20 The Illinois State Police Act.

21 The Illinois State Police Radio Act.

22 The Criminal Identification Act.

23 The Illinois Vehicle Code.

24 The Firearm Owners Identification Card Act.

1 The Firearm Concealed Carry Act.
2 The Gun Dealer Licensing Act.
3 The Intergovernmental Missing Child Recovery Act of 1984.
4 The Intergovernmental Drug Laws Enforcement Act.
5 The Narcotic Control Division Abolition Act.

6 (b) The Illinois State Police ~~Department~~ shall have the
7 powers and duties set forth in the following Sections.
8 (Source: P.A. 90-18, eff. 7-1-97; 90-130, eff. 1-1-98; 90-372,
9 eff. 7-1-98; 90-590, eff. 1-1-00; 90-655, eff. 7-30-98; 90-793,
10 eff. 8-14-98; 91-239, eff. 1-1-00.)

11 (20 ILCS 2605/2605-25) (was 20 ILCS 2605/55a-1)
12 Sec. 2605-25. Illinois State Police ~~Department~~ divisions.

13 (a) The Illinois State Police ~~Department~~ is divided into
14 the Office of the Statewide 9-1-1 Administrator, and the
15 following divisions: the Division of Patrol Operations, the
16 Division of Criminal Investigation, the Division of Forensic
17 Services, the Division of Justice Services, the Division of the
18 Academy and Training, and the Division of Internal
19 Investigation ~~Illinois State Police Academy, the Office of the~~
20 ~~Statewide 9-1-1 Administrator, and 4 divisions: the Division of~~
21 ~~Operations, the Division of Forensic Services, the Division of~~
22 ~~Justice Services, and the Division of Internal Investigation.~~

23 (b) The Office of the Director shall:

24 (1) Exercise the rights, powers, and duties vested in
25 the Illinois State Police ~~Department~~ by the Governor's

1 Office of Management and Budget Act.

2 (2) Exercise the rights, powers, and duties vested in
3 the Illinois State Police Department by the Personnel Code.

4 (3) Exercise the rights, powers, and duties vested in
5 the Illinois State Police Department by "An Act relating to
6 internal auditing in State government", approved August
7 11, 1967 (repealed; now the Fiscal Control and Internal
8 Auditing Act).

9 (Source: P.A. 101-378, eff. 1-1-20.)

10 (20 ILCS 2605/2605-30) (was 20 ILCS 2605/55a-2)

11 Sec. 2605-30. Division of Patrol Operations (formerly
12 State Troopers). The Division of Patrol Operations shall
13 exercise the following functions and those in Section 2605-35:

14 (1) Cooperate with federal and State authorities
15 requesting utilization of the Illinois State Police's
16 ~~Department's~~ radio network system under the Illinois
17 Aeronautics Act.

18 (2) Exercise the rights, powers, and duties of the
19 Illinois State Police under the Illinois State Police Act.

20 (3) (Blank) ~~Exercise the rights, powers, and duties~~
21 ~~vested by law in the Department by the State Police Radio~~
22 ~~Act.~~

23 (4) Exercise the rights, powers, and duties of the
24 Illinois State Police Department vested by law in the
25 ~~Department and the Illinois State Police~~ by the Illinois

1 Vehicle Code.

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

4 (6) Exercise other duties that may be assigned by the
5 Director in order to fulfill the responsibilities and to
6 achieve the purposes of the Illinois State Police
7 ~~Department~~.

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

9 (20 ILCS 2605/2605-35) (was 20 ILCS 2605/55a-3)

10 Sec. 2605-35. Division of ~~Operations~~ (formerly Criminal
11 Investigation).

12 (a) The Division of Criminal Investigation ~~Operations~~
13 shall exercise the following functions and those in Section
14 2605-30:

15 (1) Exercise the rights, powers, and duties vested by
16 law in the Illinois State Police ~~Department~~ by the Illinois
17 Horse Racing Act of 1975, including those set forth in
18 Section 2605-215.

19 (2) Investigate the origins, activities, personnel,
20 and incidents of crime and enforce the criminal laws of
21 this State related thereto.

22 (3) Enforce all laws regulating the production, sale,
23 prescribing, manufacturing, administering, transporting,
24 having in possession, dispensing, delivering,
25 distributing, or use of controlled substances and

1 cannabis.

2 (4) Cooperate with the police of cities, villages, and
3 incorporated towns and with the police officers of any
4 county in enforcing the laws of the State and in making
5 arrests and recovering property.

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

9 (6) Investigate recipients and providers under the
10 Illinois Public Aid Code and any personnel involved in the
11 administration of the Code who are suspected of any
12 violation of the Code pertaining to fraud in the
13 administration, receipt, or provision of assistance and
14 pertaining to any violation of criminal law; and exercise
15 the functions required under Section 2605-220 in the
16 conduct of those investigations.

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

18 (8) (Blank) ~~Exercise the powers and perform the duties~~
19 ~~that have been vested in the Department by the Sex Offender~~
20 ~~Registration Act and the Sex Offender Community~~
21 ~~Notification Law; and promulgate reasonable rules and~~
22 ~~regulations necessitated thereby.~~

23 (9) Exercise other duties that may be assigned by the
24 Director in order to fulfill the responsibilities and
25 achieve the purposes of the Illinois State Police, which
26 may include the coordination of gang, terrorist, and

1 organized crime prevention, control activities, and
2 assisting local law enforcement in their crime control
3 activities Department.

4 (b) (Blank) ~~There is hereby established in the Division of~~
5 ~~Operations the Office of Coordination of Gang Prevention,~~
6 ~~hereafter referred to as the Office.~~

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

18 ~~The Office shall establish mobile units of trained~~
19 ~~personnel to respond to gang activities.~~

20 ~~The Office shall also consult with and use the services of~~
21 ~~religious leaders and other celebrities to assist in gang~~
22 ~~control activities.~~

23 ~~The Office may sponsor seminars, conferences, or any other~~
24 ~~educational activity to assist communities in their gang crime~~
25 ~~control activities.~~

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

1 (20 ILCS 2605/2605-40) (was 20 ILCS 2605/55a-4)
2 Sec. 2605-40. Division of Forensic Services. The Division
3 of Forensic Services shall exercise the following functions:

4 (1) (Blank).

5 (2) Exercise the rights, powers, and duties vested by
6 law in the Illinois State Police Department by Section
7 2605-300 of this Law.

8 (3) Provide assistance to local law enforcement
9 agencies through training, management, and consultant
10 services.

11 (4) (Blank).

12 (5) Exercise other duties that may be assigned by the
13 Director in order to fulfill the responsibilities and
14 achieve the purposes of the Illinois State Police
15 ~~Department~~.

16 (6) Establish and operate a forensic science
17 laboratory system, including a forensic toxicological
18 laboratory service, for the purpose of testing specimens
19 submitted by coroners and other law enforcement officers in
20 their efforts to determine whether alcohol, drugs, or
21 poisonous or other toxic substances have been involved in
22 deaths, accidents, or illness. Forensic toxicological
23 laboratories shall be established in Springfield, Chicago,
24 and elsewhere in the State as needed.

25 (6.5) Establish administrative rules in order to set

1 forth standardized requirements for the disclosure of
2 toxicology results and other relevant documents related to
3 a toxicological analysis. These administrative rules are
4 to be adopted to produce uniform and sufficient information
5 to allow a proper, well-informed determination of the
6 admissibility of toxicology evidence and to ensure that
7 this evidence is presented competently. These
8 administrative rules are designed to provide a minimum
9 standard for compliance of toxicology evidence and is not
10 intended to limit the production and discovery of material
11 information. ~~These administrative rules shall be submitted~~
12 ~~by the Department of State Police into the rulemaking~~
13 ~~process under the Illinois Administrative Procedure Act on~~
14 ~~or before June 30, 2017.~~

15 (7) Subject to specific appropriations made for these
16 purposes, establish and coordinate a system for providing
17 accurate and expedited forensic science and other
18 investigative and laboratory services to local law
19 enforcement agencies and local State's Attorneys in aid of
20 the investigation and trial of capital cases.

21 (Source: P.A. 101-378, eff. 1-1-20.)

22 (20 ILCS 2605/2605-45) (was 20 ILCS 2605/55a-5)

23 Sec. 2605-45. Division of Justice Services. The Division of
24 Justice Services shall exercise the following functions:

25 (1) (Blank).

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

3 (3) (Blank).

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

7 (5) (Blank). ~~Exercise the rights, powers, and duties~~
8 ~~vested in the former Division of State Troopers by Section~~
9 ~~17 of the State Police Act.~~

10 (6) (Blank).

11 (6.5) Exercise the rights, powers, and duties vested in
12 the Illinois State Police Department by the Firearm Owners
13 Identification Card Act, the Firearm Concealed Carry Act,
14 and the Firearm Dealer License Certification Act.

15 (7) Exercise other duties that may be assigned by the
16 Director to fulfill the responsibilities and achieve the
17 purposes of the Illinois State Police Department.

18 (8) Exercise the rights, powers, and duties vested by
19 law in the Illinois State Police Department by the Criminal
20 Identification Act.

21 (9) Exercise the powers and perform the duties that
22 have been vested in the Illinois State Police by the Sex
23 Offender Registration Act and the Sex Offender Community
24 Notification Law and adopt reasonable rules necessitated
25 thereby.

26 (Source: P.A. 101-378, eff. 1-1-20.)

1 (20 ILCS 2605/2605-50) (was 20 ILCS 2605/55a-6)

2 Sec. 2605-50. Division of Internal Investigation. The
3 Division of Internal Investigation shall initiate internal
4 Illinois State Police ~~departmental~~ investigations and, at the
5 direction of the Governor, investigate complaints and initiate
6 investigations of official misconduct by State officers and
7 State employees under the jurisdiction of the Governor.

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

9 (20 ILCS 2605/2605-51 new)

10 Sec. 2605-51. Division of the Academy and Training.

11 (a) The Division of the Academy and Training shall
12 exercise, but not be limited to, the following functions:

13 (1) Oversee and operate the Illinois State Police
14 Training Academy.

15 (2) Train and prepare new officers for a career in law
16 enforcement, with innovative, quality training and
17 educational practices.

18 (3) Offer continuing training and educational programs
19 for Illinois State Police employees.

20 (4) Oversee the Illinois State Police's recruitment
21 initiatives.

22 (5) Oversee and operate the Illinois State Police's
23 quartermaster.

24 (6) Duties assigned to the Illinois State Police in

1 Article 5, Chapter 11 of the Illinois Vehicle Code
2 concerning testing.

3 (7) Duties assigned to the Illinois State Police in
4 Article 108B of the Code of Criminal Procedure.

5 (b) The Division of the Academy and Training shall exercise
6 the rights, powers, and duties vested in the former Division of
7 State Troopers by Section 17 of the Illinois State Police Act.

8 (c) Specialized training.

9 (1) Training; cultural diversity. The Division of the
10 Academy and Training shall provide training and continuing
11 education to State police officers concerning cultural
12 diversity, including sensitivity toward racial and ethnic
13 differences. This training and continuing education shall
14 include, but not be limited to, an emphasis on the fact
15 that the primary purpose of enforcement of the Illinois
16 Vehicle Code is safety and equal and uniform enforcement
17 under the law.

18 (2) Training; death and homicide investigations. The
19 Division of the Academy and Training shall provide training
20 in death and homicide investigation for State police
21 officers. Only State police officers who successfully
22 complete the training may be assigned as lead investigators
23 in death and homicide investigations. Satisfactory
24 completion of the training shall be evidenced by a
25 certificate issued to the officer by the Division of the
26 Academy and Training. The Director shall develop a process

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

6 (3) Training; police dog training standards. All
7 police dogs used by the Illinois State Police for drug
8 enforcement purposes pursuant to the Cannabis Control Act,
9 the Illinois Controlled Substances Act, and the
10 Methamphetamine Control and Community Protection Act shall
11 be trained by programs that meet the certification
12 requirements set by the Director or the Director's
13 designee. Satisfactory completion of the training shall be
14 evidenced by a certificate issued by the Division of the
15 Academy and Training.

16 (4) Training; post-traumatic stress disorder. The
17 Division of the Academy and Training shall conduct or
18 approve a training program in post-traumatic stress
19 disorder for State police officers. The purpose of that
20 training shall be to equip State police officers to
21 identify the symptoms of post-traumatic stress disorder
22 and to respond appropriately to individuals exhibiting
23 those symptoms.

24 (5) Training; opioid antagonists. The Division of the
25 Academy and Training shall conduct or approve a training
26 program for State police officers in the administration of

1 opioid antagonists as defined in paragraph (1) of
2 subsection (e) of Section 5-23 of the Substance Use
3 Disorder Act that is in accordance with that Section. As
4 used in this Section, "State police officers" includes
5 full-time or part-time State police officers,
6 investigators, and any other employee of the Illinois State
7 Police exercising the powers of a peace officer.

8 (6) Training; sexual assault and sexual abuse.

9 (A) Every 3 years, the Division of the Academy and
10 Training shall present in-service training on sexual
11 assault and sexual abuse response and report writing
12 training requirements, including, but not limited to,
13 the following:

14 (i) recognizing the symptoms of trauma;

15 (ii) understanding the role trauma has played
16 in a victim's life;

17 (iii) responding to the needs and concerns of a
18 victim;

19 (iv) delivering services in a compassionate,
20 sensitive, and nonjudgmental manner;

21 (v) interviewing techniques in accordance with
22 the curriculum standards in this paragraph (6);

23 (vi) understanding cultural perceptions and
24 common myths of sexual assault and sexual abuse;

25 and

26 (vii) report writing techniques in accordance

1 with the curriculum standards in this paragraph
2 (6).

3 (B) This training must also be presented in all
4 full and part-time basic law enforcement academies.

5 (C) Instructors providing this training shall have
6 successfully completed training on evidence-based,
7 trauma-informed, victim-centered responses to cases of
8 sexual assault and sexual abuse and have experience
9 responding to sexual assault and sexual abuse cases.

10 (D) The Illinois State Police shall adopt rules, in
11 consultation with the Office of the Attorney General
12 and the Illinois Law Enforcement Training Standards
13 Board, to determine the specific training requirements
14 for these courses, including, but not limited to, the
15 following:

16 (i) evidence-based curriculum standards for
17 report writing and immediate response to sexual
18 assault and sexual abuse, including
19 trauma-informed, victim-centered interview
20 techniques, which have been demonstrated to
21 minimize retraumatization, for all State police
22 officers; and

23 (ii) evidence-based curriculum standards for
24 trauma-informed, victim-centered investigation and
25 interviewing techniques, which have been
26 demonstrated to minimize retraumatization, for

1 cases of sexual assault and sexual abuse for all
2 State police officers who conduct sexual assault
3 and sexual abuse investigations.

4 (7) Training; human trafficking. The Division of the
5 Academy and Training shall conduct or approve a training
6 program in the detection and investigation of all forms of
7 human trafficking, including, but not limited to,
8 involuntary servitude under subsection (b) of Section 10-9
9 of the Criminal Code of 2012, involuntary sexual servitude
10 of a minor under subsection (c) of Section 10-9 of the
11 Criminal Code of 2012, and trafficking in persons under
12 subsection (d) of Section 10-9 of the Criminal Code of
13 2012. This program shall be made available to all cadets
14 and State police officers.

15 (8) Training; hate crimes. The Division of the Academy
16 and Training shall provide training for State police
17 officers in identifying, responding to, and reporting all
18 hate crimes.

19 (20 ILCS 2605/2605-52)

20 Sec. 2605-52. Office of the Statewide 9-1-1 Administrator.

21 (a) There shall be established an Office of the Statewide
22 9-1-1 Administrator within the Illinois State Police
23 ~~Department~~. Beginning January 1, 2016, the Office of the
24 Statewide 9-1-1 Administrator shall be responsible for
25 developing, implementing, and overseeing a uniform statewide

1 9-1-1 system for all areas of the State outside of
2 municipalities having a population over 500,000.

3 (b) The Governor shall appoint, with the advice and consent
4 of the Senate, a Statewide 9-1-1 Administrator. The
5 Administrator shall serve for a term of 2 years, and until a
6 successor is appointed and qualified; except that the term of
7 the first 9-1-1 Administrator appointed under this Act shall
8 expire on the third Monday in January, 2017. The Administrator
9 shall not hold any other remunerative public office. The
10 Administrator shall receive an annual salary as set by the
11 Governor.

12 (c) The Illinois State Police Department, from
13 appropriations made to it for that purpose, shall make grants
14 to 9-1-1 Authorities for the purpose of defraying costs
15 associated with 9-1-1 system consolidations awarded by the
16 Administrator under Section 15.4b of the Emergency Telephone
17 System Act.

18 (d) The Office of the Statewide 9-1-1 Administrator shall
19 exercise the rights, powers, and duties vested by law in the
20 Department by the State Police Radio Act.

21 (e) The Office of the Statewide 9-1-1 Administrator shall
22 also conduct the following communication activities:

23 (1) Acquire and operate one or more radio broadcasting
24 stations in the State to be used for police purposes.

25 (2) Operate a statewide communications network to
26 gather and disseminate information for law enforcement

1 agencies.

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

5 (4) Undertake other communication activities that may
6 be required by law.

7 (Source: P.A. 99-6, eff. 6-29-15; 100-20, eff. 7-1-17.)

8 (20 ILCS 2605/2605-54)

9 Sec. 2605-54. Training policy; persons arrested while
10 under the influence of alcohol or drugs. The Illinois State
11 Police Department shall adopt a policy and provide training to
12 State Police officers concerning response and care for persons
13 under the influence of alcohol or drugs. The policy shall be
14 consistent with the Substance Use Disorder Act and shall
15 provide guidance for the arrest of persons under the influence
16 of alcohol or drugs, proper medical attention if warranted, and
17 care and release of those persons from custody. The policy
18 shall provide guidance concerning the release of persons
19 arrested under the influence of alcohol or drugs who are under
20 the age of 21 years of age which shall include, but not be
21 limited to, language requiring the arresting officer to make a
22 reasonable attempt to contact a responsible adult who is
23 willing to take custody of the person who is under the
24 influence of alcohol or drugs.

25 (Source: P.A. 100-537, eff. 6-1-18; 100-759, eff. 1-1-19.)

1 (20 ILCS 2605/2605-55)

2 Sec. 2605-55. Badges. The Director must authorize to each
3 State trooper, police officer, and investigator and to any
4 other employee of the Illinois State Police ~~Department~~
5 exercising the powers of a peace officer a distinct badge that,
6 on its face, (i) clearly states that the badge is authorized by
7 the Illinois State Police ~~Department~~ and (ii) contains a unique
8 identifying number. No other badge shall be authorized by the
9 Illinois State Police ~~Department~~.

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

11 (20 ILCS 2605/2605-75) (was 20 ILCS 2605/55a in part)

12 Sec. 2605-75. Bilingual police officers. The Illinois
13 State Police ~~Department~~ may ascertain the number of bilingual
14 police officers and other personnel needed to provide services
15 in a language other than English and may establish, under
16 applicable personnel rules and Illinois State Police
17 ~~Department~~ guidelines or through a collective bargaining
18 agreement, a bilingual pay supplement program.

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; 1-1-00.)

22 (20 ILCS 2605/2605-190) (was 20 ILCS 2605/55a in part)

23 Sec. 2605-190. Other laws in relation to law enforcement.

1 To enforce and administer other laws in relation to law
2 enforcement to the extent that they vest any rights, powers, or
3 duties in the Illinois State Police~~Department~~.

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

7 (20 ILCS 2605/2605-200) (was 20 ILCS 2605/55a in part)

8 Sec. 2605-200. Investigations of crime; enforcement of
9 laws; records; crime laboratories; personnel.

10 (a) To do the following:

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

17 (2) Enforce all laws regulating the production, sale,
18 prescribing, manufacturing, administering, transporting,
19 having in possession, dispensing, delivering,
20 distributing, or use of controlled substances and
21 cannabis.

22 (3) Employ skilled experts, scientists, technicians,
23 investigators, or otherwise specially qualified persons to
24 aid in preventing or detecting crime, apprehending
25 criminals, or preparing and presenting evidence of

1 violations of the criminal laws of the State.

2 (4) Cooperate with the police of cities, villages, and
3 incorporated towns and with the police officers of any
4 county in enforcing the laws of the State and in making
5 arrests and recovering property.

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

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

11 (7) Be a central repository and custodian of criminal
12 statistics for the State.

13 (8) Be a central repository for criminal history record
14 information.

15 (9) Procure and file for record information that is
16 necessary and helpful to plan programs of crime prevention,
17 law enforcement, and criminal justice.

18 (10) Procure and file for record copies of fingerprints
19 that may be required by law.

20 (11) Establish general and field crime laboratories.

21 (12) Register and file for record information that may
22 be required by law for the issuance of firearm owner's
23 identification cards under the Firearm Owners
24 Identification Card Act and concealed carry licenses under
25 the Firearm Concealed Carry Act.

26 (13) Employ laboratory technicians and other specially

1 qualified persons to aid in the identification of criminal
2 activity, and may employ polygraph operators.

3 (14) Undertake other identification, information,
4 laboratory, statistical, or registration activities that
5 may be required by law.

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

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

18 (20 ILCS 2605/2605-211)

19 Sec. 2605-211. Protocol; methamphetamine; illegal
20 manufacture.

21 (a) The Illinois Department of State Police shall develop a
22 protocol to be followed in performing gross remediation of
23 clandestine laboratory sites not to exceed the standards
24 established by the United States Drug Enforcement
25 Administration.

1 (b) "Gross remediation" means the removal of any and all
2 identifiable clandestine laboratory ingredients and apparatus.

3 (c) The Illinois ~~Department of~~ State Police must post the
4 protocol on its official Web site.

5 (Source: P.A. 94-555, eff. 8-12-05.)

6 (20 ILCS 2605/2605-212)

7 Sec. 2605-212. Children; methamphetamine; protocol. The
8 Illinois State Police ~~Department~~ shall cooperate with the
9 Department of Children and Family Services and the State Board
10 of Education in developing the protocol required under Section
11 6.5 of the Children and Family Services Act. The Illinois State
12 Police ~~Department~~ must post the protocol on the official Web
13 site maintained by the Illinois State Police ~~Department~~.

14 (Source: P.A. 94-554, eff. 1-1-06.)

15 (20 ILCS 2605/2605-220) (was 20 ILCS 2605/55a-7)

16 Sec. 2605-220. Public aid fraud investigations. The
17 Illinois State Police ~~Department~~, through the Division of
18 Criminal Investigation ~~Operations~~, shall investigate
19 recipients and providers under the Illinois Public Aid Code and
20 any personnel involved in the administration of the Code who
21 are suspected of any violations of the Code pertaining to fraud
22 in the administration, receipt, or provision of assistance and
23 pertaining to any violation of criminal law. The Illinois State
24 Police ~~Department~~ shall, in addition to functions otherwise

1 authorized by State and federal law, exercise the following
2 functions:

3 (1) Initiate investigations of suspected cases of
4 public aid fraud.

5 (2) Investigate cases of public aid fraud.

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

7 (20 ILCS 2605/2605-250) (was 20 ILCS 2605/55a in part)

8 Sec. 2605-250. Obtaining evidence. To expend the sums the
9 Director deems necessary from contractual services
10 appropriations for the Illinois State Police ~~Division of~~
11 ~~Operations~~ for the purchase of evidence and for the employment
12 of persons to obtain evidence. The sums shall be advanced to
13 agents authorized by the Director to expend funds, on vouchers
14 signed by the Director.

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

18 (20 ILCS 2605/2605-305) (was 20 ILCS 2605/55a in part)

19 Sec. 2605-305. Statewide Organized Criminal Gang Database
20 (SWORD). The Illinois State Police ~~Department~~ may establish and
21 maintain, within the Illinois State Police ~~Department~~, a
22 Statewide Organized Criminal Gang Database (SWORD) for the
23 purpose of tracking organized criminal gangs and their
24 memberships. Information in the database may include, but not

1 be limited to, the name, last known address, birth date,
2 physical descriptions (such as scars, marks, or tattoos),
3 officer safety information, organized gang affiliation, and
4 entering agency identifier. The Illinois State Police
5 ~~Department~~ may develop, in consultation with the Criminal
6 Justice Information Authority, and in a form and manner
7 prescribed by the Illinois State Police ~~Department~~, an
8 automated data exchange system to compile, to maintain, and to
9 make this information electronically available to prosecutors
10 and to other law enforcement agencies. The information may be
11 used by authorized agencies to combat the operations of
12 organized criminal gangs statewide.

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

16 (20 ILCS 2605/2605-315) (was 20 ILCS 2605/55a in part)

17 Sec. 2605-315. Criminal history record information for
18 Department of Children and Family Services. Upon the request of
19 the Department of Children and Family Services, the Illinois
20 ~~Department of~~ State Police shall provide properly designated
21 employees of the Department of Children and Family Services
22 with criminal history record information as defined in the
23 Illinois Uniform Conviction Information Act and information
24 maintained in the statewide central juvenile records system as
25 defined in Section 2605-355 if the Department of Children and

1 Family Services determines the information is necessary to
2 perform its duties under the Abused and Neglected Child
3 Reporting Act, the Child Care Act of 1969, and the Children and
4 Family Services Act. The request shall be in the form and
5 manner specified by the Illinois ~~Department of~~ State Police.

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

9 (20 ILCS 2605/2605-320)

10 Sec. 2605-320. Criminal history information for Department
11 of Human Services. Upon request of the Department of Human
12 Services, to conduct an assessment and evaluation of sexually
13 violent persons as mandated by the Sexually Violent Persons
14 Commitment Act, the Illinois State Police ~~Department~~ shall
15 furnish criminal history information maintained on the
16 requested person. The request shall be in the form and manner
17 specified by the Illinois State Police ~~Department~~.

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

21 (20 ILCS 2605/2605-325) (was 20 ILCS 2605/55a in part)

22 Sec. 2605-325. Conviction information for school board or
23 regional superintendent. On request of a school board or
24 regional superintendent of schools, to conduct a

1 fingerprint-based criminal history records check pursuant to
2 Section 10-21.9 or 34-18.5 of the School Code. The Illinois
3 State Police Department shall furnish the conviction
4 information to the president of the school board of the school
5 district that has requested the information or, if the
6 information was requested by the regional superintendent, to
7 that regional superintendent.

8 (Source: P.A. 93-909, eff. 8-12-04.)

9 (20 ILCS 2605/2605-327)

10 Sec. 2605-327. Conviction and sex offender information for
11 medical school. Upon the inquiry of a medical school under the
12 Medical School Matriculant Criminal History Records Check Act,
13 to ascertain whether a matriculant of the medical school has
14 been convicted of any violent felony or has been adjudicated a
15 sex offender.

16 The Illinois State Police Department shall make sex
17 offender information available to the inquiring medical school
18 through the Statewide Sex Offender Database. Medical schools in
19 this State must conduct an inquiry into the Statewide Sex
20 Offender Database on all matriculants as part of the admissions
21 process.

22 Pursuant to the Medical School Matriculant Criminal
23 History Records Check Act, the Illinois State Police Department
24 shall conduct a fingerprint-based criminal history records
25 check of the Illinois criminal history records database and the

1 Federal Bureau of Investigation criminal history records
2 database upon the request of a public medical school. Pursuant
3 to the Medical School Matriculant Criminal History Records
4 Check Act, the Illinois State Police ~~Department~~ shall conduct a
5 fingerprint-based, Illinois Uniform Conviction Information Act
6 check of the Illinois criminal history records database upon
7 the request of a private medical school. The Illinois State
8 Police ~~Department~~ may charge the requesting public or private
9 medical school a fee for conducting the fingerprint-based
10 criminal history records check. The fee shall not exceed the
11 cost of the inquiry and shall be deposited into the State
12 Police Services Fund.

13 (Source: P.A. 94-709, eff. 12-5-05; 94-837, eff. 6-6-06.)

14 (20 ILCS 2605/2605-330) (was 20 ILCS 2605/55a in part)

15 Sec. 2605-330. Firefighter applicant criminal history
16 records checks. Upon the request of the chief of a fire
17 department or the board of trustees of a fire protection
18 district, the Illinois State Police ~~Department~~ shall conduct
19 fingerprint-based criminal history records checks of both
20 State and Federal Bureau of Investigation criminal history
21 record databases concerning prospective firefighters and
22 report to the requesting chief or the board of trustees of a
23 fire protection district any conviction information about
24 those persons. The Illinois State Police ~~Department~~ may charge
25 the requesting chief or board of trustees a fee for conducting

1 the criminal history records check. The fee shall be deposited
2 into the State Police Services Fund and shall not exceed the
3 cost of the inquiry. The Illinois State Police ~~Department~~ may
4 prescribe the form and manner for requesting and furnishing
5 conviction information under this Section.

6 (Source: P.A. 92-16, eff. 6-28-01; 93-952, eff. 1-1-05.)

7 (20 ILCS 2605/2605-335) (was 20 ILCS 2605/55a in part)

8 Sec. 2605-335. Conviction information for private child
9 services organization. Upon the request of any private
10 organization that devotes a major portion of its time to the
11 provision of recreational, social, educational, or child
12 safety services to children, to conduct, pursuant to positive
13 identification, criminal background investigations of all of
14 that organization's current employees, current volunteers,
15 prospective employees, or prospective volunteers charged with
16 the care and custody of children during the provision of the
17 organization's services, and to report to the requesting
18 organization any record of convictions maintained in the
19 Illinois State Police's ~~Department's~~ files about those
20 persons. The Illinois State Police ~~Department~~ shall charge an
21 application fee, based on actual costs, for the dissemination
22 of conviction information pursuant to this Section. The
23 Illinois State Police ~~Department~~ is empowered to establish this
24 fee and shall prescribe the form and manner for requesting and
25 furnishing conviction information pursuant to this Section.

1 Information received by the organization from the Illinois
2 State Police Department concerning an individual shall be
3 provided to the individual. Any such information obtained by
4 the organization shall be confidential and may not be
5 transmitted outside the organization and may not be transmitted
6 to anyone within the organization except as needed for the
7 purpose of evaluating the individual. Only information and
8 standards that bear a reasonable and rational relation to the
9 performance of child care shall be used by the organization.

10 Any employee of the Illinois State Police Department or any
11 member, employee, or volunteer of the organization receiving
12 confidential information under this Section who gives or causes
13 to be given any confidential information concerning any
14 criminal convictions of an individual shall be guilty of a
15 Class A misdemeanor unless release of the information is
16 authorized by this Section.

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 2605/2605-340) (was 20 ILCS 2605/55a in part)

21 Sec. 2605-340. Conviction information for private carrier
22 company under Metropolitan Transit Authority Act. Upon the
23 request of a private carrier company that provides
24 transportation under Section 28b of the Metropolitan Transit
25 Authority Act, to ascertain whether an applicant for a driver

1 position has been convicted of any criminal or drug offense
2 enumerated in that Section. The Illinois State Police
3 ~~Department~~ shall furnish the conviction information to the
4 private carrier company that requested the information.

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

8 (20 ILCS 2605/2605-345)

9 Sec. 2605-345. Conviction information for financial
10 institutions. Upon the request of (i) an insured depository
11 institution, as defined by the Federal Deposit Insurance
12 Corporation Act, (ii) a depository institution holding
13 company, as defined by the Federal Deposit Insurance
14 Corporation Act, (iii) a foreign banking corporation, as
15 defined by the Foreign Banking Office Act, (iv) a corporate
16 fiduciary, as defined by the Corporate Fiduciary Act, (v) a
17 credit union, as defined in the Illinois Credit Union Act, or
18 (vi) a subsidiary of any entity listed in items (i) through (v)
19 of this Section (each such entity or subsidiary hereinafter
20 referred to as a "requesting institution"), to ascertain
21 whether any employee of the requesting institution, applicant
22 for employment by the requesting institution, or officer,
23 director, agent, institution-affiliated party, or any other
24 party who owns or controls, directly or indirectly, or
25 participates, directly or indirectly, in the affairs of the

1 requesting institution, has been convicted of a felony or of
2 any criminal offense relating to dishonesty, breach of trust,
3 or money laundering, the Illinois State Police ~~Department~~ shall
4 furnish the conviction information to the requesting
5 institution.

6 (Source: P.A. 97-1120, eff. 1-1-13.)

7 (20 ILCS 2605/2605-355) (was 20 ILCS 2605/55a in part)

8 Sec. 2605-355. Delinquent minors; statewide central
9 juvenile records system. To develop a separate statewide
10 central juvenile records system for persons arrested prior to
11 the age of 17 under Section 5-401 of the Juvenile Court Act of
12 1987 or adjudicated delinquent minors and to make information
13 available to local law enforcement officers so that law
14 enforcement officers will be able to obtain rapid access to the
15 background of the minor from other jurisdictions to the end
16 that the juvenile police officers can make appropriate
17 decisions that will best serve the interest of the child and
18 the community. The Illinois State Police ~~Department~~ shall
19 submit a quarterly report to the General Assembly and Governor.
20 The report shall contain the number of juvenile records that
21 the Illinois State Police ~~Department~~ has received in that
22 quarter and a list, by category, of offenses that minors were
23 arrested for or convicted of by age, race, and gender.

24 (Source: P.A. 90-18, eff. 7-1-97; 90-130, eff. 1-1-98; 90-372,
25 eff. 7-1-98; 90-590, eff. 1-1-00; 90-655, eff. 7-30-98; 90-793,

1 eff. 8-14-98; 91-239, eff. 1-1-00.)

2 (20 ILCS 2605/2605-375) (was 20 ILCS 2605/55a in part)

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

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

1 citations.

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

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

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

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

13 (C) the missing person's address.

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

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

19 (b-5) The Illinois ~~Department of~~ State Police shall:

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

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

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

13 (4) Compile and maintain an historic data repository
14 relating to lost, abducted, missing, or runaway minors and
15 other missing persons, including, but not limited to, lost
16 or missing individuals with developmental or intellectual
17 disabilities and missing endangered seniors, in order to
18 develop and improve techniques utilized by law enforcement
19 agencies when 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 Illinois ~~Department of~~ State Police shall perform
3 the duties prescribed in the Missing Persons Identification
4 Act, subject to appropriation.

5 (Source: P.A. 100-662, eff. 1-1-19.)

6 (20 ILCS 2605/2605-377) (was 20 ILCS 2605/55a in part)

7 Sec. 2605-377. Department of Healthcare and Family
8 Services; LEADS access.

9 (a) The Department of Healthcare and Family Services is an
10 authorized entity under this Law for the purpose of exchanging
11 information, in the form and manner required by the Illinois
12 ~~Department of~~ State Police, to facilitate the location of
13 individuals for establishing paternity, and establishing,
14 modifying, and enforcing child support obligations, pursuant
15 to the Illinois Public Aid Code and Title IV, Part D of the
16 Social Security Act.

17 (b) The Department of Healthcare and Family Services is an
18 authorized entity under this Section for the purpose of
19 obtaining access to various data repositories available
20 through LEADS, to facilitate the location of individuals for
21 establishing paternity, and establishing, modifying, and
22 enforcing child support obligations, pursuant to the Illinois
23 Public Aid Code and Title IV, Part D of the Social Security
24 Act. The Illinois State Police ~~Department~~ shall enter into an
25 agreement with the Department of Healthcare and Family Services

1 consistent with these purposes.

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

3 (20 ILCS 2605/2605-378)

4 Sec. 2605-378. I-CLEAR. The Illinois ~~Department of~~ State
5 Police shall provide for the entry into the Illinois Citizens
6 and Law Enforcement Analysis and Reporting System (I-CLEAR) of
7 the names and addresses of arsonists as defined in the Arsonist
8 Registration Act who are required to register under that Act.
9 The information shall be immediately accessible to law
10 enforcement agencies and peace officers of this State or any
11 other state or of the federal government. Similar information
12 may be requested from any other state or of the federal
13 government for the purposes of that Act.

14 (Source: P.A. 93-949, eff. 1-1-05.)

15 (20 ILCS 2605/2605-380) (was 20 ILCS 2605/55a-8)

16 Sec. 2605-380. Dental records. The Illinois State Police
17 ~~Department~~ shall do the following:

18 (1) Coordinate State participation in a national
19 central repository for dental records of missing persons
20 and unidentified dead bodies.

21 (2) Receive and file dental records submitted by county
22 medical examiners and coroners from unidentified dead
23 bodies and submitted by law enforcement agencies from
24 persons reported missing for more than 30 days.

1 (3) Provide information from the file on possible
2 identifications resulting from the comparison of dental
3 records submitted with those records on file, to county
4 medical examiners, coroners, and law enforcement agencies.

5 (4) Expunge the dental records of those missing persons
6 who are found, and expunge from the file the dental records
7 of missing persons who are positively identified as a
8 result of comparisons made with this file or the files
9 maintained by other states, territories, insular
10 possessions of the United States, or the United States.

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

12 (20 ILCS 2605/2605-400) (was 20 ILCS 2605/55a in part)

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

14 (a) To charge, collect, and receive fees or moneys
15 equivalent to the cost of providing Illinois State Police
16 ~~Department~~ personnel, equipment, and services to local
17 governmental agencies when explicitly requested by a local
18 governmental agency and pursuant to an intergovernmental
19 agreement as provided by this Law, other State agencies, and
20 federal agencies, including but not limited to fees or moneys
21 equivalent to the cost of providing dispatching services, radio
22 and radar repair, and training to local governmental agencies
23 on terms and conditions that in the judgment of the Director
24 are in the best interest of the State; and to establish,
25 charge, collect, and receive fees or moneys based on the cost

1 of providing responses to requests for criminal history record
2 information pursuant to positive identification and any
3 Illinois or federal law authorizing access to some aspect of
4 that information and to prescribe the form and manner for
5 requesting and furnishing the information to the requestor on
6 terms and conditions that in the judgment of the Director are
7 in the best interest of the State, provided fees for requesting
8 and furnishing criminal history record information may be
9 waived for requests in the due administration of the criminal
10 laws. The Illinois State Police ~~Department~~ may also charge,
11 collect, and receive fees or moneys equivalent to the cost of
12 providing electronic data processing lines or related
13 telecommunication services to local governments, but only when
14 those services can be provided by the Illinois State Police
15 ~~Department~~ at a cost less than that experienced by those local
16 governments through other means. All services provided by the
17 Illinois State Police ~~Department~~ shall be conducted pursuant to
18 contracts in accordance with the Intergovernmental Cooperation
19 Act, and all telecommunication services shall be provided
20 pursuant to the provisions of Section 405-270 of the Department
21 of Central Management Services Law ~~(20 ILCS 405/405-270)~~.

22 (b) All fees received by the Illinois State Police
23 ~~Department~~ under the Civil Administrative Code of Illinois or
24 the Illinois Uniform Conviction Information Act shall be
25 deposited in a special fund in the State treasury to be known
26 as the State Police Services Fund. The money deposited in the

1 State Police Services Fund shall be appropriated to the
2 Illinois State Police Department for expenses of the Illinois
3 State Police Department.

4 (c) Upon the completion of any audit of the Illinois State
5 Police Department as prescribed by the Illinois State Auditing
6 Act, which audit includes an audit of the State Police Services
7 Fund, the Illinois State Police Department shall make the audit
8 open to inspection by any interested person.

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

12 (20 ILCS 2605/2605-405) (was 20 ILCS 2605/55a in part)

13 Sec. 2605-405. Applying for grants or contracts; moneys
14 from other entities. To apply for grants or contracts and
15 receive, expend, allocate, or disburse funds and moneys made
16 available by public or private entities, including, but not
17 limited to, contracts, bequests, grants, or receiving
18 equipment from corporations, foundations, or public or private
19 institutions of higher learning. All funds received by the
20 Illinois State Police Department from these sources shall be
21 deposited into the appropriate fund in the State treasury to be
22 appropriated to the Illinois State Police Department for
23 purposes as indicated by the grantor or contractor or, in the
24 case of funds or moneys bequeathed or granted for no specific
25 purpose, for any purpose deemed appropriate by the Director in

1 administering the responsibilities of the Illinois State
2 Police Department.

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.)

6 (20 ILCS 2605/2605-407)

7 Sec. 2605-407. Illinois State Police Federal Projects
8 Fund. The Illinois State Police Federal Projects Fund is
9 established as a federal trust fund in the State treasury. This
10 federal Trust Fund is established to receive funds awarded to
11 the Illinois Department of State Police from the following: (i)
12 all federal departments and agencies for the specific purposes
13 established by the terms and conditions of the federal awards
14 and (ii) federal pass-through grants from State departments and
15 agencies for the specific purposes established by the terms and
16 conditions of the grant agreements. Any interest earnings that
17 are attributable to moneys in the federal trust fund must be
18 deposited into the Fund.

19 (Source: P.A. 97-116, eff. 1-1-12; 97-826, eff. 7-18-12.)

20 (20 ILCS 2605/2605-410)

21 Sec. 2605-410. Over Dimensional Load Police Escort Fund. To
22 charge, collect, and receive fees or moneys as described in
23 Section 15-312 of the Illinois Vehicle Code. All fees received
24 by the Illinois State Police under Section 15-312 of the

1 Illinois Vehicle Code shall be deposited into the Over
2 Dimensional Load Police Escort Fund, a special fund that is
3 created in the State treasury. Subject to appropriation, the
4 money in the Over Dimensional Load Police Escort Fund shall be
5 used by the Illinois State Police ~~Department~~ for its expenses
6 in providing police escorts and commercial vehicle enforcement
7 activities.

8 (Source: P.A. 95-787, eff. 1-1-09.)

9 (20 ILCS 2605/2605-420) (was 20 ILCS 2605/55a in part)

10 Sec. 2605-420. Assisting victims and witnesses of gang
11 crime. To assist victims and witnesses in gang crime
12 prosecutions through the administration of funds appropriated
13 from the Gang Violence Victims and Witnesses Fund to the
14 Illinois State Police ~~Department~~. Those funds shall be
15 appropriated to the Illinois State Police ~~Department~~ and shall
16 only be used to assist victims and witnesses in gang crime
17 prosecutions. The assistance may include any of the following:

18 (1) Temporary living costs.

19 (2) Moving expenses.

20 (3) Closing costs on the sale of a private residence.

21 (4) First month's rent.

22 (5) Security deposits.

23 (6) Apartment location assistance.

24 (7) Other expenses that the Illinois State Police
25 ~~Department~~ considers appropriate.

1 (8) Compensation for any loss of or injury to real or
2 personal property resulting from a gang crime to a maximum
3 of \$5,000, subject to the following provisions:

4 (A) In the case of loss of property, the amount of
5 compensation shall be measured by the replacement cost
6 of similar or like property that has been incurred by
7 and that is substantiated by the property owner.

8 (B) In the case of injury to property, the amount
9 of compensation shall be measured by the cost of repair
10 incurred and that can be substantiated by the property
11 owner.

12 (C) Compensation under this provision is a
13 secondary source of compensation and shall be reduced
14 by any amount the property owner receives from any
15 other source as compensation for the loss or injury,
16 including, but not limited to, personal insurance
17 coverage.

18 (D) No compensation may be awarded if the property
19 owner was an offender or an accomplice of the offender
20 or if the award would unjustly benefit the offender or
21 offenders or an accomplice of the offender or
22 offenders.

23 No victim or witness may receive assistance under this
24 Section if he or she is not a part of or fails to fully
25 cooperate in the prosecution of gang crime members by law
26 enforcement authorities.

1 The Illinois State Police Department shall promulgate any
2 rules necessary for the implementation of this amendatory Act
3 of 1985.

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

7 (20 ILCS 2605/2605-475) (was 20 ILCS 2605/55a in part)

8 Sec. 2605-475. Emergency Telephone System Act. The Illinois
9 State Police Department and Statewide 9-1-1 Administrator
10 shall exercise the powers and perform the duties specifically
11 assigned to each under the Emergency Telephone System Act.
12 Nothing in the Emergency Telephone System Act shall require the
13 Illinois Department of State Police to provide wireless
14 enhanced 9-1-1 services.

15 (Source: P.A. 100-20, eff. 7-1-17.)

16 (20 ILCS 2605/2605-480)

17 Sec. 2605-480. Statewide kidnapping alert and prevention
18 program; Child Safety Coordinator.

19 (a) The Illinois Department of State Police shall develop a
20 coordinated program for a statewide emergency alert system when
21 a child is missing or kidnapped. The system shall include, but
22 is not limited to, the use in coordination with the Illinois
23 Department of Transportation, of electronic message signs on
24 roads and highways in the vicinity of a child abduction to

1 immediately provide critical information to the public.

2 (b) The Illinois ~~Department of~~ State Police shall establish
3 an AMBER Plan Task Force to monitor and review the
4 implementation and operation of the system developed under
5 subsection (a), including procedures, budgetary requirements,
6 and response protocols. The Task Force shall also develop
7 additional network resources for use in the system.

8 (c) The Illinois ~~Department of~~ State Police, in
9 coordination with the Illinois Emergency Management Agency,
10 shall develop and implement a community outreach program to
11 promote awareness among the State's parents and children of
12 child abduction prevention and response.

13 (d) The Illinois ~~Department of~~ State Police, in
14 coordination with the State Board of Education, shall develop
15 child abduction prevention instruction for inclusion in
16 elementary and secondary school curricula throughout the
17 State. The Illinois State Police ~~Department~~ and State Board of
18 Education shall encourage the inclusion of the child abduction
19 prevention instruction in private elementary and secondary
20 school curricula throughout the State.

21 (e) The Illinois State Police ~~Department~~ shall appoint a
22 Child Safety Coordinator to assist in the establishment of
23 State standards for child safety from kidnap and abduction and
24 to advocate for the achievement of those standards. The Child
25 Safety Coordinator shall have the qualifications and
26 experience that the Illinois State Police ~~Department~~ shall

1 require by rule. The Child Safety Coordinator shall receive no
2 compensation but shall be reimbursed for his or her expenses
3 from the Illinois State Police's ~~Department's~~ operations
4 budget. No funds shall be appropriated solely for the expenses
5 of the Child Safety Coordinator. The Illinois State Police
6 ~~Department~~ shall provide technical assistance for the Child
7 Safety Coordinator from its existing resources.

8 (Source: P.A. 92-259, eff. 1-1-02; 92-468, eff. 8-22-01;
9 93-310, eff. 7-23-03.)

10 (20 ILCS 2605/2605-485)

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

12 (a) A coordinated program known as the Endangered Missing
13 Person Advisory is established within the Illinois ~~Department~~
14 ~~of~~ State Police. The purpose of the Endangered Missing Person
15 Advisory is to provide a regional system for the rapid
16 dissemination of information regarding a missing person who is
17 believed to be a high-risk missing person as defined in Section
18 10 of the Missing Persons Identification Act.

19 (b) The AMBER Plan Task Force, established under Section
20 2605-480 of this ~~the Department of State Police~~ Law, shall
21 serve as the task force for the Endangered Missing Person
22 Advisory. The AMBER Plan Task Force shall monitor and review
23 the implementation and operation of the regional system
24 developed under subsection (a), including procedures,
25 budgetary requirements, and response protocols. The AMBER Plan

1 Task Force shall also develop additional network resources for
2 use in the system.

3 (c) The Illinois ~~Department of~~ State Police, in
4 coordination with the Illinois Department on Aging, shall
5 develop and implement a community outreach program to promote
6 awareness among the State's healthcare facilities, nursing
7 homes, assisted living facilities, and other senior centers.
8 The guidelines and procedures shall ensure that specific health
9 information about the missing person is not made public through
10 the alert or otherwise.

11 (c-5) Subject to appropriation, the Illinois ~~Department of~~
12 State Police, in coordination with the Illinois Department of
13 Human Services, shall develop and implement a community
14 outreach program to promote awareness of the Endangered Missing
15 Person Advisory among applicable entities, including, but not
16 limited to, developmental disability facilities as defined in
17 Section 1-107 of the Mental Health and Developmental
18 Disabilities Code. The guidelines and procedures shall ensure
19 that specific health information about the missing person is
20 not made public through the alert or otherwise.

21 (d) The Child Safety Coordinator, created under Section
22 2605-480 of this ~~the Department of State Police~~ Law, shall act
23 in the dual capacity of Child Safety Coordinator and Endangered
24 Missing Person Coordinator. The Coordinator shall assist in the
25 establishment of State standards and monitor the availability
26 of federal funding that may become available to further the

1 objectives of the Endangered Missing Person Advisory. The
2 Illinois State Police ~~Department~~ shall provide technical
3 assistance for the Coordinator from its existing resources.

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

12 (2) The Illinois State Police ~~Department~~ shall complete
13 development and deployment of the Silver Search Awareness
14 Program and toolkit on or before July 1, 2017.

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

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

8 (A) the Illinois ~~Department of~~ State Police;

9 (B) the Department on Aging;

10 (C) the Department of Public Health;

11 (D) the Illinois Law Enforcement Training Standards
12 Board;

13 (E) the Illinois Emergency Management Agency;

14 (F) the Secretary of State;

15 (G) the Department of Transportation;

16 (H) the Department of the Lottery;

17 (I) the Illinois Toll Highway Authority;

18 (J) a State association dedicated to Alzheimer's care,
19 support, and research;

20 (K) a State association dedicated to improving quality
21 of life for persons age 50 and over;

22 (L) a State group of area agencies involved in planning
23 and coordinating services and programs for older persons in
24 their respective areas;

25 (M) a State organization dedicated to enhancing
26 communication and cooperation between sheriffs;

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

3 (O) a State association representing Illinois
4 publishers;

5 (P) a State association that advocates for the
6 broadcast industry;

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

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

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

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

19 (4) Subject to appropriation, the Illinois ~~Department of~~
20 State Police, in coordination with the Department on Aging and
21 the Silver Search Task Force, shall develop and implement a
22 community outreach program to promote awareness of the Silver
23 Search Program as part of the Endangered Missing Person
24 Advisory among law enforcement agencies, the State's
25 healthcare facilities, nursing homes, assisted living
26 facilities, other senior centers, and the general population on

1 or before January 1, 2017.

2 (5) The Child Safety Coordinator, created under Section
3 2605-480 of this ~~the Department of State Police Law of the~~
4 ~~Civil Administrative Code of Illinois~~, shall act in the
5 capacity of Child Safety Coordinator, Endangered Missing
6 Person Coordinator, and Silver Search Program Coordinator. The
7 Coordinator, in conjunction with the members of the Task Force,
8 shall assist the Illinois State Police ~~Department~~ and the
9 Silver Search Task Force in the establishment of State
10 standards and monitor the availability of federal and private
11 funding that may become available to further the objectives of
12 the Endangered Missing Person Advisory and Silver Search
13 Awareness Program. The Illinois State Police ~~Department~~ shall
14 provide technical assistance for the Coordinator from its
15 existing resources.

16 (6) The Illinois ~~Department of~~ State Police shall provide
17 administrative and other support to the Task Force.

18 (Source: P.A. 99-322, eff. 1-1-16; 100-662, eff. 1-1-19.)

19 (20 ILCS 2605/2605-505) (was 20 ILCS 2605/55b)

20 Sec. 2605-505. Local citizens radio groups. The Illinois
21 State Police ~~Department~~ is authorized to use local citizens
22 radio groups in connection with its communication duties under
23 the Civil Administrative Code of Illinois and to coordinate
24 those local citizens radio groups with the functions of local
25 law enforcement agencies as the Illinois State Police

1 ~~Department~~ deems advisable. With the approval of the Illinois
2 State Police Department, those local citizens radio groups
3 shall be eligible for law enforcement grants.

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

5 (20 ILCS 2605/2605-550) (was 20 ILCS 2605/55a in part)

6 Sec. 2605-550. Transfer of realty to State agency;
7 acquisition of federal land. To transfer jurisdiction of any
8 realty title to which is held by the State of Illinois under
9 the control of the Illinois State Police Department to any
10 other department of the State government or to the State
11 Employees Housing Commission or to acquire or accept federal
12 land when the transfer, acquisition, or acceptance is
13 advantageous to the State and is approved in writing by the
14 Governor.

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

18 (20 ILCS 2605/2605-575)

19 Sec. 2605-575. Children's fingerprints. With the written
20 permission of the child's parent or guardian, the Illinois
21 State Police Department may retain the fingerprint record of a
22 child fingerprinted by the Illinois State Police Department at
23 any location of collection, such as a State fair, county fair,
24 or other place the Illinois State Police Department collects

1 such data. The record may be retained and used only if the
2 child is later missing or abducted, if an Amber Alert is issued
3 for that child, or if a missing person report is filed for that
4 child with one or more local law enforcement agencies, and for
5 no other purpose. After the child reaches the age of 18, the
6 record must be destroyed unless the Illinois State Police
7 ~~Department~~, within a reasonable period after the fingerprinted
8 person's 18th birthday, obtains the permission of the
9 fingerprinted person to retain the fingerprint record.

10 (Source: P.A. 94-481, eff. 1-1-06.)

11 (20 ILCS 2605/2605-585)

12 Sec. 2605-585. Money Laundering Asset Recovery Fund.
13 Moneys and the sale proceeds distributed to the Illinois
14 ~~Department of~~ State Police under paragraph (3) of Section
15 29B-26 of the Criminal Code of 2012 shall be deposited in a
16 special fund in the State treasury to be known as the Money
17 Laundering Asset Recovery Fund. The moneys deposited in the
18 Money Laundering Asset Recovery Fund shall be appropriated to
19 and administered by the Illinois ~~Department of~~ State Police for
20 State law enforcement purposes.

21 (Source: P.A. 100-699, eff. 8-3-18.)

22 (20 ILCS 2605/2605-590)

23 Sec. 2605-590. Drug Traffic Prevention Fund. Moneys
24 deposited into the Drug Traffic Prevention Fund pursuant to

1 subsection (e) of Section 5-9-1.1 and subsection (c) of Section
2 5-9-1.1-5 of the Unified Code of Corrections shall be
3 appropriated to and administered by the Illinois ~~Department of~~
4 State Police for funding of drug task forces and Metropolitan
5 Enforcement Groups in accordance with the Intergovernmental
6 Drug Laws Enforcement Act.

7 (Source: P.A. 98-463, eff. 8-16-13.)

8 (20 ILCS 2605/2605-595)

9 Sec. 2605-595. State Police Firearm Services Fund.

10 (a) There is created in the State treasury a special fund
11 known as the State Police Firearm Services Fund. The Fund shall
12 receive revenue under the Firearm Concealed Carry Act and
13 Section 5 of the Firearm Owners Identification Card Act. The
14 Fund may also receive revenue from grants, pass-through grants,
15 donations, appropriations, and any other legal source.

16 (b) The Illinois ~~Department of~~ State Police may use moneys
17 in the Fund to finance any of its lawful purposes, mandates,
18 functions, and duties under the Firearm Owners Identification
19 Card Act and the Firearm Concealed Carry Act, including the
20 cost of sending notices of expiration of Firearm Owner's
21 Identification Cards, concealed carry licenses, the prompt and
22 efficient processing of applications under the Firearm Owners
23 Identification Card Act and the Firearm Concealed Carry Act,
24 the improved efficiency and reporting of the LEADS and federal
25 NICS law enforcement data systems, and support for

1 investigations required under these Acts and law. Any surplus
2 funds beyond what is needed to comply with the aforementioned
3 purposes shall be used by the Illinois State Police ~~Department~~
4 to improve the Law Enforcement Agencies Data System (LEADS) and
5 criminal history background check system.

6 (c) Investment income that is attributable to the
7 investment of moneys in the Fund shall be retained in the Fund
8 for the uses specified in this Section.

9 (Source: P.A. 98-63, eff. 7-9-13; 98-756, eff. 7-16-14.)

10 (20 ILCS 2605/2605-600)

11 Sec. 2605-600. Crimes Against Police Officers Advisory.

12 (a) For purposes of this Section:

13 "Attempt" has the meaning ascribed to that term in
14 Section 8-4 of the Criminal Code of 2012.

15 "Concealment of homicidal death" has the meaning
16 ascribed to that term in Section 9-3.4 of the Criminal Code
17 of 2012.

18 "First degree murder" has the meaning ascribed to that
19 term in Section 9-1 of the Criminal Code of 2012.

20 "Involuntary manslaughter" and "reckless homicide"
21 have the meanings ascribed to those terms in Section 9-3 of
22 the Criminal Code of 2012.

23 "Second degree murder" has the meaning ascribed to that
24 term in Section 9-2 of the Criminal Code of 2012.

25 (b) A coordinated program known as the Crimes Against

1 Police Officers Advisory is established within the Illinois
2 ~~Department of~~ State Police. The purpose of the Crimes Against
3 Police Officers Advisory is to provide a regional system for
4 the rapid dissemination of information regarding a person who
5 is suspected of committing or attempting to commit any of the
6 offenses described in subsection (c).

7 (c) The Illinois ~~Department of~~ State Police shall develop
8 an advisory to assist law enforcement agencies when the
9 commission or attempted commission of the following offenses
10 against a peace officer occur:

- 11 (1) first degree murder;
- 12 (2) second degree murder;
- 13 (3) involuntary manslaughter;
- 14 (4) reckless homicide; and
- 15 (5) concealment of homicidal death.

16 (d) Law enforcement agencies participating in the advisory
17 may request assistance when:

- 18 (1) the agency believes that a suspect has not been
19 apprehended;
- 20 (2) the agency believes that the suspect may be a
21 serious threat to the public; and
- 22 (3) sufficient information is available to disseminate
23 to the public that could assist in locating the suspect.

24 (e) The Illinois ~~Department of~~ State Police shall reserve
25 the authority to determine if dissemination of the information
26 will pose a significant risk to the public or jeopardize the

1 investigation.

2 (f) The Illinois ~~Department of~~ State Police may partner
3 with media and may request a media broadcast concerning details
4 of the suspect in order to obtain the public's assistance in
5 locating the suspect or vehicle used in the offense, or both.

6 (Source: P.A. 98-263, eff. 1-1-14; 98-756, eff. 7-16-14.)

7 (20 ILCS 2605/2605-605)

8 Sec. 2605-605. Violent Crime Intelligence Task Force. The
9 Director of the Illinois State Police may establish a statewide
10 multi-jurisdictional Violent Crime Intelligence Task Force led
11 by the Illinois ~~Department of~~ State Police dedicated to
12 combating gun violence, gun-trafficking, and other violent
13 crime with the primary mission of preservation of life and
14 reducing the occurrence and the fear of crime. The objectives
15 of the Task Force shall include, but not be limited to,
16 reducing and preventing illegal possession and use of firearms,
17 firearm-related homicides, and other violent crimes.

18 (1) The Task Force may develop and acquire information,
19 training, tools, and resources necessary to implement a
20 data-driven approach to policing, with an emphasis on
21 intelligence development.

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

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

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

8 (5) The Task Force may assist in violence suppression
9 strategies including, but not limited to, details in identified
10 locations that have shown to be the most prone to gun violence
11 and violent crime, focused deterrence against violent gangs and
12 groups considered responsible for the violence in communities,
13 and other intelligence driven methods deemed necessary to
14 interrupt cycles of violence or prevent retaliation.

15 (6) In consultation with the Chief Procurement Officer, the
16 Illinois ~~Department of~~ State Police may obtain contracts for
17 software, commodities, resources, and equipment to assist the
18 Task Force with achieving this Act. Any contracts necessary to
19 support the delivery of necessary software, commodities,
20 resources, and equipment are not subject to the Illinois
21 Procurement Code, except for Sections 20-60, 20-65, 20-70, and
22 20-160 and Article 50 of that Code, provided that the Chief
23 Procurement Officer may, in writing with justification, waive
24 any certification required under Article 50 of the Illinois
25 Procurement Code.

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

1 (20 ILCS 2605/2605-610)

2 Sec. 2605-610. Possession of a Firearm Owner's
3 Identification Card. The Illinois State Police ~~Department~~
4 shall not make possession of a Firearm Owner's Identification
5 Card a condition of continued employment if the State Police
6 officer's Firearm Owner's Identification Card is revoked or
7 seized because the State Police officer has been a patient of a
8 mental health facility and the State Police officer has not
9 been determined to pose a clear and present danger to himself,
10 herself, or others as determined by a physician, clinical
11 psychologist, or qualified examiner. Nothing in this Section
12 shall otherwise impair an employer's ability to determine a
13 State Police officer's fitness for duty. A collective
14 bargaining agreement already in effect on this issue on the
15 effective date of this amendatory Act of the 101st General
16 Assembly cannot be modified, but on or after the effective date
17 of this amendatory Act of the 101st General Assembly, the
18 employer cannot require a Firearm Owner's Identification Card
19 as a condition of continued employment in a collective
20 bargaining agreement. The employer shall document if and why a
21 State Police officer has been determined to pose a clear and
22 present danger.

23 (Source: P.A. 101-375, eff. 8-16-19.)

24 (20 ILCS 2605/2605-85 rep.)

- 1 (20 ILCS 2605/2605-90 rep.)
- 2 (20 ILCS 2605/2605-95 rep.)
- 3 (20 ILCS 2605/2605-96 rep.)
- 4 (20 ILCS 2605/2605-97 rep.)
- 5 (20 ILCS 2605/2605-98 rep.)
- 6 (20 ILCS 2605/2605-99 rep.)
- 7 (20 ILCS 2605/2605-100 rep.)
- 8 (20 ILCS 2605/2605-105 rep.)
- 9 (20 ILCS 2605/2605-110 rep.)
- 10 (20 ILCS 2605/2605-115 rep.)
- 11 (20 ILCS 2605/2605-120 rep.)
- 12 (20 ILCS 2605/2605-130 rep.)
- 13 (20 ILCS 2605/2605-135 rep.)
- 14 (20 ILCS 2605/2605-140 rep.)
- 15 (20 ILCS 2605/2605-300 rep.)
- 16 (20 ILCS 2605/2605-390 rep.)
- 17 (20 ILCS 2605/2605-500 rep.)

18 Section 197. The Department of State Police Law of the
19 Civil Administrative Code of Illinois is amended by repealing
20 Sections 2605-85, 2605-90, 2605-95, 2605-96, 2605-97, 2605-98,
21 2605-99, 2605-100, 2605-105, 2605-110, 2605-115, 2605-120,
22 2605-130, 2605-135, 2605-140, 2605-300, 2605-390, and
23 2605-500.

24 Section 200. The State Police Act is amended by changing
25 the title of the Act and Sections 0.01, 1, 2, 3, 8, 9, 10, 12.2,

1 12.5, 13, 14, 16, 17b, 18, 20, 21, 22, 24, 30, 35, 38, 40, and
2 45 as follows:

3 (20 ILCS 2610/Act title)

4 An Act in relation to the Illinois ~~Department of~~ State
5 Police.

6 (20 ILCS 2610/0.01) (from Ch. 121, par. 307.01)

7 Sec. 0.01. Short title. This Act may be cited as the
8 Illinois State Police Act.

9 (Source: P.A. 86-1324.)

10 (20 ILCS 2610/1) (from Ch. 121, par. 307.1)

11 Sec. 1. The Illinois ~~Department of~~ State Police,
12 ~~hereinafter called the Department,~~ shall maintain divisions in
13 accordance with Section 2605-25 of the Illinois ~~Department of~~
14 State Police Law ~~(20 ILCS 2605/2605-25)~~. The Illinois State
15 Police ~~Department,~~ by the Director, shall appoint State
16 policemen, also known as State Police Officers, as provided in
17 this Act.

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

19 (20 ILCS 2610/2) (from Ch. 121, par. 307.2)

20 Sec. 2. The Director shall be responsible for the
21 management and control of the Illinois State Police ~~Department~~.
22 The Director shall make and adopt rules and regulations for the

1 direction, control, discipline and conduct of the members of
2 the Illinois State Police ~~Department~~ and such other rules for
3 the government and operation of the Illinois State Police
4 ~~Department~~ as he may deem necessary. He shall also designate
5 the authority and responsibility within the limits of this Act
6 for each rank of State policemen in the Illinois State Police
7 ~~Department~~.

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

9 (20 ILCS 2610/3) (from Ch. 121, par. 307.3)

10 Sec. 3. The Governor shall appoint, by and with the advice
11 and consent of the Senate, an Illinois ~~a Department of State~~
12 Police Merit Board, hereinafter called the Board, consisting of
13 5 members to hold office, one until the third Monday in March,
14 1951, one until the third Monday in March, 1953, and one until
15 the third Monday in March, 1955, and until their respective
16 successors are appointed and qualified. One of the members
17 added by this amendatory Act of 1977 shall serve a term
18 expiring on the third Monday in March, 1980, and until his
19 successor is appointed and qualified, and one shall serve a
20 term expiring on the third Monday in March, 1982, and until his
21 successor is appointed and qualified. Upon the expiration of
22 the terms of office of those first appointed, their respective
23 successors shall be appointed to hold office from the third
24 Monday in March of the year of their respective appointments
25 for a term of six years and until their successors are

1 appointed and qualified for a like term. No more than 3 members
2 of the Board shall be affiliated with the same political party.
3 If the Senate is not in session at the time initial
4 appointments are made pursuant to this section, the Governor
5 shall make temporary appointments as in the case of a vacancy.
6 (Source: P.A. 87-284.)

7 (20 ILCS 2610/8) (from Ch. 121, par. 307.8)

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

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

23 (20 ILCS 2610/9) (from Ch. 121, par. 307.9)

24 Sec. 9. Appointment; qualifications.

1 (a) Except as otherwise provided in this Section, the
2 appointment of Illinois ~~Department of~~ State Police officers
3 shall be made from those applicants who have been certified by
4 the Board as being qualified for appointment. All persons so
5 appointed shall, at the time of their appointment, be not less
6 than 21 years of age, or 20 years of age and have successfully
7 completed an associate's degree or 60 credit hours at an
8 accredited college or university. Any person appointed
9 subsequent to successful completion of an associate's degree or
10 60 credit hours at an accredited college or university shall
11 not have power of arrest, nor shall he or she be permitted to
12 carry firearms, until he or she reaches 21 years of age. In
13 addition, all persons so certified for appointment shall be of
14 sound mind and body, be of good moral character, be citizens of
15 the United States, have no criminal records, possess such
16 prerequisites of training, education, and experience as the
17 Board may from time to time prescribe so long as persons who
18 have an associate's degree or 60 credit hours at an accredited
19 college or university are not disqualified, and shall be
20 required to pass successfully such mental and physical tests
21 and examinations as may be prescribed by the Board. All persons
22 who meet one of the following requirements are deemed to have
23 met the collegiate educational requirements:

24 (i) have been honorably discharged and who have been
25 awarded a Southwest Asia Service Medal, Kosovo Campaign
26 Medal, Korean Defense Service Medal, Afghanistan Campaign

1 Medal, Iraq Campaign Medal, or Global War on Terrorism
2 Expeditionary Medal by the United States Armed Forces;

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

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

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

16 Preference shall be given in such appointments to persons
17 who have honorably served in the military or naval services of
18 the United States. All appointees shall serve a probationary
19 period of 12 months from the date of appointment and during
20 that period may be discharged at the will of the Director.
21 However, the Director may in his or her sole discretion extend
22 the probationary period of an officer up to an additional 6
23 months when to do so is deemed in the best interest of the
24 Illinois State Police Department. Nothing in this subsection
25 (a) limits the Board's ability to prescribe education
26 prerequisites or requirements to certify Illinois Department

1 ~~of~~ State Police officers for promotion as provided in Section
2 10 of this Act.

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

9 (c) During the 90 days following the effective date of this
10 amendatory Act of 1995, the Director of State Police may
11 appoint up to 25 persons as State Police officers. These
12 appointments shall be made in accordance with the requirements
13 of this subsection (c) and any additional criteria that may be
14 established by the Director, but are not subject to any other
15 requirements of this Act. The Director may specify the initial
16 rank for each 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 Director under this subsection
20 must have been employed by the Illinois Commerce Commission on
21 November 30, 1994 in a job title subject to the Personnel Code
22 and in a position for which the person was eligible to earn
23 "eligible creditable service" as a "noncovered employee", as
24 those terms are defined in Article 14 of the Illinois Pension
25 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 Director.

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

9 (Source: P.A. 100-11, eff. 7-1-17; 101-374, eff. 1-1-20.)

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

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

20 (20 ILCS 2610/12.2)

21 Sec. 12.2. Burial benefit for State police officers killed
22 in the line of duty.

23 (a) The Illinois ~~Department of~~ State Police shall pay
24 directly or reimburse, up to a maximum of \$20,000, the burial

1 expenses of each State police officer who is killed in the line
2 of duty after June 30, 2018.

3 (b) The payments provided for in this Section shall be paid
4 out of moneys appropriated to the Illinois State Police
5 ~~Department~~ for the personal services of State police officers.

6 (c) The Illinois ~~Department of~~ State Police shall adopt
7 rules governing the administration of this Section.

8 (Source: P.A. 101-28, eff. 1-1-20.)

9 (20 ILCS 2610/12.5)

10 Sec. 12.5. Zero tolerance drug policy. Any person employed
11 by the Illinois ~~Department of~~ State Police who tests positive
12 in accordance with established Illinois State Police
13 ~~Departmental~~ drug testing procedures for any substance
14 prohibited by the Illinois Controlled Substances Act or the
15 Methamphetamine Control and Community Protection Act shall be
16 discharged from employment. Any person employed by the Illinois
17 ~~Department of~~ State Police who tests positive in accordance
18 with established Illinois State Police ~~Departmental~~ drug
19 testing procedures for any substance prohibited by the Cannabis
20 Control Act may be discharged from employment. Refusal to
21 submit to a drug test, ordered in accordance with Illinois
22 State Police ~~Departmental~~ procedures, by any person employed by
23 the Illinois State Police ~~Department~~ shall be construed as a
24 positive test, and the person shall be discharged from
25 employment. The changes made in this Section by this amendatory

1 Act of the 100th General Assembly shall apply to all pending
2 and future incidents under this Section.

3 (Source: P.A. 100-1130, eff. 11-27-18.)

4 (20 ILCS 2610/13) (from Ch. 121, par. 307.13)

5 Sec. 13. Disciplinary measures prescribed by the Board for
6 Illinois Department of State Police officers may be taken by
7 the Director for the punishment of infractions of the rules and
8 regulations of the respective divisions as promulgated by the
9 Illinois State Police Department. Such disciplinary measures
10 may include suspension of any such officer for a reasonable
11 period, not exceeding 30 days.

12 Any officer so suspended, within 10 days after suspension,
13 may petition the Board in writing to review the suspension, and
14 upon the filing of such petition with the Board, the Board
15 shall within a reasonable amount of time, but no later than 30
16 days after the date of request for review set the written
17 petition for hearing before the Board upon not less than 10
18 days' notice at a place to be designated by the chairman
19 thereof. The Board may sustain the action of the Director,
20 reverse it with instructions that the officer receive his pay
21 for the period involved, or reduce the length of suspension
22 with instructions that the officer's pay be adjusted
23 accordingly. No later than July 1, 1987, the Board shall
24 promulgate rules which include the standards to be used in
25 determining when compensation will be awarded to an officer who

1 is found not guilty or has served a greater period of
2 suspension than prescribed by the Board. The Board may not
3 increase the length of suspension imposed by the Director. The
4 Board may, by unanimous decision, dismiss the petition if it
5 has determined that there is no substantial basis for its
6 review of the suspension. In all other respects, the hearing
7 shall be conducted in the manner provided for in Section 14
8 hereof. The provisions of the "Administrative Review Law" and
9 the rules adopted pursuant thereto shall apply to and govern
10 all proceedings for the judicial review of any order of the
11 board rendered pursuant to the provisions of this Section.

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

13 (20 ILCS 2610/14) (from Ch. 121, par. 307.14)

14 Sec. 14. Except as is otherwise provided in this Act, no
15 Illinois Department of State Police officer shall be removed,
16 demoted or suspended except for cause, upon written charges
17 filed with the Board by the Director and a hearing before the
18 Board thereon upon not less than 10 days' notice at a place to
19 be designated by the chairman thereof. At such hearing, the
20 accused shall be afforded full opportunity to be heard in his
21 or her own defense and to produce proof in his or her defense.
22 Anyone filing a complaint against a State Police Officer must
23 have the complaint supported by a sworn affidavit. Any such
24 complaint, having been supported by a sworn affidavit, and
25 having been found, in total or in part, to contain false

1 information, shall be presented to the appropriate State's
2 Attorney for a determination of prosecution.

3 Before any such officer may be interrogated or examined by
4 or before the Board, or by an Illinois State Police ~~a~~
5 ~~departmental~~ agent or investigator specifically assigned to
6 conduct an internal investigation, the results of which
7 hearing, interrogation or examination may be the basis for
8 filing charges seeking his or her suspension for more than 15
9 days or his or her removal or discharge, he or she shall be
10 advised in writing as to what specific improper or illegal act
11 he or she is alleged to have committed; he or she shall be
12 advised in writing that his or her admissions made in the
13 course of the hearing, interrogation or examination may be used
14 as the basis for charges seeking his or her suspension, removal
15 or discharge; and he or she shall be advised in writing that he
16 or she has a right to counsel of his or her choosing, who may be
17 present to advise him or her at any hearing, interrogation or
18 examination. A complete record of any hearing, interrogation or
19 examination shall be made, and a complete transcript or
20 electronic recording thereof shall be made available to such
21 officer without charge and without delay.

22 The Board shall have the power to secure by its subpoena
23 both the attendance and testimony of witnesses and the
24 production of books and papers in support of the charges and
25 for the defense. Each member of the Board or a designated
26 hearing officer shall have the power to administer oaths or

1 affirmations. If the charges against an accused are established
2 by a preponderance of evidence, the Board shall make a finding
3 of guilty and order either removal, demotion, suspension for a
4 period of not more than 180 days, or such other disciplinary
5 punishment as may be prescribed by the rules and regulations of
6 the Board which, in the opinion of the members thereof, the
7 offense merits. Thereupon the Director shall direct such
8 removal or other punishment as ordered by the Board and if the
9 accused refuses to abide by any such disciplinary order, the
10 Director shall remove him or her forthwith.

11 If the accused is found not guilty or has served a period
12 of suspension greater than prescribed by the Board, the Board
13 shall order that the officer receive compensation for the
14 period involved. The award of compensation shall include
15 interest at the rate of 7% per annum.

16 The Board may include in its order appropriate sanctions
17 based upon the Board's rules and regulations. If the Board
18 finds that a party has made allegations or denials without
19 reasonable cause or has engaged in frivolous litigation for the
20 purpose of delay or needless increase in the cost of
21 litigation, it may order that party to pay the other party's
22 reasonable expenses, including costs and reasonable attorney's
23 fees. The State of Illinois and the Illinois State Police
24 ~~Department~~ shall be subject to these sanctions in the same
25 manner as other parties.

26 In case of the neglect or refusal of any person to obey a

1 subpoena issued by the Board, any circuit court, upon
2 application of any member of the Board, may order such person
3 to appear before the Board and give testimony or produce
4 evidence, and any failure to obey such order is punishable by
5 the court as a contempt thereof.

6 The provisions of the Administrative Review Law, and all
7 amendments and modifications thereof, and the rules adopted
8 pursuant thereto, shall apply to and govern all proceedings for
9 the judicial review of any order of the Board rendered pursuant
10 to the provisions of this Section.

11 Notwithstanding the provisions of this Section, a policy
12 making officer, as defined in the Employee Rights Violation
13 Act, of the Illinois ~~Department of~~ State Police shall be
14 discharged from the Illinois ~~Department of~~ State Police as
15 provided in the Employee Rights Violation Act, enacted by the
16 85th General Assembly.

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

18 (20 ILCS 2610/16) (from Ch. 121, par. 307.16)

19 Sec. 16. State policemen shall enforce the provisions of
20 The Illinois Vehicle Code, approved September 29, 1969, as
21 amended, and Article 9 of the "Illinois Highway Code" as
22 amended; and shall patrol the public highways and rural
23 districts to make arrests for violations of the provisions of
24 such Acts. They are conservators of the peace and as such have
25 all powers possessed by policemen in cities, and sheriffs,

1 except that they may exercise such powers anywhere in this
2 State. The State policemen shall cooperate with the police of
3 cities, villages and incorporated towns, and with the police
4 officers of any county, in enforcing the laws of the State and
5 in making arrests and recovering property. They may be equipped
6 with standardized and tested devices for weighing motor
7 vehicles and may stop and weigh, acting reasonably, or cause to
8 be weighed, any motor vehicle which appears to weigh in excess
9 of the weight permitted by law. It shall also be the duty of
10 the Illinois State Police ~~State police~~ to determine, whenever
11 possible, the person or persons or the causes responsible for
12 the breaking or destruction of any improved hard-surfaced
13 roadway; to arrest all persons criminally responsible for such
14 breaking or destruction and bring them before the proper
15 officer for trial. The Illinois ~~Department of~~ State Police
16 shall divide the State into Districts and assign each district
17 to one or more policemen. No person employed under this Act,
18 however, shall serve or execute civil process, except for
19 process issued under the authority of the General Assembly, or
20 a committee or commission thereof vested with subpoena powers
21 when the county sheriff refuses or fails to serve such process,
22 and except for process issued under the authority of the
23 Illinois Department of Revenue.

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

1 Sec. 17b. Retiring officer; purchase of service firearm and
2 police badge. The Director of the Illinois State Police shall
3 establish a policy to allow a State Police officer who is
4 honorably retiring or separating in good standing to purchase
5 either one or both of the following: (i) any State Police badge
6 previously issued to that officer; or (ii) if the officer has a
7 currently valid Firearm Owner's Identification Card, the
8 service firearm issued or previously issued to the officer by
9 the Illinois ~~Department~~ of State Police. The cost of the
10 firearm purchased shall be the replacement value of the firearm
11 and not the firearm's fair market value.

12 (Source: P.A. 100-931, eff. 8-17-18.)

13 (20 ILCS 2610/18) (from Ch. 121, par. 307.18)

14 Sec. 18. The Director may also authorize any civilian
15 employee of the Illinois State Police ~~Department~~ who is not a
16 State policeman to be a truck weighing inspector with the power
17 of enforcing the provisions of Sections 15-102, 15-103, 15-107,
18 15-111, and 15-301 and subsection (d) of Section 3-401 of the
19 Illinois Vehicle Code.

20 (Source: P.A. 100-830, eff. 1-1-19.)

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

22 Sec. 20. The Illinois State Police ~~Department~~ from time to
23 time may enter into contracts with The Illinois State Toll
24 Highway Authority, hereinafter called the Authority, with

1 respect to the policing of toll highways by the Illinois State
2 Police. Such contracts shall provide among other matters for
3 the compensation or reimbursement of the Illinois State Police
4 ~~Department~~ by the Authority for the costs incurred by this
5 State with respect to such policing service, including, but not
6 limited to, the costs of: (1) compensation and training of the
7 State policemen and the clerical employees assigned to such
8 policing service; and (2) uniforms, equipment, supplies and
9 housing used by such personnel; and (3) reimbursement of such
10 sums as the State expends in connection with payments of claims
11 for injuries or illnesses suffered by such personnel in the
12 line of duty. Each such contract may provide for the methods of
13 ascertaining such costs, and shall be of such duration and may
14 contain such other appropriate terms as the Illinois State
15 Police ~~Department~~ and the Authority may agree upon. The
16 Illinois State Police ~~Department~~ is not obliged to furnish
17 policing service on any highway under the jurisdiction of the
18 Authority except as required by contract.

19 (Source: P.A. 81-840.)

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

21 Sec. 21. (a) The Illinois State Police ~~Department~~ shall
22 appoint as State policemen the number of persons required for
23 assignment to the policing of toll highways by contracts made
24 pursuant to Section 20 of this Act; and such policemen shall
25 have the same qualifications and shall be appointed and paid

1 and shall receive the same benefits, as all other State
2 policemen.

3 (b) The Director shall assign such policemen in accordance
4 with the contract provisions, which may authorize temporary
5 increases or decreases in the number of policemen so assigned
6 when emergency conditions so require.

7 (c) State policemen so assigned have, in policing the toll
8 highways, all powers and duties of enforcement and arrest which
9 Section 16 of this Act confers upon State policemen generally
10 in policing other public highways and other areas, and in
11 addition have the duty to enforce all regulations established
12 by the Illinois State Toll Highway Authority pursuant to the
13 authority of the ~~"An Act in relation to the construction,~~
14 ~~operation, regulation and maintenance of a system of toll~~
15 ~~highways and to create The Illinois State Toll Highway Act~~
16 ~~Authority, and to define its powers and duties, to make an~~
17 ~~appropriation in conjunction therewith", approved August 7,~~
18 ~~1967, as amended.~~

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

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

21 Sec. 22. The Director and the State policemen appointed by
22 him, when authorized by the Director, may expend such sums as
23 the Director deems necessary in the purchase of evidence and in
24 the employment of persons to obtain evidence.

25 Such sums to be expended shall be advanced to the State

1 policeman who is to make such purchase or employment from funds
2 appropriated or made available by law for the support or use of
3 the Illinois State Police ~~Department~~ on vouchers therefor
4 signed by the Director.

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

6 (20 ILCS 2610/24)

7 Sec. 24. Illinois State Police quotas prohibited. The
8 Illinois State Police ~~Department~~ may not require an Illinois a
9 ~~Department of~~ State Police officer to issue a specific number
10 of citations within a designated period of time. This
11 prohibition shall not affect the conditions of any federal or
12 State grants or funds awarded to the Illinois State Police
13 ~~Department~~ and used to fund traffic enforcement programs.

14 The Illinois State Police ~~Department~~ may not, for purposes
15 of evaluating an Illinois a ~~Department of~~ State Police
16 officer's job performance, compare the number of citations
17 issued by the Illinois ~~Department of~~ State Police officer to
18 the number of citations issued by any other Illinois ~~Department~~
19 ~~of~~ State Police officer who has similar job duties. Nothing in
20 this Section shall prohibit the Illinois State Police
21 ~~Department~~ from evaluating an Illinois a ~~Department of~~ State
22 Police officer based on the Illinois ~~Department of~~ State Police
23 officer's points of contact. For the purposes of this Section,
24 "points of contact" means any quantifiable contact made in the
25 furtherance of the Illinois ~~Department of~~ State Police

1 officer's duties, including, but not limited to, the number of
2 traffic stops completed, arrests, written warnings, and crime
3 prevention measures. Points of contact shall not include either
4 the issuance of citations or the number of citations issued by
5 an Illinois ~~a Department of~~ State Police officer.

6 (Source: P.A. 98-650, eff. 1-1-15.)

7 (20 ILCS 2610/30)

8 Sec. 30. Patrol vehicles with in-car video recording
9 cameras.

10 (a) Definitions. As used in this Section:

11 "Audio recording" means the recorded conversation
12 between an officer and a second party.

13 "Emergency lights" means oscillating, rotating, or
14 flashing lights on patrol vehicles.

15 "In-car video camera" means a video camera located in
16 an Illinois State Police ~~a Department~~ patrol vehicle.

17 "In-car video camera recording equipment" means a
18 video camera recording system located in an Illinois State
19 Police ~~a Department~~ patrol vehicle consisting of a camera
20 assembly, recording mechanism, and an in-car video
21 recording medium.

22 "Enforcement stop" means an action by an officer of the
23 Illinois State Police ~~Department~~ in relation to
24 enforcement and investigation duties, including but not
25 limited to, traffic stops, pedestrian stops, abandoned

1 vehicle contacts, motorist assists, commercial motor
2 vehicle stops, roadside safety checks, requests for
3 identification, or responses to requests for emergency
4 assistance.

5 "Recording" means the process of capturing data or
6 information stored on a recording medium as required under
7 this Section.

8 "Recording medium" means any recording medium
9 authorized by the Illinois State Police ~~Department~~ for the
10 retention and playback of recorded audio and video
11 including, but not limited to, VHS, DVD, hard drive, solid
12 state, digital, or flash memory technology.

13 "Wireless microphone" means a device ~~device~~ worn by the
14 officer or any other equipment used to record conversations
15 between the officer and a second party and transmitted to
16 the recording equipment.

17 (b) By June 1, 2009, the Illinois State Police ~~Department~~
18 shall install in-car video camera recording equipment in all
19 patrol vehicles. Subject to appropriation, all patrol vehicles
20 shall be equipped with in-car video camera recording equipment
21 with a recording medium capable of recording for a period of 10
22 hours or more by June 1, 2011. In-car video camera recording
23 equipment shall be capable of making audio recordings with the
24 assistance of a wireless microphone.

25 (c) As of the effective date of this amendatory Act of the
26 95th General Assembly, in-car video camera recording equipment

1 with a recording medium incapable of recording for a period of
2 10 hours or more shall record activities outside a patrol
3 vehicle whenever (i) an officer assigned a patrol vehicle is
4 conducting an enforcement stop; (ii) patrol vehicle emergency
5 lights are activated or would otherwise be activated if not for
6 the need to conceal the presence of law enforcement; or (iii)
7 an officer reasonably believes recording may assist with
8 prosecution, enhance safety, or for any other lawful purpose.
9 As of the effective date of this amendatory Act of the 95th
10 General Assembly, in-car video camera recording equipment with
11 a recording medium incapable of recording for a period of 10
12 hours or more shall record activities inside the vehicle when
13 transporting an arrestee or when an officer reasonably believes
14 recording may assist with prosecution, enhance safety, or for
15 any other lawful purpose.

16 (1) Recording for an enforcement stop shall begin when
17 the officer determines an enforcement stop is necessary and
18 shall continue until the enforcement action has been
19 completed and the subject of the enforcement stop or the
20 officer has left the scene.

21 (2) Recording shall begin when patrol vehicle
22 emergency lights are activated or when they would otherwise
23 be activated if not for the need to conceal the presence of
24 law enforcement, and shall continue until the reason for
25 the activation ceases to exist, regardless of whether the
26 emergency lights are no longer activated.

1 (3) An officer may begin recording if the officer
2 reasonably believes recording may assist with prosecution,
3 enhance safety, or for any other lawful purpose; and shall
4 continue until the reason for recording ceases to exist.

5 (d) In-car video camera recording equipment with a
6 recording medium capable of recording for a period of 10 hours
7 or more shall record activities whenever a patrol vehicle is
8 assigned to patrol duty.

9 (e) Any enforcement stop resulting from a suspected
10 violation of the Illinois Vehicle Code shall be video and audio
11 recorded. Audio recording shall terminate upon release of the
12 violator and prior to initiating a separate criminal
13 investigation.

14 (f) Recordings made on in-car video camera recording medium
15 shall be retained by the Illinois State Police Department ~~Department~~ for a
16 storage period of at least 90 days. Under no circumstances
17 shall any recording made on in-car video camera recording
18 medium be altered or erased prior to the expiration of the
19 designated storage period. Upon completion of the storage
20 period, the recording medium may be erased and reissued for
21 operational use unless otherwise ordered by the District
22 Commander or his or her designee or by a court, or if
23 designated for evidentiary or training purposes.

24 (g) Audio or video recordings made pursuant to this Section
25 shall be available under the applicable provisions of the
26 Freedom of Information Act. Only recorded portions of the audio

1 recording or video recording medium applicable to the request
2 will be available for inspection or copying.

3 (h) The Illinois State Police ~~Department~~ shall ensure
4 proper care and maintenance of in-car video camera recording
5 equipment and recording medium. An officer operating a patrol
6 vehicle must immediately document and notify the District
7 Commander or his or her designee of any technical difficulties,
8 failures, or problems with the in-car video camera recording
9 equipment or recording medium. Upon receiving notice, the
10 District Commander or his or her designee shall make every
11 reasonable effort to correct and repair any of the in-car video
12 camera recording equipment or recording medium and determine if
13 it is in the public interest to permit the use of the patrol
14 vehicle.

15 (i) The Illinois State Police ~~Department~~ may promulgate
16 rules to implement this amendatory Act of the 95th General
17 Assembly only to the extent necessary to apply the existing
18 rules or applicable internal directives.

19 (Source: P.A. 95-1009, eff. 12-15-08.)

20 (20 ILCS 2610/35)

21 Sec. 35. Officer-worn body cameras; policy; training.

22 (a) For the purposes of this Section, "officer-worn body
23 camera" shall have the same meaning as defined in Section 10 of
24 the Law Enforcement Officer-Worn Body Camera Act.

25 (b) If the Illinois State Police ~~Department~~ employs the use

1 of officer-worn body cameras, the Illinois State Police
2 ~~Department~~ shall develop a written policy which must include,
3 at a minimum, the guidelines established by the Law Enforcement
4 Officer-Worn Body Camera Act.

5 (c) The Illinois State Police ~~Department~~ shall provide
6 training to those officers who utilize officer-worn body
7 cameras.

8 (Source: P.A. 99-352, eff. 1-1-16.)

9 (20 ILCS 2610/38)

10 Sec. 38. Disposal of medications. The Illinois State Police
11 ~~Department~~ may by rule authorize State Police officers to
12 dispose of any unused medications under Section 18 of the Safe
13 Pharmaceutical Disposal Act.

14 (Source: P.A. 99-648, eff. 1-1-17; 100-201, eff. 8-18-17.)

15 (20 ILCS 2610/40)

16 Sec. 40. Training; administration of epinephrine.

17 (a) This Section, along with Section 10.19 of the Illinois
18 Police Training Act, may be referred to as the Annie LeGere
19 Law.

20 (b) For the purposes of this Section, "epinephrine
21 auto-injector" means a single-use device used for the automatic
22 injection of a pre-measured dose of epinephrine into the human
23 body prescribed in the name of the Illinois State Police
24 ~~Department~~.

1 (c) The Illinois State Police ~~Department~~ may conduct or
2 approve a training program for State Police officers to
3 recognize and respond to anaphylaxis, including, but not
4 limited to:

5 (1) how to recognize symptoms of an allergic reaction;

6 (2) how to respond to an emergency involving an
7 allergic reaction;

8 (3) how to administer an epinephrine auto-injector;

9 (4) how to respond to an individual with a known
10 allergy as well as an individual with a previously unknown
11 allergy;

12 (5) a test demonstrating competency of the knowledge
13 required to recognize anaphylaxis and administer an
14 epinephrine auto-injector; and

15 (6) other criteria as determined in rules adopted by
16 the Illinois State Police ~~Department~~.

17 (d) The Illinois State Police ~~Department~~ may authorize a
18 State Police officer who has completed the training program
19 under subsection (c) to carry, administer, or assist with the
20 administration of epinephrine auto-injectors whenever he or
21 she is performing official duties.

22 (e) The Illinois State Police ~~Department~~ must establish a
23 written policy to control the acquisition, storage,
24 transportation, administration, and disposal of epinephrine
25 auto-injectors before it allows any State Police officer to
26 carry and administer epinephrine auto-injectors.

1 (f) A physician, physician ~~physician's~~ assistant with
2 prescriptive authority, or advanced practice registered nurse
3 with prescriptive authority may provide a standing protocol or
4 prescription for epinephrine auto-injectors in the name of the
5 Illinois State Police Department to be maintained for use when
6 necessary.

7 (g) When a State Police officer administers an epinephrine
8 auto-injector in good faith, the officer and the Illinois State
9 Police Department, and its employees and agents, including a
10 physician, physician ~~physician's~~ assistant with prescriptive
11 authority, or advanced practice registered nurse with
12 prescriptive authority who provides a standing order or
13 prescription for an epinephrine auto-injector, incur no civil
14 or professional liability, except for willful and wanton
15 conduct, as a result of any injury or death arising from the
16 use of an epinephrine auto-injector.

17 (Source: P.A. 100-201, eff. 8-18-17; 100-648, eff. 7-31-18;
18 revised 7-12-19.)

19 (20 ILCS 2610/45)

20 Sec. 45. Compliance with the Health Care Violence
21 Prevention Act; training. The Illinois State Police Department
22 shall comply with the Health Care Violence Prevention Act and
23 shall provide an appropriate level of training for its officers
24 concerning the Health Care Violence Prevention Act.

25 (Source: P.A. 100-1051, eff. 1-1-19; 100-1186, eff. 4-5-19.)

1 Section 205. The State Police Radio Act is amended by
2 changing Sections 0.01, 1, 2, 6, and 10 as follows:

3 (20 ILCS 2615/0.01) (from Ch. 121, par. 307.20)

4 Sec. 0.01. Short title. This Act may be cited as the
5 Illinois State Police Radio Act.

6 (Source: P.A. 86-1324.)

7 (20 ILCS 2615/1) (from Ch. 121, par. 307.21)

8 Sec. 1. The Illinois ~~Department of~~ State Police is
9 authorized to purchase, lease or otherwise acquire and operate
10 one or more radio broadcasting stations in the State to be used
11 for police purposes only. Such radio stations shall broadcast
12 all police dispatches and reports submitted to them which
13 pertain to the apprehension of criminals, the prevention of
14 crime and the maintenance of law and order in order to assist
15 peace officers more effectively to discharge their duties.

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

17 (20 ILCS 2615/2) (from Ch. 121, par. 307.22)

18 Sec. 2. The Illinois ~~Department of~~ State Police, the county
19 board of any county, the city council of any city and the board
20 of trustees of any village or incorporated town are authorized
21 to purchase or acquire and furnish radio receiving sets to all
22 peace officers under their jurisdiction. These radio receiving

1 sets shall only be used by such officers in the performance of
2 their duties as police officers in this State and shall always
3 be set and in readiness to receive any report or message that
4 may be broadcasted from any radio broadcasting station operated
5 by the Illinois ~~Department of~~ State Police under this Act.
6 Every police officer receiving a radio set shall make a report
7 to the Illinois ~~Department of~~ State Police at such times and
8 containing such information as the Department may require.

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

10 (20 ILCS 2615/6) (from Ch. 121, par. 307.26)

11 Sec. 6. The Illinois ~~Department of~~ State Police is
12 authorized to use any money appropriated to it for the purpose
13 of patrolling and policing the public highways in carrying out
14 the provisions of this Act.

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

16 (20 ILCS 2615/10)

17 Sec. 10. Public safety radio interoperability. Upon their
18 establishment and thereafter, the Director of the Illinois
19 State Police, or his or her designee, shall serve as the
20 chairman of the Illinois Statewide Interoperability Executive
21 Committee (SIEC) and as the chairman of the STARCOM21 Oversight
22 Committee. The Director, as chairman, may increase the size and
23 makeup of the voting membership of each committee when deemed
24 necessary for improved public safety radio interoperability,

1 but the voting membership of each committee must represent
2 public safety users (police, fire, or EMS) and must, at a
3 minimum, include the representatives specified in this
4 Section. The STARCOM21 Oversight Committee must comprise
5 public safety users accessing the system. The SIEC shall have
6 at a minimum one representative from each of the following: the
7 Illinois Fire Chiefs Association, the Rural Fire Protection
8 Association, the Office of the State Fire Marshal, the Illinois
9 Association of Chiefs of Police, the Illinois Sheriffs'
10 Association, the Illinois State Police, the Illinois Emergency
11 Management Agency, the Department of Public Health, and the
12 Secretary of State Police (which representative shall be the
13 Director of the Secretary of State Police or his or her
14 designee).

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

16 Section 210. The Narcotic Control Division Abolition Act is
17 amended by changing Sections 1, 2, 3, 4, 5, 6, 7, and 8 as
18 follows:

19 (20 ILCS 2620/1) (from Ch. 127, par. 55d)

20 Sec. 1. The Division of Narcotic Control is abolished and
21 its functions are transferred to and shall be administered by
22 the Illinois ~~Department of~~ State Police.

23 When used in this Act, unless the context otherwise
24 indicates:

1 ~~"Department" means the Department of State Police;~~

2 "Director" means the Director of the Illinois ~~Department of~~
3 State Police.

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

5 (20 ILCS 2620/2) (from Ch. 127, par. 55e)

6 Sec. 2. The Illinois State Police ~~Department~~ shall enforce
7 all laws regulating the production, sale, prescribing,
8 manufacturing, administering, transporting, having in
9 possession, dispensing, delivering, distributing or use of
10 controlled substances as defined in the "Illinois Controlled
11 Substances Act", and cannabis as defined in the "Cannabis
12 Control Act" enacted by the 77th General Assembly, as now or
13 hereafter amended, and any other duties conferred upon the
14 Illinois State Police ~~Department~~ by law.

15 (Source: P.A. 77-770.)

16 (20 ILCS 2620/3) (from Ch. 127, par. 55f)

17 Sec. 3. The Director may, in conformity with the Personnel
18 Code, employ such inspectors, physicians, pharmacists,
19 chemists, clerical and other employees as are necessary to
20 carry out the duties of the Illinois State Police ~~Department~~.

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

22 (20 ILCS 2620/4) (from Ch. 127, par. 55g)

23 Sec. 4. The Director and the inspectors appointed by him

1 are conservators of the peace and as such have all the powers
2 possessed by policemen in cities and by sheriffs, except that
3 they may exercise such powers anywhere in the State, in
4 enforcing the duties conferred upon the Illinois State Police
5 ~~Department~~ by Section 2 of this Act.

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

7 (20 ILCS 2620/5) (from Ch. 127, par. 55h)

8 Sec. 5. The Illinois State Police ~~Department~~ shall advise
9 and inform local and other State law-enforcement officers of
10 various controlled substances and cannabis law-enforcement
11 practices and shall establish a central office where local and
12 other State law-enforcement officers may report controlled
13 substances and cannabis violations and obtain information
14 about controlled substances and cannabis violators. Every
15 local and other State law-enforcement officer shall report any
16 violation of the controlled substances and cannabis laws of
17 this State to the Illinois State Police ~~Department~~.

18 (Source: P.A. 77-770.)

19 (20 ILCS 2620/6) (from Ch. 127, par. 55i)

20 Sec. 6. The Illinois ~~Department of~~ State Police is
21 authorized to establish laboratories for the purpose of testing
22 of controlled substances and cannabis which are seized.

23 The Illinois ~~Department of~~ State Police shall formulate,
24 adopt and put into effect such reasonable rules and regulations

1 as are necessary to carry out the provisions of this Act.

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

3 (20 ILCS 2620/7) (from Ch. 127, par. 55j)

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

5 (a) The Director and the inspectors appointed by him, when
6 authorized by the Director, may expend such sums as the
7 Director deems necessary in the purchase of controlled
8 substances and cannabis for evidence and in the employment of
9 persons to obtain evidence.

10 Such sums to be expended shall be advanced to the officer
11 who is to make such purchase or employment from funds
12 appropriated or made available by law for the support or use of
13 the Illinois State Police ~~Department~~ on vouchers therefor
14 signed by the Director. The Director and such officers are
15 authorized to maintain one or more commercial checking accounts
16 with any State banking corporation or corporations organized
17 under or subject to the Illinois Banking Act for the deposit
18 and withdrawal of moneys to be used for the purchase of
19 evidence and for the employment of persons to obtain evidence;
20 provided that no check may be written on nor any withdrawal
21 made from any such account except on the written signatures of
22 2 persons designated by the Director to write such checks and
23 make such withdrawals.

24 (b) The Director is authorized to maintain one or more
25 commercial bank accounts with any State banking corporation or

1 corporations organized under or subject to the Illinois Banking
2 Act, as now or hereafter amended, for the deposit or withdrawal
3 of (i) moneys forfeited to the Illinois State Police
4 ~~Department~~, including the proceeds of the sale of forfeited
5 property, as provided in Section 2 of the State Officers and
6 Employees Money Disposition Act, as now or hereafter amended,
7 pending disbursement to participating agencies and deposit of
8 the Illinois State Police's ~~Department's~~ share as provided in
9 subsection (c), and (ii) all moneys being held as evidence by
10 the Illinois State Police ~~Department~~, pending final court
11 disposition; provided that no check may be written on or any
12 withdrawal made from any such account except on the written
13 signatures of 2 persons designated by the Director to write
14 such checks and make such withdrawals.

15 (c) All moneys received by the Illinois State Police as
16 their share of forfeited funds (including the proceeds of the
17 sale of forfeited property) received pursuant to the Drug Asset
18 Forfeiture Procedure Act, the Cannabis Control Act, the
19 Illinois Controlled Substances Act, the Methamphetamine
20 Control and Community Protection Act, the Environmental
21 Protection Act, or any other Illinois law shall be deposited
22 into the State Asset Forfeiture Fund, which is hereby created
23 as an interest-bearing special fund in the State treasury.

24 All moneys received by the Illinois State Police as their
25 share of forfeited funds (including the proceeds of the sale of
26 forfeited property) received pursuant to federal equitable

1 sharing transfers shall be deposited into the Federal Asset
2 Forfeiture Fund, which is hereby created as an interest-bearing
3 special fund in the State treasury.

4 The moneys deposited into the State Asset Forfeiture Fund
5 and the Federal Asset Forfeiture Fund shall be appropriated to
6 the Illinois ~~Department of~~ State Police and may be used by the
7 Illinois State Police in accordance with law.

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

9 (20 ILCS 2620/8) (from Ch. 127, par. 55k)

10 Sec. 8. The Attorney General, upon the request of the
11 Illinois State Police ~~Department~~, shall prosecute any
12 violation of this Act, and of the Illinois Controlled
13 Substances Act, the Cannabis Control Act, and the
14 Methamphetamine Control and Community Protection Act.

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

16 Section 215. The Volunteer Firefighting Rescue Unit Use Act
17 is amended by changing the title of the Act and Sections 1, 2,
18 3, and 4 as follows:

19 (20 ILCS 2625/Act title)

20 An Act relating to the use of rescue units of volunteer
21 fire fighting organizations by the Illinois ~~Department of~~ State
22 Police and making an appropriation therefor.

1 (20 ILCS 2625/1) (from Ch. 127, par. 289)

2 Sec. 1. As used in this Act, unless the context otherwise
3 requires, the following terms have the following meanings:

4 ~~Department means the Department of State Police,~~

5 Rescue unit means a unit of an unpaid volunteer fire
6 fighting organization which is specially trained for emergency
7 rescue work such as resuscitation of heart attack, drowning,
8 suffocation or epilepsy victims, recovery of bodies of drowning
9 victims and similar activities;

10 District means a geographical area designated by the
11 Illinois State Police ~~Department~~ for administration of laws by
12 the Division of Fire Prevention of the Illinois State Police
13 ~~Department~~.

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

15 (20 ILCS 2625/2) (from Ch. 127, par. 290)

16 Sec. 2. The Illinois State Police ~~Department~~ may request
17 the cooperation and use of facilities of any rescue unit to aid
18 it when engaged in any activity designed to save human life or
19 to recover the body of a victim. Such a request shall be
20 directed to a rescue unit or units located within the district
21 where the rescue work is to be performed. If there is no rescue
22 unit located within the district or if there are not sufficient
23 rescue units therein to perform the required work, requests may
24 be directed to rescue units located in other districts.

25 (Source: Laws 1953, p. 178.)

1 (20 ILCS 2625/3) (from Ch. 127, par. 291)

2 Sec. 3. When the Illinois State Police ~~Department~~ requests
3 the services of a rescue unit it shall pay the personnel of
4 such unit for time actually spent in rescue work at the rate of
5 \$2.50 per hour.

6 (Source: Laws 1953, p. 178.)

7 (20 ILCS 2625/4) (from Ch. 127, par. 292)

8 Sec. 4. If any equipment of a volunteer fire fighting
9 organization is lost or damaged while its rescue unit is
10 engaged in rescue work at the request of the Illinois State
11 Police ~~Department~~, it shall be reimbursed by the State of
12 Illinois. A claim for such reimbursement may be filed with the
13 Court of Claims.

14 (Source: Laws 1953, p. 178.)

15 Section 220. The Criminal Identification Act is amended by
16 changing Sections 1, 2, 2.1, 2.2, 3, 3.1, 3.3, 4, 4.5, 5, 5.2,
17 7, 7.5, 8, 9, 9.5, 10, 13, and 14 as follows:

18 (20 ILCS 2630/1) (from Ch. 38, par. 206-1)

19 Sec. 1. The Illinois ~~Department of State Police~~ ~~hereinafter~~
20 ~~referred to as the "Department",~~ is hereby empowered to cope
21 with the task of criminal identification and investigation.

22 The Director of the Illinois ~~Department of~~ State Police

1 shall, from time to time, appoint such employees or assistants
2 as may be necessary to carry out this work. Employees or
3 assistants so appointed shall receive salaries subject to the
4 standard pay plan provided for in the "Personnel Code",
5 ~~approved July 18, 1955, as amended.~~

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

7 (20 ILCS 2630/2) (from Ch. 38, par. 206-2)

8 Sec. 2. The Illinois State Police ~~Department~~ shall procure
9 and file for record, as far as can be procured from any source,
10 photographs, all plates, outline pictures, measurements,
11 descriptions and information of all persons who have been
12 arrested on a charge of violation of a penal statute of this
13 State and such other information as is necessary and helpful to
14 plan programs of crime prevention, law enforcement and criminal
15 justice, and aid in the furtherance of those programs.

16 (Source: P.A. 76-444.)

17 (20 ILCS 2630/2.1) (from Ch. 38, par. 206-2.1)

18 Sec. 2.1. For the purpose of maintaining complete and
19 accurate criminal records of the Illinois ~~Department of State~~
20 ~~Police~~, it is necessary for all policing bodies of this State,
21 the clerk of the circuit court, the Illinois Department of
22 Corrections, the sheriff of each county, and State's Attorney
23 of each county to submit certain criminal arrest, charge, and
24 disposition information to the Illinois State Police

1 ~~Department~~ for filing at the earliest time possible. Unless
2 otherwise noted herein, it shall be the duty of all policing
3 bodies of this State, the clerk of the circuit court, the
4 Illinois Department of Corrections, the sheriff of each county,
5 and the State's Attorney of each county to report such
6 information as provided in this Section, both in the form and
7 manner required by the Illinois State Police ~~Department~~ and
8 within 30 days of the criminal history event. Specifically:

9 (a) Arrest Information. All agencies making arrests
10 for offenses which are required by statute to be collected,
11 maintained or disseminated by the Illinois ~~Department of~~
12 State Police shall be responsible for furnishing daily to
13 the Illinois State Police ~~Department~~ fingerprints, charges
14 and descriptions of all persons who are arrested for such
15 offenses. All such agencies shall also notify the Illinois
16 State Police ~~Department~~ of all decisions by the arresting
17 agency not to refer such arrests for prosecution. With
18 approval of the Illinois State Police ~~Department~~, an agency
19 making such arrests may enter into arrangements with other
20 agencies for the purpose of furnishing daily such
21 fingerprints, charges and descriptions to the Illinois
22 State Police ~~Department~~ upon its behalf.

23 (b) Charge Information. The State's Attorney of each
24 county shall notify the Illinois State Police ~~Department~~ of
25 all charges filed and all petitions filed alleging that a
26 minor is delinquent, including all those added subsequent

1 to the filing of a case, and whether charges were not filed
2 in cases for which the Illinois State Police ~~Department~~ has
3 received information required to be reported pursuant to
4 paragraph (a) of this Section. With approval of the
5 Illinois State Police ~~Department~~, the State's Attorney may
6 enter into arrangements with other agencies for the purpose
7 of furnishing the information required by this subsection
8 (b) to the Illinois State Police ~~Department~~ upon the
9 State's Attorney's behalf.

10 (c) Disposition Information. The clerk of the circuit
11 court of each county shall furnish the Illinois State
12 Police ~~Department~~, in the form and manner required by the
13 Supreme Court, with all final dispositions of cases for
14 which the Illinois State Police ~~Department~~ has received
15 information required to be reported pursuant to paragraph
16 (a) or (d) of this Section. Such information shall include,
17 for each charge, all (1) judgments of not guilty, judgments
18 of guilty including the sentence pronounced by the court
19 with statutory citations to the relevant sentencing
20 provision, findings that a minor is delinquent and any
21 sentence made based on those findings, discharges and
22 dismissals in the court; (2) reviewing court orders filed
23 with the clerk of the circuit court which reverse or remand
24 a reported conviction or findings that a minor is
25 delinquent or that vacate or modify a sentence or sentence
26 made following a trial that a minor is delinquent; (3)

1 continuances to a date certain in furtherance of an order
2 of supervision granted under Section 5-6-1 of the Unified
3 Code of Corrections or an order of probation granted under
4 Section 10 of the Cannabis Control Act, Section 410 of the
5 Illinois Controlled Substances Act, Section 70 of the
6 Methamphetamine Control and Community Protection Act,
7 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05 of
8 the Criminal Code of 1961 or the Criminal Code of 2012,
9 Section 10-102 of the Illinois Alcoholism and Other Drug
10 Dependency Act, Section 40-10 of the Substance Use Disorder
11 Act, Section 10 of the Steroid Control Act, or Section
12 5-615 of the Juvenile Court Act of 1987; and (4) judgments
13 or court orders terminating or revoking a sentence to or
14 juvenile disposition of probation, supervision or
15 conditional discharge and any resentencing or new court
16 orders entered by a juvenile court relating to the
17 disposition of a minor's case involving delinquency after
18 such revocation.

19 (d) Fingerprints After Sentencing.

20 (1) After the court pronounces sentence, sentences
21 a minor following a trial in which a minor was found to
22 be delinquent or issues an order of supervision or an
23 order of probation granted under Section 10 of the
24 Cannabis Control Act, Section 410 of the Illinois
25 Controlled Substances Act, Section 70 of the
26 Methamphetamine Control and Community Protection Act,

1 Section 12-4.3 or subdivision (b)(1) of Section
2 12-3.05 of the Criminal Code of 1961 or the Criminal
3 Code of 2012, Section 10-102 of the Illinois Alcoholism
4 and Other Drug Dependency Act, Section 40-10 of the
5 Substance Use Disorder Act, Section 10 of the Steroid
6 Control Act, or Section 5-615 of the Juvenile Court Act
7 of 1987 for any offense which is required by statute to
8 be collected, maintained, or disseminated by the
9 Illinois ~~Department of~~ State Police, the State's
10 Attorney of each county shall ask the court to order a
11 law enforcement agency to fingerprint immediately all
12 persons appearing before the court who have not
13 previously been fingerprinted for the same case. The
14 court shall so order the requested fingerprinting, if
15 it determines that any such person has not previously
16 been fingerprinted for the same case. The law
17 enforcement agency shall submit such fingerprints to
18 the Illinois State Police ~~Department~~ daily.

19 (2) After the court pronounces sentence or makes a
20 disposition of a case following a finding of
21 delinquency for any offense which is not required by
22 statute to be collected, maintained, or disseminated
23 by the Illinois ~~Department of~~ State Police, the
24 prosecuting attorney may ask the court to order a law
25 enforcement agency to fingerprint immediately all
26 persons appearing before the court who have not

1 previously been fingerprinted for the same case. The
2 court may so order the requested fingerprinting, if it
3 determines that any so sentenced person has not
4 previously been fingerprinted for the same case. The
5 law enforcement agency may retain such fingerprints in
6 its files.

7 (e) Corrections Information. The Illinois Department
8 of Corrections and the sheriff of each county shall furnish
9 the Illinois State Police ~~Department~~ with all information
10 concerning the receipt, escape, execution, death, release,
11 pardon, parole, commutation of sentence, granting of
12 executive clemency or discharge of an individual who has
13 been sentenced or committed to the agency's custody for any
14 offenses which are mandated by statute to be collected,
15 maintained or disseminated by the Illinois ~~Department of~~
16 State Police. For an individual who has been charged with
17 any such offense and who escapes from custody or dies while
18 in custody, all information concerning the receipt and
19 escape or death, whichever is appropriate, shall also be so
20 furnished to the Illinois State Police ~~Department~~.

21 (Source: P.A. 100-3, eff. 1-1-18; 100-759, eff. 1-1-19.)

22 (20 ILCS 2630/2.2)

23 Sec. 2.2. Notification to the Illinois State Police
24 ~~Department~~. Upon judgment of conviction of a violation of
25 Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or 12-3.5 of the

1 Criminal Code of 1961 or the Criminal Code of 2012 when the
2 defendant has been determined, pursuant to Section 112A-11.1 of
3 the Code of Criminal Procedure of 1963, to be subject to the
4 prohibitions of 18 U.S.C. 922(g)(9), the circuit court clerk
5 shall include notification and a copy of the written
6 determination in a report of the conviction to the Illinois
7 ~~Department of~~ State Police Firearm Owner's Identification Card
8 Office to enable the office to perform its duties under
9 Sections 4 and 8 of the Firearm Owners Identification Card Act
10 and to report that determination to the Federal Bureau of
11 Investigation to assist the Bureau in identifying persons
12 prohibited from purchasing and possessing a firearm pursuant to
13 the provisions of 18 U.S.C. 922. The written determination
14 described in this Section shall be included in the defendant's
15 record of arrest and conviction in the manner and form
16 prescribed by the Illinois ~~Department of~~ State Police.

17 (Source: P.A. 97-1131, eff. 1-1-13; 97-1150, eff. 1-25-13.)

18 (20 ILCS 2630/3) (from Ch. 38, par. 206-3)

19 Sec. 3. Information to be furnished peace officers and
20 commanding officers of certain military installations in
21 Illinois.

22 (A) The Illinois State Police ~~Department~~ shall file or
23 cause to be filed all plates, photographs, outline pictures,
24 measurements, descriptions and information which shall be
25 received by it by virtue of its office and shall make a

1 complete and systematic record and index of the same, providing
2 thereby a method of convenient reference and comparison. The
3 Illinois State Police Department shall furnish, upon
4 application, all information pertaining to the identification
5 of any person or persons, a plate, photograph, outline picture,
6 description, measurements, or any data of which there is a
7 record in its office. Such information shall be furnished to
8 peace officers of the United States, of other states or
9 territories, of the Insular possessions of the United States,
10 of foreign countries duly authorized to receive the same, to
11 all peace officers of the State of Illinois, to investigators
12 of the Illinois Law Enforcement Training Standards Board and,
13 conviction information only, to units of local government,
14 school districts, private organizations, and requesting
15 institutions as defined in Section 2605-345 of the Illinois
16 ~~Department of State Police Law~~ under the provisions of Section
17 2605-10, 2605-15, 2605-51, 2605-52, 2605-75, ~~2605-100,~~
18 ~~2605-105, 2605-110, 2605-115, 2605-120, 2605-130, 2605-140,~~
19 2605-190, 2605-200, 2605-205, 2605-210, 2605-215, 2605-250,
20 2605-275, ~~2605-300,~~ 2605-305, 2605-315, 2605-325, 2605-335,
21 2605-340, 2605-345, 2605-350, 2605-355, 2605-360, 2605-365,
22 2605-375, ~~2605-390,~~ 2605-400, 2605-405, 2605-420, 2605-430,
23 2605-435, ~~2605-500,~~ 2605-525, or 2605-550 of the Illinois
24 ~~Department of State Police Law~~ ~~(20 ILCS 2605/2605-10,~~
25 ~~2605/2605-15, 2605/2605-75, 2605/2605-100, 2605/2605-105,~~
26 ~~2605/2605-110, 2605/2605-115, 2605/2605-120, 2605/2605-130,~~

~~2605/2605 140, 2605/2605 190, 2605/2605 200, 2605/2605 205,~~
~~2605/2605 210, 2605/2605 215, 2605/2605 250, 2605/2605 275,~~
~~2605/2605 300, 2605/2605 305, 2605/2605 315, 2605/2605 325,~~
~~2605/2605 335, 2605/2605 340, 2605/2605 350, 2605/2605 355,~~
~~2605/2605 360, 2605/2605 365, 2605/2605 375, 2605/2605 390,~~
~~2605/2605 400, 2605/2605 405, 2605/2605 420, 2605/2605 430,~~
~~2605/2605 435, 2605/2605 500, 2605/2605 525, or~~

~~2605/2605 550~~). Applications shall be in writing and accompanied by a certificate, signed by the peace officer or chief administrative officer or his designee making such application, to the effect that the information applied for is necessary in the interest of and will be used solely in the due administration of the criminal laws or for the purpose of evaluating the qualifications and character of employees, prospective employees, volunteers, or prospective volunteers of units of local government, school districts, and private organizations, or for the purpose of evaluating the character of persons who may be granted or denied access to municipal utility facilities under Section 11-117.1-1 of the Illinois Municipal Code.

For the purposes of this subsection, "chief administrative officer" is defined as follows:

a) The city manager of a city or, if a city does not employ a city manager, the mayor of the city.

b) The manager of a village or, if a village does not employ a manager, the president of the village.

1 c) The chairman or president of a county board or, if a
2 county has adopted the county executive form of government,
3 the chief executive officer of the county.

4 d) The president of the school board of a school
5 district.

6 e) The supervisor of a township.

7 f) The official granted general administrative control
8 of a special district, an authority, or organization of
9 government establishment by law which may issue
10 obligations and which either may levy a property tax or may
11 expend funds of the district, authority, or organization
12 independently of any parent unit of government.

13 g) The executive officer granted general
14 administrative control of a private organization defined
15 in Section 2605-335 of the Illinois Department of State
16 Police Law ~~(20 ILCS 2605/2605-335)~~.

17 (B) Upon written application and payment of fees authorized
18 by this subsection, State agencies and units of local
19 government, not including school districts, are authorized to
20 submit fingerprints of employees, prospective employees and
21 license applicants to the Illinois State Police Department for
22 the purpose of obtaining conviction information maintained by
23 the Illinois State Police Department and the Federal Bureau of
24 Investigation about such persons. The Illinois State Police
25 Department shall submit such fingerprints to the Federal Bureau
26 of Investigation on behalf of such agencies and units of local

1 government. The Illinois State Police ~~Department~~ shall charge
2 an application fee, based on actual costs, for the
3 dissemination of conviction information pursuant to this
4 subsection. The Illinois State Police ~~Department~~ is empowered
5 to establish this fee and shall prescribe the form and manner
6 for requesting and furnishing conviction information pursuant
7 to this subsection.

8 (C) Upon payment of fees authorized by this subsection, the
9 Illinois State Police ~~Department~~ shall furnish to the
10 commanding officer of a military installation in Illinois
11 having an arms storage facility, upon written request of such
12 commanding officer or his designee, and in the form and manner
13 prescribed by the Illinois State Police ~~Department~~, all
14 criminal history record information pertaining to any
15 individual seeking access to such a storage facility, where
16 such information is sought pursuant to a federally-mandated
17 security or criminal history check.

18 The Illinois State Police ~~Department~~ shall establish and
19 charge a fee, not to exceed actual costs, for providing
20 information pursuant to this subsection.

21 (Source: P.A. 97-1120, eff. 1-1-13.)

22 (20 ILCS 2630/3.1) (from Ch. 38, par. 206-3.1)

23 Sec. 3.1. (a) The Illinois State Police ~~Department~~ may
24 furnish, pursuant to positive identification, records of
25 convictions to the Department of Professional Regulation for

1 the purpose of meeting registration or licensure requirements
2 under the Private Detective, Private Alarm, Private Security,
3 Fingerprint Vendor, and Locksmith Act of 2004.

4 (b) The Illinois State Police ~~Department~~ may furnish,
5 pursuant to positive identification, records of convictions to
6 policing bodies of this State for the purpose of assisting
7 local liquor control commissioners in carrying out their duty
8 to refuse to issue licenses to persons specified in paragraphs
9 (4), (5) and (6) of Section 6-2 of the Liquor Control Act of
10 1934.

11 (c) The Illinois State Police ~~Department~~ shall charge an
12 application fee, based on actual costs, for the dissemination
13 of records pursuant to this Section. Fees received for the
14 dissemination of records pursuant to this Section shall be
15 deposited in the State Police Services Fund. The Illinois State
16 Police ~~Department~~ is empowered to establish this fee and to
17 prescribe the form and manner for requesting and furnishing
18 conviction information pursuant to this Section.

19 (d) Any dissemination of any information obtained pursuant
20 to this Section to any person not specifically authorized
21 hereby to receive or use it for the purpose for which it was
22 disseminated shall constitute a violation of Section 7.

23 (Source: P.A. 95-613, eff. 9-11-07.)

24 (20 ILCS 2630/3.3)

25 Sec. 3.3. Federal Rap Back Service.

1 (a) In this Section:

2 "National criminal history record check" means a check of
3 criminal history records entailing the fingerprinting of the
4 person and submission of the fingerprints to the United States
5 Federal Bureau of Investigation for the purpose of obtaining
6 the national criminal history record of the person from the
7 Federal Bureau of Investigation.

8 "Rap Back Service" means the system that enables an
9 authorized agency or entity to receive ongoing status
10 notifications of any criminal history from the Illinois
11 ~~Department of~~ State Police or the Federal Bureau of
12 Investigation reported on a person whose fingerprints are
13 registered in the system, after approval and implementation of
14 the system.

15 (b) Agencies and entities in this State authorized by law
16 to conduct or obtain national criminal history background
17 checks for persons shall be eligible to participate in the
18 Federal Rap Back Service administered by the Illinois
19 ~~Department of~~ State Police. The Illinois ~~Department of~~ State
20 Police may submit fingerprints to the Federal Bureau of
21 Investigation Rap Back Service to be retained in the Federal
22 Bureau of Investigation Rap Back Service for the purpose of
23 being searched by future submissions to the Federal Bureau of
24 Investigation Rap Back Service, including latent fingerprint
25 searches and to collect all Federal Rap Back Service fees from
26 eligible agencies and entities wishing to participate in the

1 Rap Back Service and remit those fees to the Federal Bureau of
2 Investigation.

3 (c) The Illinois ~~Department of~~ State Police may adopt any
4 rules necessary for implementation of this Section.

5 (Source: P.A. 100-718, eff. 1-1-19.)

6 (20 ILCS 2630/4) (from Ch. 38, par. 206-4)

7 Sec. 4. The Illinois State Police ~~Department~~ may use the
8 following systems of identification: the Bertillon system, the
9 fingerprint ~~finger-print~~ system, and any system of measurement
10 or identification that may be adopted by law or rule in the
11 various penal institutions or bureaus of identification
12 wherever located.

13 The Illinois State Police ~~Department~~ shall make a record
14 consisting of duplicates of all measurements, processes,
15 operations, signaletic ~~signalletic~~ cards, plates, photographs,
16 outline pictures, measurements, descriptions of and data
17 relating to all persons confined in penal institutions wherever
18 located, so far as the same are obtainable, in accordance with
19 whatever system or systems may be found most efficient and
20 practical.

21 (Source: P.A. 98-756, eff. 7-16-14.)

22 (20 ILCS 2630/5) (from Ch. 38, par. 206-5)

23 Sec. 5. Arrest reports. All policing bodies of this State
24 shall furnish to the Illinois State Police ~~Department~~, daily,

1 in the form and detail the Illinois State Police ~~Department~~
2 requires, fingerprints, descriptions, and ethnic and racial
3 background data as provided in Section 4.5 of this Act of all
4 persons who are arrested on charges of violating any penal
5 statute of this State for offenses that are classified as
6 felonies and Class A or B misdemeanors and of all minors of the
7 age of 10 and over who have been arrested for an offense which
8 would be a felony if committed by an adult, and may forward
9 such fingerprints and descriptions for minors arrested for
10 Class A or B misdemeanors. Moving or nonmoving traffic
11 violations under the Illinois Vehicle Code shall not be
12 reported except for violations of Chapter 4, Section 11-204.1,
13 or Section 11-501 of that Code. In addition, conservation
14 offenses, as defined in the Supreme Court Rule 501(c), that are
15 classified as Class B misdemeanors shall not be reported. Those
16 law enforcement records maintained by the Illinois State Police
17 ~~Department~~ for minors arrested for an offense prior to their
18 17th birthday, or minors arrested for a non-felony offense, if
19 committed by an adult, prior to their 18th birthday, shall not
20 be forwarded to the Federal Bureau of Investigation unless
21 those records relate to an arrest in which a minor was charged
22 as an adult under any of the transfer provisions of the
23 Juvenile Court Act of 1987.

24 (Source: P.A. 98-528, eff. 1-1-15.)

25 (20 ILCS 2630/5.2)

1 Sec. 5.2. Expungement, sealing, and immediate sealing.

2 (a) General Provisions.

3 (1) Definitions. In this Act, words and phrases have
4 the meanings set forth in this subsection, except when a
5 particular context clearly requires a different meaning.

6 (A) The following terms shall have the meanings
7 ascribed to them in the Unified Code of Corrections,
8 730 ILCS 5/5-1-2 through 5/5-1-22:

9 (i) Business Offense (730 ILCS 5/5-1-2),

10 (ii) Charge (730 ILCS 5/5-1-3),

11 (iii) Court (730 ILCS 5/5-1-6),

12 (iv) Defendant (730 ILCS 5/5-1-7),

13 (v) Felony (730 ILCS 5/5-1-9),

14 (vi) Imprisonment (730 ILCS 5/5-1-10),

15 (vii) Judgment (730 ILCS 5/5-1-12),

16 (viii) Misdemeanor (730 ILCS 5/5-1-14),

17 (ix) Offense (730 ILCS 5/5-1-15),

18 (x) Parole (730 ILCS 5/5-1-16),

19 (xi) Petty Offense (730 ILCS 5/5-1-17),

20 (xii) Probation (730 ILCS 5/5-1-18),

21 (xiii) Sentence (730 ILCS 5/5-1-19),

22 (xiv) Supervision (730 ILCS 5/5-1-21), and

23 (xv) Victim (730 ILCS 5/5-1-22).

24 (B) As used in this Section, "charge not initiated
25 by arrest" means a charge (as defined by 730 ILCS
26 5/5-1-3) brought against a defendant where the

1 defendant is not arrested prior to or as a direct
2 result of the charge.

3 (C) "Conviction" means a judgment of conviction or
4 sentence entered upon a plea of guilty or upon a
5 verdict or finding of guilty of an offense, rendered by
6 a legally constituted jury or by a court of competent
7 jurisdiction authorized to try the case without a jury.
8 An order of supervision successfully completed by the
9 petitioner is not a conviction. An order of qualified
10 probation (as defined in subsection (a)(1)(J))
11 successfully completed by the petitioner is not a
12 conviction. An order of supervision or an order of
13 qualified probation that is terminated
14 unsatisfactorily is a conviction, unless the
15 unsatisfactory termination is reversed, vacated, or
16 modified and the judgment of conviction, if any, is
17 reversed or vacated.

18 (D) "Criminal offense" means a petty offense,
19 business offense, misdemeanor, felony, or municipal
20 ordinance violation (as defined in subsection
21 (a)(1)(H)). As used in this Section, a minor traffic
22 offense (as defined in subsection (a)(1)(G)) shall not
23 be considered a criminal offense.

24 (E) "Expunge" means to physically destroy the
25 records or return them to the petitioner and to
26 obliterate the petitioner's name from any official

1 index or public record, or both. Nothing in this Act
2 shall require the physical destruction of the circuit
3 court file, but such records relating to arrests or
4 charges, or both, ordered expunged shall be impounded
5 as required by subsections (d)(9)(A)(ii) and
6 (d)(9)(B)(ii).

7 (F) As used in this Section, "last sentence" means
8 the sentence, order of supervision, or order of
9 qualified probation (as defined by subsection
10 (a)(1)(J)), for a criminal offense (as defined by
11 subsection (a)(1)(D)) that terminates last in time in
12 any jurisdiction, regardless of whether the petitioner
13 has included the criminal offense for which the
14 sentence or order of supervision or qualified
15 probation was imposed in his or her petition. If
16 multiple sentences, orders of supervision, or orders
17 of qualified probation terminate on the same day and
18 are last in time, they shall be collectively considered
19 the "last sentence" regardless of whether they were
20 ordered to run concurrently.

21 (G) "Minor traffic offense" means a petty offense,
22 business offense, or Class C misdemeanor under the
23 Illinois Vehicle Code or a similar provision of a
24 municipal or local ordinance.

25 (G-5) "Minor Cannabis Offense" means a violation
26 of Section 4 or 5 of the Cannabis Control Act

1 concerning not more than 30 grams of any substance
2 containing cannabis, provided the violation did not
3 include a penalty enhancement under Section 7 of the
4 Cannabis Control Act and is not associated with an
5 arrest, conviction or other disposition for a violent
6 crime as defined in subsection (c) of Section 3 of the
7 Rights of Crime Victims and Witnesses Act.

8 (H) "Municipal ordinance violation" means an
9 offense defined by a municipal or local ordinance that
10 is criminal in nature and with which the petitioner was
11 charged or for which the petitioner was arrested and
12 released without charging.

13 (I) "Petitioner" means an adult or a minor
14 prosecuted as an adult who has applied for relief under
15 this Section.

16 (J) "Qualified probation" means an order of
17 probation under Section 10 of the Cannabis Control Act,
18 Section 410 of the Illinois Controlled Substances Act,
19 Section 70 of the Methamphetamine Control and
20 Community Protection Act, Section 5-6-3.3 or 5-6-3.4
21 of the Unified Code of Corrections, Section
22 12-4.3(b)(1) and (2) of the Criminal Code of 1961 (as
23 those provisions existed before their deletion by
24 Public Act 89-313), Section 10-102 of the Illinois
25 Alcoholism and Other Drug Dependency Act, Section
26 40-10 of the Substance Use Disorder Act, or Section 10

1 of the Steroid Control Act. For the purpose of this
2 Section, "successful completion" of an order of
3 qualified probation under Section 10-102 of the
4 Illinois Alcoholism and Other Drug Dependency Act and
5 Section 40-10 of the Substance Use Disorder Act means
6 that the probation was terminated satisfactorily and
7 the judgment of conviction was vacated.

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

18 (L) "Sexual offense committed against a minor"
19 includes, but is not limited to, the offenses of
20 indecent solicitation of a child or criminal sexual
21 abuse when the victim of such offense is under 18 years
22 of age.

23 (M) "Terminate" as it relates to a sentence or
24 order of supervision or qualified probation includes
25 either satisfactory or unsatisfactory termination of
26 the sentence, unless otherwise specified in this

1 Section. A sentence is terminated notwithstanding any
2 outstanding financial legal obligation.

3 (2) Minor Traffic Offenses. Orders of supervision or
4 convictions for minor traffic offenses shall not affect a
5 petitioner's eligibility to expunge or seal records
6 pursuant to this Section.

7 (2.5) Commencing 180 days after July 29, 2016 (the
8 effective date of Public Act 99-697), the law enforcement
9 agency issuing the citation shall automatically expunge,
10 on or before January 1 and July 1 of each year, the law
11 enforcement records of a person found to have committed a
12 civil law violation of subsection (a) of Section 4 of the
13 Cannabis Control Act or subsection (c) of Section 3.5 of
14 the Drug Paraphernalia Control Act in the law enforcement
15 agency's possession or control and which contains the final
16 satisfactory disposition which pertain to the person
17 issued a citation for that offense. The law enforcement
18 agency shall provide by rule the process for access,
19 review, and to confirm the automatic expungement by the law
20 enforcement agency issuing the citation. Commencing 180
21 days after July 29, 2016 (the effective date of Public Act
22 99-697), the clerk of the circuit court shall expunge, upon
23 order of the court, or in the absence of a court order on
24 or before January 1 and July 1 of each year, the court
25 records of a person found in the circuit court to have
26 committed a civil law violation of subsection (a) of

1 Section 4 of the Cannabis Control Act or subsection (c) of
2 Section 3.5 of the Drug Paraphernalia Control Act in the
3 clerk's possession or control and which contains the final
4 satisfactory disposition which pertain to the person
5 issued a citation for any of those offenses.

6 (3) Exclusions. Except as otherwise provided in
7 subsections (b) (5), (b) (6), (b) (8), (e), (e-5), and (e-6)
8 of this Section, the court shall not order:

9 (A) the sealing or expungement of the records of
10 arrests or charges not initiated by arrest that result
11 in an order of supervision for or conviction of: (i)
12 any sexual offense committed against a minor; (ii)
13 Section 11-501 of the Illinois Vehicle Code or a
14 similar provision of a local ordinance; or (iii)
15 Section 11-503 of the Illinois Vehicle Code or a
16 similar provision of a local ordinance, unless the
17 arrest or charge is for a misdemeanor violation of
18 subsection (a) of Section 11-503 or a similar provision
19 of a local ordinance, that occurred prior to the
20 offender reaching the age of 25 years and the offender
21 has no other conviction for violating Section 11-501 or
22 11-503 of the Illinois Vehicle Code or a similar
23 provision of a local ordinance.

24 (B) the sealing or expungement of records of minor
25 traffic offenses (as defined in subsection (a) (1) (G)),
26 unless the petitioner was arrested and released

1 without charging.

2 (C) the sealing of the records of arrests or
3 charges not initiated by arrest which result in an
4 order of supervision or a conviction for the following
5 offenses:

6 (i) offenses included in Article 11 of the
7 Criminal Code of 1961 or the Criminal Code of 2012
8 or a similar provision of a local ordinance, except
9 Section 11-14 and a misdemeanor violation of
10 Section 11-30 of the Criminal Code of 1961 or the
11 Criminal Code of 2012, or a similar provision of a
12 local ordinance;

13 (ii) Section 11-1.50, 12-3.4, 12-15, 12-30,
14 26-5, or 48-1 of the Criminal Code of 1961 or the
15 Criminal Code of 2012, or a similar provision of a
16 local ordinance;

17 (iii) Sections 12-3.1 or 12-3.2 of the
18 Criminal Code of 1961 or the Criminal Code of 2012,
19 or Section 125 of the Stalking No Contact Order
20 Act, or Section 219 of the Civil No Contact Order
21 Act, or a similar provision of a local ordinance;

22 (iv) Class A misdemeanors or felony offenses
23 under the Humane Care for Animals Act; or

24 (v) any offense or attempted offense that
25 would subject a person to registration under the
26 Sex Offender Registration Act.

1 (D) (blank).

2 (b) Expungement.

3 (1) A petitioner may petition the circuit court to
4 expunge the records of his or her arrests and charges not
5 initiated by arrest when each arrest or charge not
6 initiated by arrest sought to be expunged resulted in: (i)
7 acquittal, dismissal, or the petitioner's release without
8 charging, unless excluded by subsection (a)(3)(B); (ii) a
9 conviction which was vacated or reversed, unless excluded
10 by subsection (a)(3)(B); (iii) an order of supervision and
11 such supervision was successfully completed by the
12 petitioner, unless excluded by subsection (a)(3)(A) or
13 (a)(3)(B); or (iv) an order of qualified probation (as
14 defined in subsection (a)(1)(J)) and such probation was
15 successfully completed by the petitioner.

16 (1.5) When a petitioner seeks to have a record of
17 arrest expunged under this Section, and the offender has
18 been convicted of a criminal offense, the State's Attorney
19 may object to the expungement on the grounds that the
20 records contain specific relevant information aside from
21 the mere fact of the arrest.

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

23 (A) When the arrest or charge not initiated by
24 arrest sought to be expunged resulted in an acquittal,
25 dismissal, the petitioner's release without charging,
26 or the reversal or vacation of a conviction, there is

1 no waiting period to petition for the expungement of
2 such records.

3 (B) When the arrest or charge not initiated by
4 arrest sought to be expunged resulted in an order of
5 supervision, successfully completed by the petitioner,
6 the following time frames will apply:

7 (i) Those arrests or charges that resulted in
8 orders of supervision under Section 3-707, 3-708,
9 3-710, or 5-401.3 of the Illinois Vehicle Code or a
10 similar provision of a local ordinance, or under
11 Section 11-1.50, 12-3.2, or 12-15 of the Criminal
12 Code of 1961 or the Criminal Code of 2012, or a
13 similar provision of a local ordinance, shall not
14 be eligible for expungement until 5 years have
15 passed following the satisfactory termination of
16 the supervision.

17 (i-5) Those arrests or charges that resulted
18 in orders of supervision for a misdemeanor
19 violation of subsection (a) of Section 11-503 of
20 the Illinois Vehicle Code or a similar provision of
21 a local ordinance, that occurred prior to the
22 offender reaching the age of 25 years and the
23 offender has no other conviction for violating
24 Section 11-501 or 11-503 of the Illinois Vehicle
25 Code or a similar provision of a local ordinance
26 shall not be eligible for expungement until the

1 petitioner has reached the age of 25 years.

2 (ii) Those arrests or charges that resulted in
3 orders of supervision for any other offenses shall
4 not be eligible for expungement until 2 years have
5 passed following the satisfactory termination of
6 the supervision.

7 (C) When the arrest or charge not initiated by
8 arrest sought to be expunged resulted in an order of
9 qualified probation, successfully completed by the
10 petitioner, such records shall not be eligible for
11 expungement until 5 years have passed following the
12 satisfactory termination of the probation.

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

17 (4) Whenever a person has been arrested for or
18 convicted of any offense, in the name of a person whose
19 identity he or she has stolen or otherwise come into
20 possession of, the aggrieved person from whom the identity
21 was stolen or otherwise obtained without authorization,
22 upon learning of the person having been arrested using his
23 or her identity, may, upon verified petition to the chief
24 judge of the circuit wherein the arrest was made, have a
25 court order entered nunc pro tunc by the Chief Judge to
26 correct the arrest record, conviction record, if any, and

1 all official records of the arresting authority, the
2 Illinois State Police Department, other criminal justice
3 agencies, the prosecutor, and the trial court concerning
4 such arrest, if any, by removing his or her name from all
5 such records in connection with the arrest and conviction,
6 if any, and by inserting in the records the name of the
7 offender, if known or ascertainable, in lieu of the
8 aggrieved's name. The records of the circuit court clerk
9 shall be sealed until further order of the court upon good
10 cause shown and the name of the aggrieved person
11 obliterated on the official index required to be kept by
12 the circuit court clerk under Section 16 of the Clerks of
13 Courts Act, but the order shall not affect any index issued
14 by the circuit court clerk before the entry of the order.
15 Nothing in this Section shall limit the Illinois Department
16 ~~of~~ State Police or other criminal justice agencies or
17 prosecutors from listing under an offender's name the false
18 names he or she has used.

19 (5) Whenever a person has been convicted of criminal
20 sexual assault, aggravated criminal sexual assault,
21 predatory criminal sexual assault of a child, criminal
22 sexual abuse, or aggravated criminal sexual abuse, the
23 victim of that offense may request that the State's
24 Attorney of the county in which the conviction occurred
25 file a verified petition with the presiding trial judge at
26 the petitioner's trial to have a court order entered to

1 seal the records of the circuit court clerk in connection
2 with the proceedings of the trial court concerning that
3 offense. However, the records of the arresting authority
4 and the Illinois ~~Department of~~ State Police concerning the
5 offense shall not be sealed. The court, upon good cause
6 shown, shall make the records of the circuit court clerk in
7 connection with the proceedings of the trial court
8 concerning the offense available for public inspection.

9 (6) If a conviction has been set aside on direct review
10 or on collateral attack and the court determines by clear
11 and convincing evidence that the petitioner was factually
12 innocent of the charge, the court that finds the petitioner
13 factually innocent of the charge shall enter an expungement
14 order for the conviction for which the petitioner has been
15 determined to be innocent as provided in subsection (b) of
16 Section 5-5-4 of the Unified Code of Corrections.

17 (7) Nothing in this Section shall prevent the Illinois
18 ~~Department of~~ State Police from maintaining all records of
19 any person who is admitted to probation upon terms and
20 conditions and who fulfills those terms and conditions
21 pursuant to Section 10 of the Cannabis Control Act, Section
22 410 of the Illinois Controlled Substances Act, Section 70
23 of the Methamphetamine Control and Community Protection
24 Act, Section 5-6-3.3 or 5-6-3.4 of the Unified Code of
25 Corrections, Section 12-4.3 or subdivision (b)(1) of
26 Section 12-3.05 of the Criminal Code of 1961 or the

1 Criminal Code of 2012, Section 10-102 of the Illinois
2 Alcoholism and Other Drug Dependency Act, Section 40-10 of
3 the Substance Use Disorder Act, or Section 10 of the
4 Steroid Control Act.

5 (8) If the petitioner has been granted a certificate of
6 innocence under Section 2-702 of the Code of Civil
7 Procedure, the court that grants the certificate of
8 innocence shall also enter an order expunging the
9 conviction for which the petitioner has been determined to
10 be innocent as provided in subsection (h) of Section 2-702
11 of the Code of Civil Procedure.

12 (c) Sealing.

13 (1) Applicability. Notwithstanding any other provision
14 of this Act to the contrary, and cumulative with any rights
15 to expungement of criminal records, this subsection
16 authorizes the sealing of criminal records of adults and of
17 minors prosecuted as adults. Subsection (g) of this Section
18 provides for immediate sealing of certain records.

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

21 (A) All arrests resulting in release without
22 charging;

23 (B) Arrests or charges not initiated by arrest
24 resulting in acquittal, dismissal, or conviction when
25 the conviction was reversed or vacated, except as
26 excluded by subsection (a) (3) (B);

1 (C) Arrests or charges not initiated by arrest
2 resulting in orders of supervision, including orders
3 of supervision for municipal ordinance violations,
4 successfully completed by the petitioner, unless
5 excluded by subsection (a) (3);

6 (D) Arrests or charges not initiated by arrest
7 resulting in convictions, including convictions on
8 municipal ordinance violations, unless excluded by
9 subsection (a) (3);

10 (E) Arrests or charges not initiated by arrest
11 resulting in orders of first offender probation under
12 Section 10 of the Cannabis Control Act, Section 410 of
13 the Illinois Controlled Substances Act, Section 70 of
14 the Methamphetamine Control and Community Protection
15 Act, or Section 5-6-3.3 of the Unified Code of
16 Corrections; and

17 (F) Arrests or charges not initiated by arrest
18 resulting in felony convictions unless otherwise
19 excluded by subsection (a) paragraph (3) of this
20 Section.

21 (3) When Records Are Eligible to Be Sealed. Records
22 identified as eligible under subsection (c) (2) may be
23 sealed as follows:

24 (A) Records identified as eligible under
25 subsection (c) (2) (A) and (c) (2) (B) may be sealed at any
26 time.

1 (B) Except as otherwise provided in subparagraph
2 (E) of this paragraph (3), records identified as
3 eligible under subsection (c)(2)(C) may be sealed 2
4 years after the termination of petitioner's last
5 sentence (as defined in subsection (a)(1)(F)).

6 (C) Except as otherwise provided in subparagraph
7 (E) of this paragraph (3), records identified as
8 eligible under subsections (c)(2)(D), (c)(2)(E), and
9 (c)(2)(F) may be sealed 3 years after the termination
10 of the petitioner's last sentence (as defined in
11 subsection (a)(1)(F)). Convictions requiring public
12 registration under the Arsonist Registration Act, the
13 Sex Offender Registration Act, or the Murderer and
14 Violent Offender Against Youth Registration Act may
15 not be sealed until the petitioner is no longer
16 required to register under that relevant Act.

17 (D) Records identified in subsection
18 (a)(3)(A)(iii) may be sealed after the petitioner has
19 reached the age of 25 years.

20 (E) Records identified as eligible under
21 subsections (c)(2)(C), (c)(2)(D), (c)(2)(E), or
22 (c)(2)(F) may be sealed upon termination of the
23 petitioner's last sentence if the petitioner earned a
24 high school diploma, associate's degree, career
25 certificate, vocational technical certification, or
26 bachelor's degree, or passed the high school level Test

1 of General Educational Development, during the period
2 of his or her sentence or mandatory supervised release.
3 This subparagraph shall apply only to a petitioner who
4 has not completed the same educational goal prior to
5 the period of his or her sentence or mandatory
6 supervised release. If a petition for sealing eligible
7 records filed under this subparagraph is denied by the
8 court, the time periods under subparagraph (B) or (C)
9 shall apply to any subsequent petition for sealing
10 filed by the petitioner.

11 (4) Subsequent felony convictions. A person may not
12 have subsequent felony conviction records sealed as
13 provided in this subsection (c) if he or she is convicted
14 of any felony offense after the date of the sealing of
15 prior felony convictions as provided in this subsection
16 (c). The court may, upon conviction for a subsequent felony
17 offense, order the unsealing of prior felony conviction
18 records previously ordered sealed by the court.

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

24 (d) Procedure. The following procedures apply to
25 expungement under subsections (b), (e), and (e-6) and sealing
26 under subsections (c) and (e-5):

1 (1) Filing the petition. Upon becoming eligible to
2 petition for the expungement or sealing of records under
3 this Section, the petitioner shall file a petition
4 requesting the expungement or sealing of records with the
5 clerk of the court where the arrests occurred or the
6 charges were brought, or both. If arrests occurred or
7 charges were brought in multiple jurisdictions, a petition
8 must be filed in each such jurisdiction. The petitioner
9 shall pay the applicable fee, except no fee shall be
10 required if the petitioner has obtained a court order
11 waiving fees under Supreme Court Rule 298 or it is
12 otherwise waived.

13 (1.5) County fee waiver pilot program. From August 9,
14 2019 (the effective date of Public Act 101-306) through
15 December 31, 2020, in a county of 3,000,000 or more
16 inhabitants, no fee shall be required to be paid by a
17 petitioner if the records sought to be expunged or sealed
18 were arrests resulting in release without charging or
19 arrests or charges not initiated by arrest resulting in
20 acquittal, dismissal, or conviction when the conviction
21 was reversed or vacated, unless excluded by subsection
22 (a) (3) (B). The provisions of this paragraph (1.5), other
23 than this sentence, are inoperative on and after January 1,
24 2021.

25 (2) Contents of petition. The petition shall be
26 verified and shall contain the petitioner's name, date of

1 birth, current address and, for each arrest or charge not
2 initiated by arrest sought to be sealed or expunged, the
3 case number, the date of arrest (if any), the identity of
4 the arresting authority, and such other information as the
5 court may require. During the pendency of the proceeding,
6 the petitioner shall promptly notify the circuit court
7 clerk of any change of his or her address. If the
8 petitioner has received a certificate of eligibility for
9 sealing from the Prisoner Review Board under paragraph (10)
10 of subsection (a) of Section 3-3-2 of the Unified Code of
11 Corrections, the certificate shall be attached to the
12 petition.

13 (3) Drug test. The petitioner must attach to the
14 petition proof that the petitioner has passed a test taken
15 within 30 days before the filing of the petition showing
16 the absence within his or her body of all illegal
17 substances as defined by the Illinois Controlled
18 Substances Act, the Methamphetamine Control and Community
19 Protection Act, and the Cannabis Control Act if he or she
20 is petitioning to:

21 (A) seal felony records under clause (c) (2) (E);

22 (B) seal felony records for a violation of the
23 Illinois Controlled Substances Act, the
24 Methamphetamine Control and Community Protection Act,
25 or the Cannabis Control Act under clause (c) (2) (F);

26 (C) seal felony records under subsection (e-5); or

1 (D) expunge felony records of a qualified
2 probation under clause (b) (1) (iv).

3 (4) Service of petition. The circuit court clerk shall
4 promptly serve a copy of the petition and documentation to
5 support the petition under subsection (e-5) or (e-6) on the
6 State's Attorney or prosecutor charged with the duty of
7 prosecuting the offense, the Illinois ~~Department of State~~
8 Police, the arresting agency and the chief legal officer of
9 the unit of local government effecting the arrest.

10 (5) Objections.

11 (A) Any party entitled to notice of the petition
12 may file an objection to the petition. All objections
13 shall be in writing, shall be filed with the circuit
14 court clerk, and shall state with specificity the basis
15 of the objection. Whenever a person who has been
16 convicted of an offense is granted a pardon by the
17 Governor which specifically authorizes expungement, an
18 objection to the petition may not be filed.

19 (B) Objections to a petition to expunge or seal
20 must be filed within 60 days of the date of service of
21 the petition.

22 (6) Entry of order.

23 (A) The Chief Judge of the circuit wherein the
24 charge was brought, any judge of that circuit
25 designated by the Chief Judge, or in counties of less
26 than 3,000,000 inhabitants, the presiding trial judge

1 at the petitioner's trial, if any, shall rule on the
2 petition to expunge or seal as set forth in this
3 subsection (d) (6).

4 (B) Unless the State's Attorney or prosecutor, the
5 Illinois ~~Department of~~ State Police, the arresting
6 agency, or the chief legal officer files an objection
7 to the petition to expunge or seal within 60 days from
8 the date of service of the petition, the court shall
9 enter an order granting or denying the petition.

10 (C) Notwithstanding any other provision of law,
11 the court shall not deny a petition for sealing under
12 this Section because the petitioner has not satisfied
13 an outstanding legal financial obligation established,
14 imposed, or originated by a court, law enforcement
15 agency, or a municipal, State, county, or other unit of
16 local government, including, but not limited to, any
17 cost, assessment, fine, or fee. An outstanding legal
18 financial obligation does not include any court
19 ordered restitution to a victim under Section 5-5-6 of
20 the Unified Code of Corrections, unless the
21 restitution has been converted to a civil judgment.
22 Nothing in this subparagraph (C) waives, rescinds, or
23 abrogates a legal financial obligation or otherwise
24 eliminates or affects the right of the holder of any
25 financial obligation to pursue collection under
26 applicable federal, State, or local law.

1 (7) Hearings. If an objection is filed, the court shall
2 set a date for a hearing and notify the petitioner and all
3 parties entitled to notice of the petition of the hearing
4 date at least 30 days prior to the hearing. Prior to the
5 hearing, the State's Attorney shall consult with the
6 Illinois State Police Department as to the appropriateness
7 of the relief sought in the petition to expunge or seal. At
8 the hearing, the court shall hear evidence on whether the
9 petition should or should not be granted, and shall grant
10 or deny the petition to expunge or seal the records based
11 on the evidence presented at the hearing. The court may
12 consider the following:

13 (A) the strength of the evidence supporting the
14 defendant's conviction;

15 (B) the reasons for retention of the conviction
16 records by the State;

17 (C) the petitioner's age, criminal record history,
18 and employment history;

19 (D) the period of time between the petitioner's
20 arrest on the charge resulting in the conviction and
21 the filing of the petition under this Section; and

22 (E) the specific adverse consequences the
23 petitioner may be subject to if the petition is denied.

24 (8) Service of order. After entering an order to
25 expunge or seal records, the court must provide copies of
26 the order to the Illinois State Police Department, in a

1 form and manner prescribed by the Illinois State Police
2 ~~Department~~, to the petitioner, to the State's Attorney or
3 prosecutor charged with the duty of prosecuting the
4 offense, to the arresting agency, to the chief legal
5 officer of the unit of local government effecting the
6 arrest, and to such other criminal justice agencies as may
7 be ordered by the court.

8 (9) Implementation of order.

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

11 (i) the records shall be expunged (as defined
12 in subsection (a) (1) (E)) by the arresting agency,
13 the Illinois State Police ~~Department~~, and any
14 other agency as ordered by the court, within 60
15 days of the date of service of the order, unless a
16 motion to vacate, modify, or reconsider the order
17 is filed pursuant to paragraph (12) of subsection
18 (d) of this Section;

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

1 and

2 (iii) in response to an inquiry for expunged
3 records, the court, the Illinois State Police
4 ~~Department~~, or the agency receiving such inquiry,
5 shall reply as it does in response to inquiries
6 when no records ever existed.

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

9 (i) the records shall be expunged (as defined
10 in subsection (a) (1) (E)) by the arresting agency
11 and any other agency as ordered by the court,
12 within 60 days of the date of service of the order,
13 unless a motion to vacate, modify, or reconsider
14 the order is filed pursuant to paragraph (12) of
15 subsection (d) of this Section;

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

24 (iii) the records shall be impounded by the
25 Illinois State Police ~~Department~~ within 60 days of
26 the date of service of the order as ordered by the

1 court, unless a motion to vacate, modify, or
2 reconsider the order is filed pursuant to
3 paragraph (12) of subsection (d) of this Section;

4 (iv) records impounded by the Illinois State
5 Police Department may be disseminated by the
6 Illinois State Police Department only as required
7 by law or to the arresting authority, the State's
8 Attorney, and the court upon a later arrest for the
9 same or a similar offense or for the purpose of
10 sentencing for any subsequent felony, and to the
11 Department of Corrections upon conviction for any
12 offense; and

13 (v) in response to an inquiry for such records
14 from anyone not authorized by law to access such
15 records, the court, the Illinois State Police
16 Department, or the agency receiving such inquiry
17 shall reply as it does in response to inquiries
18 when no records ever existed.

19 (B-5) Upon entry of an order to expunge records
20 under subsection (e-6):

21 (i) the records shall be expunged (as defined
22 in subsection (a)(1)(E)) by the arresting agency
23 and any other agency as ordered by the court,
24 within 60 days of the date of service of the order,
25 unless a motion to vacate, modify, or reconsider
26 the order is filed under paragraph (12) of

1 subsection (d) of this Section;

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

10 (iii) the records shall be impounded by the
11 Illinois State Police ~~Department~~ within 60 days of
12 the date of service of the order as ordered by the
13 court, unless a motion to vacate, modify, or
14 reconsider the order is filed under paragraph (12)
15 of subsection (d) of this Section;

16 (iv) records impounded by the Illinois State
17 Police ~~Department~~ may be disseminated by the
18 Illinois State Police ~~Department~~ only as required
19 by law or to the arresting authority, the State's
20 Attorney, and the court upon a later arrest for the
21 same or a similar offense or for the purpose of
22 sentencing for any subsequent felony, and to the
23 Department of Corrections upon conviction for any
24 offense; and

25 (v) in response to an inquiry for these records
26 from anyone not authorized by law to access the

1 records, the court, the Illinois State Police
2 ~~Department~~, or the agency receiving the inquiry
3 shall reply as it does in response to inquiries
4 when no records ever existed.

5 (C) Upon entry of an order to seal records under
6 subsection (c), the arresting agency, any other agency
7 as ordered by the court, the Illinois State Police
8 ~~Department~~, and the court shall seal the records (as
9 defined in subsection (a)(1)(K)). In response to an
10 inquiry for such records, from anyone not authorized by
11 law to access such records, the court, the Illinois
12 State Police ~~Department~~, or the agency receiving such
13 inquiry shall reply as it does in response to inquiries
14 when no records ever existed.

15 (D) The Illinois State Police ~~Department~~ shall
16 send written notice to the petitioner of its compliance
17 with each order to expunge or seal records within 60
18 days of the date of service of that order or, if a
19 motion to vacate, modify, or reconsider is filed,
20 within 60 days of service of the order resolving the
21 motion, if that order requires the Illinois State
22 Police ~~Department~~ to expunge or seal records. In the
23 event of an appeal from the circuit court order, the
24 Illinois State Police ~~Department~~ shall send written
25 notice to the petitioner of its compliance with an
26 Appellate Court or Supreme Court judgment to expunge or

1 seal records within 60 days of the issuance of the
2 court's mandate. The notice is not required while any
3 motion to vacate, modify, or reconsider, or any appeal
4 or petition for discretionary appellate review, is
5 pending.

6 (E) Upon motion, the court may order that a sealed
7 judgment or other court record necessary to
8 demonstrate the amount of any legal financial
9 obligation due and owing be made available for the
10 limited purpose of collecting any legal financial
11 obligations owed by the petitioner that were
12 established, imposed, or originated in the criminal
13 proceeding for which those records have been sealed.
14 The records made available under this subparagraph (E)
15 shall not be entered into the official index required
16 to be kept by the circuit court clerk under Section 16
17 of the Clerks of Courts Act and shall be immediately
18 re-impounded upon the collection of the outstanding
19 financial obligations.

20 (F) Notwithstanding any other provision of this
21 Section, a circuit court clerk may access a sealed
22 record for the limited purpose of collecting payment
23 for any legal financial obligations that were
24 established, imposed, or originated in the criminal
25 proceedings for which those records have been sealed.

26 (10) Fees. The Illinois State Police ~~Department~~ may

1 charge the petitioner a fee equivalent to the cost of
2 processing any order to expunge or seal records.
3 Notwithstanding any provision of the Clerks of Courts Act
4 to the contrary, the circuit court clerk may charge a fee
5 equivalent to the cost associated with the sealing or
6 expungement of records by the circuit court clerk. From the
7 total filing fee collected for the petition to seal or
8 expunge, the circuit court clerk shall deposit \$10 into the
9 Circuit Court Clerk Operation and Administrative Fund, to
10 be used to offset the costs incurred by the circuit court
11 clerk in performing the additional duties required to serve
12 the petition to seal or expunge on all parties. The circuit
13 court clerk shall collect and forward the Illinois
14 ~~Department of~~ State Police portion of the fee to the
15 Illinois State Police Department and it shall be deposited
16 in the State Police Services Fund. If the record brought
17 under an expungement petition was previously sealed under
18 this Section, the fee for the expungement petition for that
19 same record shall be waived.

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

25 (12) Motion to Vacate, Modify, or Reconsider. Under
26 Section 2-1203 of the Code of Civil Procedure, the

1 petitioner or any party entitled to notice may file a
2 motion to vacate, modify, or reconsider the order granting
3 or denying the petition to expunge or seal within 60 days
4 of service of the order. If filed more than 60 days after
5 service of the order, a petition to vacate, modify, or
6 reconsider shall comply with subsection (c) of Section
7 2-1401 of the Code of Civil Procedure. Upon filing of a
8 motion to vacate, modify, or reconsider, notice of the
9 motion shall be served upon the petitioner and all parties
10 entitled to notice of the petition.

11 (13) Effect of Order. An order granting a petition
12 under the expungement or sealing provisions of this Section
13 shall not be considered void because it fails to comply
14 with the provisions of this Section or because of any error
15 asserted in a motion to vacate, modify, or reconsider. The
16 circuit court retains jurisdiction to determine whether
17 the order is voidable and to vacate, modify, or reconsider
18 its terms based on a motion filed under paragraph (12) of
19 this subsection (d).

20 (14) Compliance with Order Granting Petition to Seal
21 Records. Unless a court has entered a stay of an order
22 granting a petition to seal, all parties entitled to notice
23 of the petition must fully comply with the terms of the
24 order within 60 days of service of the order even if a
25 party is seeking relief from the order through a motion
26 filed under paragraph (12) of this subsection (d) or is

1 appealing the order.

2 (15) Compliance with Order Granting Petition to
3 Expunge Records. While a party is seeking relief from the
4 order granting the petition to expunge through a motion
5 filed under paragraph (12) of this subsection (d) or is
6 appealing the order, and unless a court has entered a stay
7 of that order, the parties entitled to notice of the
8 petition must seal, but need not expunge, the records until
9 there is a final order on the motion for relief or, in the
10 case of an appeal, the issuance of that court's mandate.

11 (16) The changes to this subsection (d) made by Public
12 Act 98-163 apply to all petitions pending on August 5, 2013
13 (the effective date of Public Act 98-163) and to all orders
14 ruling on a petition to expunge or seal on or after August
15 5, 2013 (the effective date of Public Act 98-163).

16 (e) Whenever a person who has been convicted of an offense
17 is granted a pardon by the Governor which specifically
18 authorizes expungement, he or she may, upon verified petition
19 to the Chief Judge of the circuit where the person had been
20 convicted, any judge of the circuit designated by the Chief
21 Judge, or in counties of less than 3,000,000 inhabitants, the
22 presiding trial judge at the defendant's trial, have a court
23 order entered expunging the record of arrest from the official
24 records of the arresting authority and order that the records
25 of the circuit court clerk and the Illinois State Police
26 ~~Department~~ be sealed until further order of the court upon good

1 cause shown or as otherwise provided herein, and the name of
2 the defendant obliterated from the official index requested to
3 be kept by the circuit court clerk under Section 16 of the
4 Clerks of Courts Act in connection with the arrest and
5 conviction for the offense for which he or she had been
6 pardoned but the order shall not affect any index issued by the
7 circuit court clerk before the entry of the order. All records
8 sealed by the Illinois State Police ~~Department~~ may be
9 disseminated by the Illinois State Police ~~Department~~ only to
10 the arresting authority, the State's Attorney, and the court
11 upon a later arrest for the same or similar offense or for the
12 purpose of sentencing for any subsequent felony. Upon
13 conviction for any subsequent offense, the Department of
14 Corrections shall have access to all sealed records of the
15 Illinois State Police ~~Department~~ pertaining to that
16 individual. Upon entry of the order of expungement, the circuit
17 court clerk shall promptly mail a copy of the order to the
18 person who was pardoned.

19 (e-5) Whenever a person who has been convicted of an
20 offense is granted a certificate of eligibility for sealing by
21 the Prisoner Review Board which specifically authorizes
22 sealing, he or she may, upon verified petition to the Chief
23 Judge of the circuit where the person had been convicted, any
24 judge of the circuit designated by the Chief Judge, or in
25 counties of less than 3,000,000 inhabitants, the presiding
26 trial judge at the petitioner's trial, have a court order

1 entered sealing the record of arrest from the official records
2 of the arresting authority and order that the records of the
3 circuit court clerk and the Illinois State Police ~~Department~~ be
4 sealed until further order of the court upon good cause shown
5 or as otherwise provided herein, and the name of the petitioner
6 obliterated from the official index requested to be kept by the
7 circuit court clerk under Section 16 of the Clerks of Courts
8 Act in connection with the arrest and conviction for the
9 offense for which he or she had been granted the certificate
10 but the order shall not affect any index issued by the circuit
11 court clerk before the entry of the order. All records sealed
12 by the Illinois State Police ~~Department~~ may be disseminated by
13 the Illinois State Police ~~Department~~ only as required by this
14 Act or to the arresting authority, a law enforcement agency,
15 the State's Attorney, and the court upon a later arrest for the
16 same or similar offense or for the purpose of sentencing for
17 any subsequent felony. Upon conviction for any subsequent
18 offense, the Department of Corrections shall have access to all
19 sealed records of the Illinois State Police ~~Department~~
20 pertaining to that individual. Upon entry of the order of
21 sealing, the circuit court clerk shall promptly mail a copy of
22 the order to the person who was granted the certificate of
23 eligibility for sealing.

24 (e-6) Whenever a person who has been convicted of an
25 offense is granted a certificate of eligibility for expungement
26 by the Prisoner Review Board which specifically authorizes

1 expungement, he or she may, upon verified petition to the Chief
2 Judge of the circuit where the person had been convicted, any
3 judge of the circuit designated by the Chief Judge, or in
4 counties of less than 3,000,000 inhabitants, the presiding
5 trial judge at the petitioner's trial, have a court order
6 entered expunging the record of arrest from the official
7 records of the arresting authority and order that the records
8 of the circuit court clerk and the Illinois State Police
9 ~~Department~~ be sealed until further order of the court upon good
10 cause shown or as otherwise provided herein, and the name of
11 the petitioner obliterated from the official index requested to
12 be kept by the circuit court clerk under Section 16 of the
13 Clerks of Courts Act in connection with the arrest and
14 conviction for the offense for which he or she had been granted
15 the certificate but the order shall not affect any index issued
16 by the circuit court clerk before the entry of the order. All
17 records sealed by the Illinois State Police ~~Department~~ may be
18 disseminated by the Illinois State Police ~~Department~~ only as
19 required by this Act or to the arresting authority, a law
20 enforcement agency, the State's Attorney, and the court upon a
21 later arrest for the same or similar offense or for the purpose
22 of sentencing for any subsequent felony. Upon conviction for
23 any subsequent offense, the Department of Corrections shall
24 have access to all expunged records of the Illinois State
25 Police ~~Department~~ pertaining to that individual. Upon entry of
26 the order of expungement, the circuit court clerk shall

1 promptly mail a copy of the order to the person who was granted
2 the certificate of eligibility for expungement.

3 (f) Subject to available funding, the Illinois Department
4 of Corrections shall conduct a study of the impact of sealing,
5 especially on employment and recidivism rates, utilizing a
6 random sample of those who apply for the sealing of their
7 criminal records under Public Act 93-211. At the request of the
8 Illinois Department of Corrections, records of the Illinois
9 Department of Employment Security shall be utilized as
10 appropriate to assist in the study. The study shall not
11 disclose any data in a manner that would allow the
12 identification of any particular individual or employing unit.
13 The study shall be made available to the General Assembly no
14 later than September 1, 2010.

15 (g) Immediate Sealing.

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

21 (2) Eligible Records. Arrests or charges not initiated
22 by arrest resulting in acquittal or dismissal with
23 prejudice, except as excluded by subsection (a)(3)(B),
24 that occur on or after January 1, 2018 (the effective date
25 of Public Act 100-282), may be sealed immediately if the
26 petition is filed with the circuit court clerk on the same

1 day and during the same hearing in which the case is
2 disposed.

3 (3) When Records are Eligible to be Immediately Sealed.
4 Eligible records under paragraph (2) of this subsection (g)
5 may be sealed immediately after entry of the final
6 disposition of a case, notwithstanding the disposition of
7 other charges in the same case.

8 (4) Notice of Eligibility for Immediate Sealing. Upon
9 entry of a disposition for an eligible record under this
10 subsection (g), the defendant shall be informed by the
11 court of his or her right to have eligible records
12 immediately sealed and the procedure for the immediate
13 sealing of these records.

14 (5) Procedure. The following procedures apply to
15 immediate sealing under this subsection (g).

16 (A) Filing the Petition. Upon entry of the final
17 disposition of the case, the defendant's attorney may
18 immediately petition the court, on behalf of the
19 defendant, for immediate sealing of eligible records
20 under paragraph (2) of this subsection (g) that are
21 entered on or after January 1, 2018 (the effective date
22 of Public Act 100-282). The immediate sealing petition
23 may be filed with the circuit court clerk during the
24 hearing in which the final disposition of the case is
25 entered. If the defendant's attorney does not file the
26 petition for immediate sealing during the hearing, the

1 defendant may file a petition for sealing at any time
2 as authorized under subsection (c) (3) (A).

3 (B) Contents of Petition. The immediate sealing
4 petition shall be verified and shall contain the
5 petitioner's name, date of birth, current address, and
6 for each eligible record, the case number, the date of
7 arrest if applicable, the identity of the arresting
8 authority if applicable, and other information as the
9 court may require.

10 (C) Drug Test. The petitioner shall not be required
11 to attach proof that he or she has passed a drug test.

12 (D) Service of Petition. A copy of the petition
13 shall be served on the State's Attorney in open court.
14 The petitioner shall not be required to serve a copy of
15 the petition on any other agency.

16 (E) Entry of Order. The presiding trial judge shall
17 enter an order granting or denying the petition for
18 immediate sealing during the hearing in which it is
19 filed. Petitions for immediate sealing shall be ruled
20 on in the same hearing in which the final disposition
21 of the case is entered.

22 (F) Hearings. The court shall hear the petition for
23 immediate sealing on the same day and during the same
24 hearing in which the disposition is rendered.

25 (G) Service of Order. An order to immediately seal
26 eligible records shall be served in conformance with

1 subsection (d) (8).

2 (H) Implementation of Order. An order to
3 immediately seal records shall be implemented in
4 conformance with subsections (d) (9) (C) and (d) (9) (D).

5 (I) Fees. The fee imposed by the circuit court
6 clerk and the Illinois ~~Department of~~ State Police shall
7 comply with paragraph (1) of subsection (d) of this
8 Section.

9 (J) Final Order. No court order issued under this
10 subsection (g) shall become final for purposes of
11 appeal until 30 days after service of the order on the
12 petitioner and all parties entitled to service of the
13 order in conformance with subsection (d) (8).

14 (K) Motion to Vacate, Modify, or Reconsider. Under
15 Section 2-1203 of the Code of Civil Procedure, the
16 petitioner, State's Attorney, or the Illinois
17 ~~Department of~~ State Police may file a motion to vacate,
18 modify, or reconsider the order denying the petition to
19 immediately seal within 60 days of service of the
20 order. If filed more than 60 days after service of the
21 order, a petition to vacate, modify, or reconsider
22 shall comply with subsection (c) of Section 2-1401 of
23 the Code of Civil Procedure.

24 (L) Effect of Order. An order granting an immediate
25 sealing petition shall not be considered void because
26 it fails to comply with the provisions of this Section

1 or because of an error asserted in a motion to vacate,
2 modify, or reconsider. The circuit court retains
3 jurisdiction to determine whether the order is
4 voidable, and to vacate, modify, or reconsider its
5 terms based on a motion filed under subparagraph (L) of
6 this subsection (g).

7 (M) Compliance with Order Granting Petition to
8 Seal Records. Unless a court has entered a stay of an
9 order granting a petition to immediately seal, all
10 parties entitled to service of the order must fully
11 comply with the terms of the order within 60 days of
12 service of the order.

13 (h) Sealing; trafficking victims.

14 (1) A trafficking victim as defined by paragraph (10)
15 of subsection (a) of Section 10-9 of the Criminal Code of
16 2012 shall be eligible to petition for immediate sealing of
17 his or her criminal record upon the completion of his or
18 her last sentence if his or her participation in the
19 underlying offense was a direct result of human trafficking
20 under Section 10-9 of the Criminal Code of 2012 or a severe
21 form of trafficking under the federal Trafficking Victims
22 Protection Act.

23 (2) A petitioner under this subsection (h), in addition
24 to the requirements provided under paragraph (4) of
25 subsection (d) of this Section, shall include in his or her
26 petition a clear and concise statement that: (A) he or she

1 was a victim of human trafficking at the time of the
2 offense; and (B) that his or her participation in the
3 offense was a direct result of human trafficking under
4 Section 10-9 of the Criminal Code of 2012 or a severe form
5 of trafficking under the federal Trafficking Victims
6 Protection Act.

7 (3) If an objection is filed alleging that the
8 petitioner is not entitled to immediate sealing under this
9 subsection (h), the court shall conduct a hearing under
10 paragraph (7) of subsection (d) of this Section and the
11 court shall determine whether the petitioner is entitled to
12 immediate sealing under this subsection (h). A petitioner
13 is eligible for immediate relief under this subsection (h)
14 if he or she shows, by a preponderance of the evidence,
15 that: (A) he or she was a victim of human trafficking at
16 the time of the offense; and (B) that his or her
17 participation in the offense was a direct result of human
18 trafficking under Section 10-9 of the Criminal Code of 2012
19 or a severe form of trafficking under the federal
20 Trafficking Victims Protection Act.

21 (i) Minor Cannabis Offenses under the Cannabis Control Act.

22 (1) Expungement of Arrest Records of Minor Cannabis
23 Offenses.

24 (A) The Illinois ~~Department of~~ State Police and all
25 law enforcement agencies within the State shall
26 automatically expunge all criminal history records of

1 an arrest, charge not initiated by arrest, order of
2 supervision, or order of qualified probation for a
3 Minor Cannabis Offense committed prior to June 25, 2019
4 (the effective date of Public Act 101-27) if:

5 (i) One year or more has elapsed since the date
6 of the arrest or law enforcement interaction
7 documented in the records; and

8 (ii) No criminal charges were filed relating
9 to the arrest or law enforcement interaction or
10 criminal charges were filed and subsequently
11 dismissed or vacated or the arrestee was
12 acquitted.

13 (B) If the law enforcement agency is unable to
14 verify satisfaction of condition (ii) in paragraph
15 (A), records that satisfy condition (i) in paragraph
16 (A) shall be automatically expunged.

17 (C) Records shall be expunged by the law
18 enforcement agency under the following timelines:

19 (i) Records created prior to June 25, 2019 (the
20 effective date of Public Act 101-27), but on or
21 after January 1, 2013, shall be automatically
22 expunged prior to January 1, 2021;

23 (ii) Records created prior to January 1, 2013,
24 but on or after January 1, 2000, shall be
25 automatically expunged prior to January 1, 2023;

26 (iii) Records created prior to January 1, 2000

1 shall be automatically expunged prior to January
2 1, 2025.

3 In response to an inquiry for expunged records, the
4 law enforcement agency receiving such inquiry shall
5 reply as it does in response to inquiries when no
6 records ever existed; however, it shall provide a
7 certificate of disposition or confirmation that the
8 record was expunged to the individual whose record was
9 expunged if such a record exists.

10 (D) Nothing in this Section shall be construed to
11 restrict or modify an individual's right to have that
12 individual's records expunged except as otherwise may
13 be provided in this Act, or diminish or abrogate any
14 rights or remedies otherwise available to the
15 individual.

16 (2) Pardons Authorizing Expungement of Minor Cannabis
17 Offenses.

18 (A) Upon June 25, 2019 (the effective date of
19 Public Act 101-27), the Illinois ~~Department of~~ State
20 Police shall review all criminal history record
21 information and identify all records that meet all of
22 the following criteria:

23 (i) one or more convictions for a Minor
24 Cannabis Offense;

25 (ii) the conviction identified in paragraph
26 (2)(A)(i) did not include a penalty enhancement

1 under Section 7 of the Cannabis Control Act; and

2 (iii) the conviction identified in paragraph
3 (2) (A) (i) is not associated with a conviction for a
4 violent crime as defined in subsection (c) of
5 Section 3 of the Rights of Crime Victims and
6 Witnesses Act.

7 (B) Within 180 days after June 25, 2019 (the
8 effective date of Public Act 101-27), the Illinois
9 ~~Department of~~ State Police shall notify the Prisoner
10 Review Board of all such records that meet the criteria
11 established in paragraph (2) (A).

12 (i) The Prisoner Review Board shall notify the
13 State's Attorney of the county of conviction of
14 each record identified by the Illinois State
15 Police in paragraph (2) (A) that is classified as a
16 Class 4 felony. The State's Attorney may provide a
17 written objection to the Prisoner Review Board on
18 the sole basis that the record identified does not
19 meet the criteria established in paragraph (2) (A).
20 Such an objection must be filed within 60 days or
21 by such later date set by Prisoner Review Board in
22 the notice after the State's Attorney received
23 notice from the Prisoner Review Board.

24 (ii) In response to a written objection from a
25 State's Attorney, the Prisoner Review Board is
26 authorized to conduct a non-public hearing to

1 evaluate the information provided in the
2 objection.

3 (iii) The Prisoner Review Board shall make a
4 confidential and privileged recommendation to the
5 Governor as to whether to grant a pardon
6 authorizing expungement for each of the records
7 identified by the Illinois ~~Department of~~ State
8 Police as described in paragraph (2) (A).

9 (C) If an individual has been granted a pardon
10 authorizing expungement as described in this Section,
11 the Prisoner Review Board, through the Attorney
12 General, shall file a petition for expungement with the
13 Chief Judge of the circuit or any judge of the circuit
14 designated by the Chief Judge where the individual had
15 been convicted. Such petition may include more than one
16 individual. Whenever an individual who has been
17 convicted of an offense is granted a pardon by the
18 Governor that specifically authorizes expungement, an
19 objection to the petition may not be filed. Petitions
20 to expunge under this subsection (i) may include more
21 than one individual. Within 90 days of the filing of
22 such a petition, the court shall enter an order
23 expunging the records of arrest from the official
24 records of the arresting authority and order that the
25 records of the circuit court clerk and the Illinois
26 ~~Department of~~ State Police be expunged and the name of

1 the defendant obliterated from the official index
2 requested to be kept by the circuit court clerk under
3 Section 16 of the Clerks of Courts Act in connection
4 with the arrest and conviction for the offense for
5 which the individual had received a pardon but the
6 order shall not affect any index issued by the circuit
7 court clerk before the entry of the order. Upon entry
8 of the order of expungement, the circuit court clerk
9 shall promptly provide a copy of the order and a
10 certificate of disposition to the individual who was
11 pardoned to the individual's last known address or by
12 electronic means (if available) or otherwise make it
13 available to the individual upon request.

14 (D) Nothing in this Section is intended to diminish
15 or abrogate any rights or remedies otherwise available
16 to the individual.

17 (3) Any individual may file a motion to vacate and
18 expunge a conviction for a misdemeanor or Class 4 felony
19 violation of Section 4 or Section 5 of the Cannabis Control
20 Act. Motions to vacate and expunge under this subsection
21 (i) may be filed with the circuit court, Chief Judge of a
22 judicial circuit or any judge of the circuit designated by
23 the Chief Judge. The circuit court clerk shall promptly
24 serve a copy of the motion to vacate and expunge, and any
25 supporting documentation, on the State's Attorney or
26 prosecutor charged with the duty of prosecuting the

1 offense. When considering such a motion to vacate and
2 expunge, a court shall consider the following: the reasons
3 to retain the records provided by law enforcement, the
4 petitioner's age, the petitioner's age at the time of
5 offense, the time since the conviction, and the specific
6 adverse consequences if denied. An individual may file such
7 a petition after the completion of any non-financial
8 sentence or non-financial condition imposed by the
9 conviction. Within 60 days of the filing of such motion, a
10 State's Attorney may file an objection to such a petition
11 along with supporting evidence. If a motion to vacate and
12 expunge is granted, the records shall be expunged in
13 accordance with subparagraphs (d)(8) and (d)(9)(A) of this
14 Section. An agency providing civil legal aid, as defined by
15 Section 15 of the Public Interest Attorney Assistance Act,
16 assisting individuals seeking to file a motion to vacate
17 and expunge under this subsection may file motions to
18 vacate and expunge with the Chief Judge of a judicial
19 circuit or any judge of the circuit designated by the Chief
20 Judge, and the motion may include more than one individual.
21 Motions filed by an agency providing civil legal aid
22 concerning more than one individual may be prepared,
23 presented, and signed electronically.

24 (4) Any State's Attorney may file a motion to vacate
25 and expunge a conviction for a misdemeanor or Class 4
26 felony violation of Section 4 or Section 5 of the Cannabis

1 Control Act. Motions to vacate and expunge under this
2 subsection (i) may be filed with the circuit court, Chief
3 Judge of a judicial circuit or any judge of the circuit
4 designated by the Chief Judge, and may include more than
5 one individual. Motions filed by a State's Attorney
6 concerning more than one individual may be prepared,
7 presented, and signed electronically. When considering
8 such a motion to vacate and expunge, a court shall consider
9 the following: the reasons to retain the records provided
10 by law enforcement, the individual's age, the individual's
11 age at the time of offense, the time since the conviction,
12 and the specific adverse consequences if denied. Upon entry
13 of an order granting a motion to vacate and expunge records
14 pursuant to this Section, the State's Attorney shall notify
15 the Prisoner Review Board within 30 days. Upon entry of the
16 order of expungement, the circuit court clerk shall
17 promptly provide a copy of the order and a certificate of
18 disposition to the individual whose records will be
19 expunged to the individual's last known address or by
20 electronic means (if available) or otherwise make
21 available to the individual upon request. If a motion to
22 vacate and expunge is granted, the records shall be
23 expunged in accordance with subparagraphs (d)(8) and
24 (d)(9)(A) of this Section.

25 (5) In the public interest, the State's Attorney of a
26 county has standing to file motions to vacate and expunge

1 pursuant to this Section in the circuit court with
2 jurisdiction over the underlying conviction.

3 (6) If a person is arrested for a Minor Cannabis
4 Offense as defined in this Section before June 25, 2019
5 (the effective date of Public Act 101-27) and the person's
6 case is still pending but a sentence has not been imposed,
7 the person may petition the court in which the charges are
8 pending for an order to summarily dismiss those charges
9 against him or her, and expunge all official records of his
10 or her arrest, plea, trial, conviction, incarceration,
11 supervision, or expungement. If the court determines, upon
12 review, that: (A) the person was arrested before June 25,
13 2019 (the effective date of Public Act 101-27) for an
14 offense that has been made eligible for expungement; (B)
15 the case is pending at the time; and (C) the person has not
16 been sentenced of the minor cannabis violation eligible for
17 expungement under this subsection, the court shall
18 consider the following: the reasons to retain the records
19 provided by law enforcement, the petitioner's age, the
20 petitioner's age at the time of offense, the time since the
21 conviction, and the specific adverse consequences if
22 denied. If a motion to dismiss and expunge is granted, the
23 records shall be expunged in accordance with subparagraph
24 (d) (9) (A) of this Section.

25 (7) A person imprisoned solely as a result of one or
26 more convictions for Minor Cannabis Offenses under this

1 subsection (i) shall be released from incarceration upon
2 the issuance of an order under this subsection.

3 (8) The Illinois ~~Department of~~ State Police shall allow
4 a person to use the access and review process, established
5 in the Illinois State Police ~~Department of~~ State Police,
6 for verifying that his or her records relating to Minor
7 Cannabis Offenses of the Cannabis Control Act eligible
8 under this Section have been expunged.

9 (9) No conviction vacated pursuant to this Section
10 shall serve as the basis for damages for time unjustly
11 served as provided in the Court of Claims Act.

12 (10) Effect of Expungement. A person's right to expunge
13 an expungeable offense shall not be limited under this
14 Section. The effect of an order of expungement shall be to
15 restore the person to the status he or she occupied before
16 the arrest, charge, or conviction.

17 (11) Information. The Illinois ~~Department of~~ State
18 Police shall post general information on its website about
19 the expungement process described in this subsection (i).

20 (Source: P.A. 100-201, eff. 8-18-17; 100-282, eff. 1-1-18;
21 100-284, eff. 8-24-17; 100-287, eff. 8-24-17; 100-692, eff.
22 8-3-18; 100-759, eff. 1-1-19; 100-776, eff. 8-10-18; 100-863,
23 eff. 8-14-18; 101-27, eff. 6-25-19; 101-81, eff. 7-12-19;
24 101-159, eff. 1-1-20; 101-306, eff. 8-9-19; 101-593, eff.
25 12-4-19.)

1 (20 ILCS 2630/7) (from Ch. 38, par. 206-7)

2 Sec. 7. No file or record of the Illinois State Police
3 ~~Department~~ hereby created shall be made public, except as
4 provided in the "Illinois Uniform Conviction Information Act"
5 or other Illinois law or as may be necessary in the
6 identification of persons suspected or accused of crime and in
7 their trial for offenses committed after having been imprisoned
8 for a prior offense; and no information of any character
9 relating to its records shall be given or furnished by the
10 Illinois State Police ~~said Department~~ to any person, bureau or
11 institution other than as provided in this Act or other State
12 law, or when a governmental unit is required by state or
13 federal law to consider such information in the performance of
14 its duties. Violation of this Section shall constitute a Class
15 A misdemeanor.

16 However, if an individual requests the Illinois State
17 Police ~~Department~~ to release information as to the existence or
18 nonexistence of any criminal record he might have, the Illinois
19 State Police ~~Department~~ shall do so upon determining that the
20 person for whom the record is to be released is actually the
21 person making the request. The Illinois State Police ~~Department~~
22 shall establish reasonable fees and rules to allow an
23 individual to review and correct any criminal history record
24 information the Illinois State Police ~~Department~~ may hold
25 concerning that individual upon verification of the identity of
26 the individual. Such rulemaking is subject to the provisions of

1 the Illinois Administrative Procedure Act.

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

3 (20 ILCS 2630/7.5)

4 Sec. 7.5. Notification of outstanding warrant. If the
5 existence of an outstanding arrest warrant is identified by the
6 Illinois Department of State Police in connection with the
7 criminal history background checks conducted pursuant to
8 subsection (b) of Section 2-201.5 of the Nursing Home Care Act,
9 Section 2-201.5 of the ID/DD Community Care Act, Section
10 2-201.5 of the MC/DD Act, or subsection (d) of Section 6.09 of
11 the Hospital Licensing Act, the Illinois State Police
12 ~~Department~~ shall notify the jurisdiction issuing the warrant of
13 the following:

14 (1) Existence of the warrant.

15 (2) The name, address, and telephone number of the
16 licensed long term care facility in which the wanted person
17 resides.

18 Local issuing jurisdictions shall be aware that nursing
19 facilities have residents who may be fragile or vulnerable or
20 who may have a mental illness. When serving a warrant, law
21 enforcement shall make every attempt to mitigate the adverse
22 impact on other facility residents.

23 (Source: P.A. 99-180, eff. 7-29-15.)

24 (20 ILCS 2630/8) (from Ch. 38, par. 206-8)

1 Sec. 8. Crime statistics; sex offenders.

2 (a) The Illinois State Police ~~Department~~ shall be a central
3 repository and custodian of crime statistics for the State and
4 it shall have all power incident thereto to carry out the
5 purposes of this Act, including the power to demand and receive
6 cooperation in the submission of crime statistics from all
7 units of government. On an annual basis, the Illinois Criminal
8 Justice Information Authority shall make available
9 compilations published by the Authority of crime statistics
10 required to be reported by each policing body of the State, the
11 clerks of the circuit court of each county, the Illinois
12 Department of Corrections, the Sheriff of each county, and the
13 State's Attorney of each county, including, but not limited to,
14 criminal arrest, charge and disposition information.

15 (b) The Illinois State Police ~~Department~~ shall develop
16 information relating to the number of sex offenders and sexual
17 predators as defined in Section 2 of the Sex Offender
18 Registration Act who are placed on parole, mandatory supervised
19 release, or extended mandatory supervised release and who are
20 subject to electronic monitoring.

21 (Source: P.A. 94-988, eff. 1-1-07.)

22 (20 ILCS 2630/9) (from Ch. 38, par. 206-9)

23 Sec. 9. (a) Every county medical examiner and coroner
24 shall, in every death investigation where the identity of a
25 dead body cannot be determined by visual means, fingerprints,

1 or other identifying data, have a qualified dentist, as
2 determined by the county medical examiner or coroner, conduct a
3 dental examination of the dead body. If the county medical
4 examiner or coroner, with the aid of the dental examination and
5 other identifiers, is still unable to establish the identity of
6 the dead body, the medical examiner or coroner shall forthwith
7 submit the dental records to the Illinois State Police
8 ~~Department~~.

9 (b) If a person reported missing has not been found within
10 30 days, the law enforcement agency to whom the person was
11 reported missing shall, within the next 5 days, make all
12 necessary efforts to locate and request from the family or next
13 of kin of the missing person written consent to contact and
14 receive from the dentist of the missing person that person's
15 dental records and shall forthwith make every reasonable effort
16 to acquire such records. Within 5 days of the receipt of the
17 missing person's dental records, the law enforcement agency
18 shall submit such records to the Illinois State Police
19 ~~Department~~.

20 (c) The Illinois State Police ~~Department~~ shall be the State
21 central repository for all dental records submitted pursuant to
22 this Section. The Illinois State Police ~~Department~~ may
23 promulgate rules for the form and manner of submission of
24 dental records, reporting of the location or identification of
25 persons for whom dental records have been submitted and other
26 procedures for program operations.

1 (d) When a person who has been reported missing is located
2 and that person's dental records have been submitted to the
3 Illinois State Police Department, the law enforcement agency
4 which submitted that person's dental records to the Illinois
5 State Police Department shall report that fact to the Illinois
6 State Police Department and the Illinois State Police
7 Department shall expunge the dental records of that person from
8 the Illinois State Police's Department's file. The Illinois
9 State Police Department shall also expunge from its files the
10 dental records of those dead and missing persons who are
11 positively identified as a result of comparisons made with its
12 files, the files maintained by other states, territories,
13 insular possessions of the United States, or the United States.
14 (Source: P.A. 84-255.)

15 (20 ILCS 2630/9.5)

16 Sec. 9.5. Material for DNA fingerprint analysis. Every
17 county medical examiner and coroner shall provide to the
18 Illinois State Police Department a sample of dried blood and
19 buccal specimens (tissue may be submitted if no uncontaminated
20 blood or buccal specimens can be obtained) from a dead body for
21 DNA fingerprint analysis if the Illinois State Police
22 Department notifies the medical examiner or coroner that the
23 Illinois State Police Department has determined that providing
24 that sample may be useful for law enforcement purposes in a
25 criminal investigation. In addition, if a local law enforcement

1 agency notifies a county medical examiner or coroner that such
2 a sample would be useful in a criminal examination, the county
3 medical examiner or coroner shall provide a sample to the local
4 law enforcement agency for submission to the Illinois State
5 Police Department.

6 (Source: P.A. 95-500, eff. 1-1-08.)

7 (20 ILCS 2630/10) (from Ch. 38, par. 206-10)

8 Sec. 10. Judicial Remedies. The Attorney General or a
9 State's Attorney may bring suit in the circuit courts to
10 prevent and restrain violations of the Illinois Uniform
11 Conviction Information Act, enacted by the 85th General
12 Assembly and to enforce the reporting provisions of Section 2.1
13 of this Act. The Illinois Department of State Police may
14 request the Attorney General to bring any such action
15 authorized by this subsection.

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

17 (20 ILCS 2630/13)

18 Sec. 13. Retention and release of sealed records.

19 (a) The Illinois Department of State Police shall retain
20 records sealed under subsection (c) or (e-5) of Section 5.2 or
21 impounded under subparagraph (B) or (B-5) of paragraph (9) of
22 subsection (d) of Section 5.2 and shall release them only as
23 authorized by this Act. Felony records sealed under subsection
24 (c) or (e-5) of Section 5.2 or impounded under subparagraph (B)

1 or (B-5) of paragraph (9) of subsection (d) of Section 5.2
2 shall be used and disseminated by the Illinois State Police
3 ~~Department~~ only as otherwise specifically required or
4 authorized by a federal or State law, rule, or regulation that
5 requires inquiry into and release of criminal records,
6 including, but not limited to, subsection (A) of Section 3 of
7 this Act. However, all requests for records that have been
8 expunged, sealed, and impounded and the use of those records
9 are subject to the provisions of Section 2-103 of the Illinois
10 Human Rights Act. Upon conviction for any offense, the
11 Department of Corrections shall have access to all sealed
12 records of the Illinois State Police ~~Department~~ pertaining to
13 that individual.

14 (b) Notwithstanding the foregoing, all sealed or impounded
15 records are subject to inspection and use by the court and
16 inspection and use by law enforcement agencies and State's
17 Attorneys or other prosecutors in carrying out the duties of
18 their offices.

19 (c) The sealed or impounded records maintained under
20 subsection (a) are exempt from disclosure under the Freedom of
21 Information Act.

22 (d) The Illinois ~~Department of~~ State Police shall commence
23 the sealing of records of felony arrests and felony convictions
24 pursuant to the provisions of subsection (c) of Section 5.2 of
25 this Act no later than one year from the date that funds have
26 been made available for purposes of establishing the

1 technologies necessary to implement the changes made by this
2 amendatory Act of the 93rd General Assembly.

3 (Source: P.A. 97-1026, eff. 1-1-13; 97-1120, eff. 1-1-13;
4 98-399, eff. 8-16-13; 98-463, eff. 8-16-13.)

5 (20 ILCS 2630/14)

6 Sec. 14. Expungement Backlog Accountability Law.

7 (a) On or before August 1 of each year, the Illinois
8 ~~Department of State Police~~ shall report to the Governor, the
9 Attorney General, the Office of the State Appellate Defender,
10 and both houses of the General Assembly the following
11 information for the previous fiscal year:

12 (1) the number of petitions to expunge received by the
13 Illinois State Police Department;

14 (2) the number of petitions to expunge to which the
15 Illinois State Police Department objected pursuant to
16 subdivision (d) (5) (B) of Section 5.2 of this Act;

17 (3) the number of petitions to seal records received by
18 the Illinois State Police Department;

19 (4) the number of petitions to seal records to which
20 the Illinois State Police Department objected pursuant to
21 subdivision (d) (5) (B) of Section 5.2 of this Act;

22 (5) the number of orders to expunge received by the
23 Illinois State Police Department;

24 (6) the number of orders to expunge to which the
25 Illinois State Police Department successfully filed a

1 motion to vacate, modify or reconsider under paragraph (12)
2 of subsection (d) of Section 5.2 of this Act;

3 (7) the number of orders to expunge records entered by
4 the Illinois State Police ~~Department~~;

5 (8) the number of orders to seal records received by
6 the Illinois State Police ~~Department~~;

7 (9) the number of orders to seal records to which the
8 Illinois State Police ~~Department~~ successfully filed a
9 motion to vacate, modify or reconsider under paragraph (12)
10 of subsection (d) of Section 5.2 of this Act;

11 (10) the number of orders to seal records entered by
12 the Illinois State Police ~~Department~~;

13 (11) the amount of fees received by the Illinois State
14 Police ~~Department~~ pursuant to subdivision (d)(10) of
15 Section 5.2 of this Act and deposited into the State Police
16 Services Fund;

17 (12) the number of orders to expunge or to seal records
18 received by the Illinois State Police ~~Department~~ that have
19 not been entered as of June 30 of the previous fiscal year.

20 (b) The information reported under this Section shall be
21 made available to the public, at the time it is reported, on
22 the official web site of the Illinois ~~Department of~~ State
23 Police.

24 (c) Upon request of a State's Attorney or the Attorney
25 General, the Illinois State Police ~~Department~~ shall provide
26 within 90 days a list of all orders to expunge or seal with

1 which the Illinois State Police ~~Department~~ has not yet
2 complied. This list shall include the date of the order, the
3 name of the petitioner, the case number, and a detailed
4 statement of the basis for non-compliance.

5 (Source: P.A. 98-163, eff. 8-5-13.)

6 Section 225. The Illinois Uniform Conviction Information
7 Act is amended by changing the title of the Act and Sections 2,
8 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 19, 20, and 21
9 as follows:

10 (20 ILCS 2635/Act title)

11 An Act providing for uniform, public access to conviction
12 records maintained by the Illinois ~~Department of~~ State Police,
13 amending certain Acts in relation thereto.

14 (20 ILCS 2635/2) (from Ch. 38, par. 1602)

15 Sec. 2. Legislative Findings and Purposes. (A) The
16 legislature finds and hereby declares that conviction
17 information maintained by the Illinois ~~Department of~~ State
18 Police shall be publicly available in the State of Illinois.

19 (B) The purpose of this Act is: (1) to establish uniform
20 policy for gaining access to and disseminating conviction
21 information maintained by the State of Illinois; (2) to
22 establish guidelines and priorities which fully support
23 effective law enforcement and ongoing criminal investigations

1 and which ensure that conviction information is made accessible
2 within appropriate time frames; (3) to ensure the accuracy and
3 completeness of conviction information in the State of
4 Illinois; and (4) to establish procedures for effectively
5 correcting errors and providing individuals with redress of
6 grievances in the event that inaccurate or incomplete
7 information may be disseminated about them.

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

9 (20 ILCS 2635/3) (from Ch. 38, par. 1603)

10 Sec. 3. Definitions. Whenever used in this Act, and for the
11 purposes of this Act, unless the context clearly indicates
12 otherwise:

13 (A) "Accurate" means factually correct, containing no
14 mistake or error of a material nature.

15 (B) The phrase "administer the criminal laws" includes any
16 of the following activities: intelligence gathering,
17 surveillance, criminal investigation, crime detection and
18 prevention (including research), apprehension, detention,
19 pretrial or post-trial release, prosecution, the correctional
20 supervision or rehabilitation of accused persons or criminal
21 offenders, criminal identification activities, data analysis
22 and research done by the sentencing commission, or the
23 collection, maintenance or dissemination of criminal history
24 record information.

25 (C) "The Authority" means the Illinois Criminal Justice

1 Information Authority.

2 (D) "Automated" means the utilization of computers,
3 telecommunication lines, or other automatic data processing
4 equipment for data collection or storage, analysis,
5 processing, preservation, maintenance, dissemination, or
6 display and is distinguished from a system in which such
7 activities are performed manually.

8 (E) "Complete" means accurately reflecting all the
9 criminal history record information about an individual that is
10 required to be reported to the Illinois State Police ~~Department~~
11 pursuant to Section 2.1 of the Criminal Identification Act.

12 (F) "Conviction information" means data reflecting a
13 judgment of guilt or nolo contendere. The term includes all
14 prior and subsequent criminal history events directly relating
15 to such judgments, such as, but not limited to: (1) the
16 notation of arrest; (2) the notation of charges filed; (3) the
17 sentence imposed; (4) the fine imposed; and (5) all related
18 probation, parole, and release information. Information ceases
19 to be "conviction information" when a judgment of guilt is
20 reversed or vacated.

21 For purposes of this Act, continuances to a date certain in
22 furtherance of an order of supervision granted under Section
23 5-6-1 of the Unified Code of Corrections or an order of
24 probation granted under either Section 10 of the Cannabis
25 Control Act, Section 410 of the Illinois Controlled Substances
26 Act, Section 70 of the Methamphetamine Control and Community

1 Protection Act, Section 12-4.3 or subdivision (b) (1) of Section
2 12-3.05 of the Criminal Code of 1961 or the Criminal Code of
3 2012, Section 10-102 of the Illinois Alcoholism and Other Drug
4 Dependency Act, Section 40-10 of the Substance Use Disorder
5 Act, or Section 10 of the Steroid Control Act shall not be
6 deemed "conviction information".

7 (G) "Criminal history record information" means data
8 identifiable to an individual, including information collected
9 under Section 4.5 of the Criminal Identification Act, and
10 consisting of descriptions or notations of arrests,
11 detentions, indictments, informations, pretrial proceedings,
12 trials, or other formal events in the criminal justice system
13 or descriptions or notations of criminal charges (including
14 criminal violations of local municipal ordinances) and the
15 nature of any disposition arising therefrom, including
16 sentencing, court or correctional supervision, rehabilitation
17 and release. The term does not apply to statistical records and
18 reports in which individuals are not identified and from which
19 their identities are not ascertainable, or to information that
20 is for criminal investigative or intelligence purposes.

21 (H) "Criminal justice agency" means (1) a government agency
22 or any subunit thereof which is authorized to administer the
23 criminal laws and which allocates a substantial part of its
24 annual budget for that purpose, or (2) an agency supported by
25 public funds which is authorized as its principal function to
26 administer the criminal laws and which is officially designated

1 by the Illinois State Police Department as a criminal justice
2 agency for purposes of this Act.

3 (I) (Blank). "~~The Department~~" means ~~the Illinois~~
4 ~~Department of State Police.~~

5 (J) "Director" means the Director of the Illinois
6 ~~Department of State Police.~~

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

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

11 (M) "Non-criminal justice agency" means a State agency,
12 Federal agency, or unit of local government that is not a
13 criminal justice agency. The term does not refer to private
14 individuals, corporations, or non-governmental agencies or
15 organizations.

16 (M-5) "Request" means the submission to the Illinois State
17 Police Department, in the form and manner required, the
18 necessary data elements or fingerprints, or both, to allow the
19 Illinois State Police Department to initiate a search of its
20 criminal history record information files.

21 (N) "Requester" means any private individual, corporation,
22 organization, employer, employment agency, labor organization,
23 or non-criminal justice agency that has made a request pursuant
24 to this Act to obtain conviction information maintained in the
25 files of the Illinois Department of State Police regarding a
26 particular individual.

1 (O) "Statistical information" means data from which the
2 identity of an individual cannot be ascertained,
3 reconstructed, or verified and to which the identity of an
4 individual cannot be linked by the recipient of the
5 information.

6 (P) "Sentencing commission" means the Sentencing Policy
7 Advisory Council.

8 (Source: P.A. 99-880, eff. 8-22-16; 100-201, eff. 8-18-17;
9 100-759, eff. 1-1-19.)

10 (20 ILCS 2635/4) (from Ch. 38, par. 1604)

11 Sec. 4. Applicability.

12 (A) The provisions of this Act shall apply only to
13 conviction information mandated by statute to be reported to or
14 to be collected, maintained, or disseminated by the Illinois
15 ~~Department of State Police~~.

16 (B) The provisions of this Act shall not apply to
17 statistical information.

18 (C) In the event of conflict between the application of
19 this Act and the statutes listed in paragraphs (1), (2), (3),
20 (4), or (5) below, the statutes listed below, as hereafter
21 amended, shall control unless specified otherwise:

22 (1) The Juvenile Court Act of 1987; or

23 (2) Section 5-3-4 of the Unified Code of Corrections;

24 or

25 (3) Paragraph (4) of Section 12 of the Probation and

1 Probation Officers Act; or
2 (4) Section 2.1 of the Criminal Identification Act; or
3 (5) The Pretrial Services Act.
4 (Source: P.A. 89-198, eff. 7-21-95; 89-626, eff. 8-9-96.)

5 (20 ILCS 2635/5) (from Ch. 38, par. 1605)

6 Sec. 5. Public Availability of Conviction Information. All
7 conviction information mandated by statute to be collected and
8 maintained by the Illinois ~~Department of~~ State Police shall be
9 open to public inspection in the State of Illinois. All
10 persons, state agencies and units of local government shall
11 have access to inspect, examine and reproduce such information,
12 in accordance with this Act, and shall have the right to take
13 memoranda and abstracts concerning such information, except to
14 the extent that the provisions of this Act or other Illinois
15 statutes might create specific restrictions on the use or
16 disclosure of such information.

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

18 (20 ILCS 2635/6) (from Ch. 38, par. 1606)

19 Sec. 6. Dissemination Time Frames and Priorities. (A) The
20 Illinois State Police's ~~Department's~~ duty and obligation to
21 furnish criminal history record information to peace officers
22 and criminal justice agencies shall take precedence over any
23 requirement of this Act to furnish conviction information to
24 non-criminal justice agencies or to the public. When, in the

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

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

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

16 (20 ILCS 2635/7) (from Ch. 38, par. 1607)

17 Sec. 7. Restrictions on the Use of Conviction Information.

18 (A) The following provisions shall apply to requests
19 submitted pursuant to this Act for employment or licensing
20 purposes or submitted to comply with the provisions of
21 subsection (B) of this Section:

22 (1) A requester shall, in the form and manner
23 prescribed by the Illinois State Police ~~Department~~, submit
24 a request to the Illinois State Police ~~Department~~, and
25 maintain on file for at least 2 years a release signed by

1 the individual to whom the information request pertains.
2 The Illinois State Police ~~Department~~ shall furnish the
3 requester with a copy of its response.

4 (2) Each requester of conviction information furnished
5 by the Illinois State Police ~~Department~~ shall provide the
6 individual named in the request with a copy of the response
7 furnished by the Illinois State Police ~~Department~~. Within 7
8 working days of receipt of such copy, the individual shall
9 have the obligation and responsibility to notify the
10 requester if the information is inaccurate or incomplete.

11 (3) Unless notified by the individual named in the
12 request or by the Illinois State Police ~~Department~~ that the
13 information furnished is inaccurate or incomplete, no
14 requester of conviction information shall be liable for
15 damages to any person to whom the information pertains for
16 actions the requester may reasonably take in reliance on
17 the accuracy and completeness of conviction information
18 received from the Illinois State Police ~~Department~~
19 pursuant to this act, if: (a) the requester in good faith
20 believes the conviction information furnished by the
21 Illinois State Police ~~Department~~ to be accurate and
22 complete; (b) the requester has complied with the
23 requirements of paragraphs (1) and (2) of this subsection
24 (A); and (c) the identifying information submitted by the
25 requester to the Illinois State Police ~~Department~~ is
26 accurate with respect to the individual about whom the

1 information was requested.

2 (4) Consistent with rules adopted by the Illinois State
3 Police Department pursuant to Section 7 of the Criminal
4 Identification Act ~~"An Act in relation to criminal~~
5 ~~identification and investigation", approved July 2, 1931,~~
6 ~~as amended,~~ the individual to whom the conviction
7 information pertains may initiate proceedings directly
8 with the Illinois State Police Department to challenge or
9 correct a record furnished by the Illinois State Police
10 ~~Department~~ pursuant to this subsection (A). Such
11 correction proceedings shall be given priority over other
12 individual record review and challenges filed with the
13 Illinois State Police Department.

14 (B) Regardless of the purpose of the request, no requester
15 of conviction information shall be liable for damages to any
16 person to whom the information pertains for actions the
17 requester may reasonably take in reliance on the accuracy and
18 completeness of conviction information received from the
19 Illinois State Police Department pursuant to this Act, if: (1)
20 the requester in good faith believes the conviction information
21 furnished by the Illinois State Police Department to be
22 accurate and complete; (2) the requester has complied with the
23 requirements of paragraphs (1) and (2) of subsection (A) of
24 this Section; and (3) the identifying information submitted by
25 the requester to the Illinois State Police Department is
26 accurate with respect to the individual about whom the

1 information was requested.

2 (Source: P.A. 88-368.)

3 (20 ILCS 2635/8) (from Ch. 38, par. 1608)

4 Sec. 8. Form, Manner and Fees for Requesting and Obtaining
5 Conviction Information.

6 (A) The Illinois State Police ~~Department~~ shall prescribe
7 the form and manner for requesting and furnishing conviction
8 information pursuant to this Act. The Illinois State Police
9 ~~Department~~ shall prescribe the types of identifying
10 information that must be submitted to the Illinois State Police
11 ~~Department~~ in order to process any request for conviction
12 information and the form and manner for making such
13 application, consistent with this Act.

14 (B) The Illinois State Police ~~Department~~ shall establish
15 the maximum fee it shall charge and assess for processing
16 requests for conviction information, and the Authority shall
17 establish the maximum fee that other criminal justice agencies
18 shall charge and assess for processing requests for conviction
19 information pursuant to this Act. Such fees shall include the
20 general costs associated with performing a search for all
21 information about each person for which a request is received
22 including classification, search, retrieval, reproduction,
23 manual and automated data processing, telecommunications
24 services, supplies, mailing and those general costs associated
25 with the inquiries required by subsection (B) of Section 9 and

1 Section 13 of this Act, and, when applicable, such fees shall
2 provide for the direct payment to or reimbursement of a
3 criminal justice agency for assisting the requester or the
4 Illinois State Police Department pursuant to this Act. In
5 establishing the fees required by this Section, the Illinois
6 State Police Department and the Authority may also take into
7 account the costs relating to multiple or automated requests
8 and disseminations and the costs relating to any other special
9 factors or circumstances required by statute or rule. The
10 maximum fees established by the Authority pursuant to this
11 Section may be waived or reduced at the discretion of a
12 criminal justice agency.

13 (Source: P.A. 94-365, eff. 7-29-05.)

14 (20 ILCS 2635/9) (from Ch. 38, par. 1609)

15 Sec. 9. Procedural Requirements for Disseminating
16 Conviction Information.

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

24 (B) Prior to a non-automated dissemination or within 30
25 days subsequent to an automated dissemination made pursuant to

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

10 It shall be the responsibility of the Illinois State Police
11 ~~Department~~ to retain a record of every extra-agency
12 dissemination of conviction information for a period of not
13 less than 3 years. Such records shall be subject to audit by
14 the Illinois State Police ~~Department~~, and shall, upon request,
15 be supplied to the individual to whom the information pertains
16 for requests from members of the general public, corporations,
17 organizations, employers, employment agencies, labor
18 organizations and non-criminal justice agencies. At a minimum,
19 the following information shall be recorded and retained by the
20 Illinois State Police ~~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 2635/10) (from Ch. 38, par. 1610)

7 Sec. 10. Dissemination requests Based Upon Fingerprint
8 Identification. When fingerprint identification accompanies a
9 request for conviction information maintained by the Illinois
10 State Police Department, an appropriate statement shall be
11 issued by the Illinois State Police Department indicating that
12 the information furnished by the Illinois State Police
13 Department positively pertains to the individual whose
14 fingerprints were submitted and that the response contains all
15 the conviction information that has been reported to the
16 Illinois State Police Department pursuant to Section 2.1 of the
17 Criminal Identification Act "~~An Act in relation to criminal~~
18 ~~identification and investigation~~", approved July 2, 1931, as
19 amended.

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

21 (20 ILCS 2635/11) (from Ch. 38, par. 1611)

22 Sec. 11. Dissemination requests Not Based Upon Fingerprint
23 Identification. (A) When a requester is not legally mandated to
24 submit positive fingerprint identification to the Illinois

1 State Police Department or when a requester is precluded from
2 submitting positive fingerprint identification to the Illinois
3 State Police Department due to exigency, an appropriate warning
4 shall be issued by the Illinois State Police Department
5 indicating that the information furnished cannot be identified
6 with certainty as pertaining to the individual named in the
7 request and may only be relied upon as being accurate and
8 complete if the requester has first complied with the
9 requirements of subsection (B) of Section 7.

10 (B) If the identifying information submitted by the
11 requester to the Illinois State Police Department corresponds
12 to more than one individual found in the files maintained by
13 the Illinois State Police Department, the Illinois State Police
14 Department shall not disclose the information to the requester,
15 unless it is determined by the Illinois State Police Department
16 that dissemination is still warranted due to exigency or to
17 administer the criminal laws. In such instances, the Illinois
18 State Police Department may require the requester to submit
19 additional identifying information or fingerprints in the form
20 and manner prescribed by the Illinois State Police Department.

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

22 (20 ILCS 2635/12) (from Ch. 38, par. 1612)

23 Sec. 12. Error Notification and Correction Procedure. It is
24 the duty and responsibility of the Illinois State Police
25 Department to maintain accurate and complete criminal history

1 record information and to correct or update such information
2 after determination by audit, individual review and challenge
3 procedures, or by other verifiable means, that it is incomplete
4 or inaccurate. Except as may be required for a longer period of
5 time by Illinois law, the Illinois State Police ~~Department~~
6 shall notify a requester if a subsequent disposition of
7 conviction or a subsequent modification of conviction
8 information has been reported to the Illinois State Police
9 ~~Department~~ within 30 days of responding to the requester.

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

11 (20 ILCS 2635/13) (from Ch. 38, par. 1613)

12 Sec. 13. Limitation on Further Dissemination. Unless
13 otherwise permitted by law or in the case of exigency, the
14 subsequent dissemination of conviction information furnished
15 by the Illinois State Police ~~Department~~ pursuant to this Act
16 shall only be permitted by a requester for the 30 day period
17 immediately following receipt of the information. Except as
18 permitted in this Section, any requester still wishing to
19 further disseminate or to rely on the accuracy and completeness
20 of conviction information more than 30 days from receipt of the
21 information from the Illinois State Police ~~Department~~ shall
22 initiate a new request to the Illinois State Police ~~Department~~
23 for current information.

24 (Source: P.A. 88-368.)

1 (20 ILCS 2635/14) (from Ch. 38, par. 1614)

2 Sec. 14. Judicial Remedies. (A) The Attorney General or a
3 State's Attorney may bring suit in the circuit courts to
4 prevent and restrain violations of this Act and to enforce the
5 reporting provisions of Section 2.1 of the Criminal
6 Identification Act ~~"An Act in relation to criminal~~
7 ~~identification and investigation", approved July 2, 1931, as~~
8 ~~amended.~~ The Illinois State Police Department may request the
9 Attorney General to bring any such action authorized by this
10 subsection.

11 (B) An individual aggrieved by a violation of this Act by a
12 State agency or unit of local government shall have the right
13 to pursue a civil action for damages or other appropriate legal
14 or equitable remedy, including an action to compel the Illinois
15 State Police Department to disclose or correct conviction
16 information in its files, once administrative remedies have
17 been exhausted.

18 (C) Any civil action for damages alleging the negligent
19 dissemination of inaccurate or incomplete conviction
20 information by a State agency or by a unit of local government
21 in violation of this Act may only be brought against the State
22 agency or unit of local government and shall not be brought
23 against any employee or official thereof.

24 (D) Civil remedies authorized by this Section may be
25 brought in any circuit court of the State of Illinois in the
26 county in which the violation occurs or in the county where the

1 State agency or unit of local government is situated; except
2 all damage claims against the State of Illinois for violations
3 of this Act shall be determined by the Court of Claims.

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

5 (20 ILCS 2635/15) (from Ch. 38, par. 1615)

6 Sec. 15. Civil Damages. (A) In any action brought pursuant
7 to this Act, an individual aggrieved by any violation of this
8 Act shall be entitled to recover actual and general
9 compensatory damages for each violation, together with costs
10 and attorney's fees reasonably incurred, consistent with
11 Section 16 of this Act. In addition, an individual aggrieved by
12 a willful violation of this Act shall be entitled to recover
13 \$1,000. In addition, an individual aggrieved by a non-willful
14 violation of this Act for which there has been dissemination of
15 inaccurate or incomplete conviction information shall be
16 entitled to recover \$200; provided, however, if conviction
17 information is determined to be incomplete or inaccurate, by
18 audit, by individual review and challenge procedures, or by
19 other verifiable means, then the individual aggrieved shall
20 only be entitled to recover such amount if the Illinois State
21 Police Department fails to correct the information within 30
22 days.

23 (B) For the purposes of this Act, the State of Illinois
24 shall be liable for damages as provided in this Section and for
25 attorney's fees and litigation costs as provided in Section 16

1 of this Act. All damage claims against the State of Illinois or
2 any of its agencies for violations of this Act shall be
3 determined by the Court of Claims.

4 (C) For purposes of limiting the amount of civil damages
5 that may be assessed against the State of Illinois or a unit of
6 local government pursuant to this Section, a State agency, a
7 unit of local government, and the officials or employees of a
8 State agency or a unit of local government may in good faith
9 rely upon the assurance of another State agency or unit of
10 local government that conviction information is maintained or
11 disseminated in compliance with the provisions of this Act.
12 However, such reliance shall not constitute a defense with
13 respect to equitable or declaratory relief.

14 (D) For purposes of limiting the amount of damages that may
15 be assessed against the State of Illinois pursuant to this
16 Section, the Illinois State Police Department may in good faith
17 presume that the conviction information reported to it by a
18 clerk of the circuit court or a criminal justice agency is
19 accurate. However, such presumption shall not constitute a
20 defense with respect to equitable or declaratory relief.

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

22 (20 ILCS 2635/17) (from Ch. 38, par. 1617)

23 Sec. 17. Administrative Sanctions. The Illinois State
24 Police Department shall refuse to comply with any request to
25 furnish conviction information maintained in its files, if the

1 requester has not acted in accordance with the requirements of
2 this Act or rules and regulations issued pursuant thereto. The
3 requester may appeal such a refusal by the Illinois State
4 Police Department to the Director. Upon written application by
5 the requester, the Director shall hold a hearing to determine
6 whether dissemination of the requested information would be in
7 violation of this Act or rules and regulations issued pursuant
8 to it or other federal or State law pertaining to the
9 collection, maintenance or dissemination of criminal history
10 record information. When the Director finds such a violation,
11 the Illinois State Police Department shall be prohibited from
12 disseminating conviction information to the requester, under
13 such terms and conditions and for such periods of time as the
14 Director deems appropriate.

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

16 (20 ILCS 2635/19) (from Ch. 38, par. 1619)

17 Sec. 19. Coordinating and Implementing Policy. The
18 Illinois State Police Department shall adopt rules to prescribe
19 the appropriate form, manner and fees for complying with the
20 requirements of this Act. The Authority shall adopt rules to
21 prescribe form, manner and maximum fees which the Authority is
22 authorized to establish pursuant to subsection (B) of Section 8
23 of this Act. Such rulemaking is subject to the provisions of
24 the Illinois Administrative Procedure Act.

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

1 (20 ILCS 2635/20) (from Ch. 38, par. 1620)

2 Sec. 20. State Liability and Indemnification of Units of
3 Local Government. (A) The State of Illinois shall guarantee the
4 accuracy and completeness of conviction information
5 disseminated by the Illinois State Police Department that is
6 based upon fingerprint identification. The State of Illinois
7 shall not be liable for the accuracy and completeness of any
8 information disseminated upon identifying information other
9 than fingerprints.

10 (B) The State of Illinois shall indemnify a clerk of the
11 circuit court, a criminal justice agency, and their employees
12 and officials from, and against, all damage claims brought by
13 others due to dissemination by the Illinois State Police
14 ~~Department~~ of inaccurate or incomplete conviction information
15 based upon positive fingerprint identification, provided that
16 the conviction information in question was initially reported
17 to the Illinois State Police Department accurately and in the
18 timely manner mandated by Section 2.1 of the Criminal
19 Identification Act ~~"An Act in relation to criminal~~
20 ~~identification and investigation", approved July 2, 1931, as~~
21 ~~amended.~~

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

23 (20 ILCS 2635/21) (from Ch. 38, par. 1621)

24 Sec. 21. Audits. The Illinois State Police Department shall

1 regularly conduct representative audits of the criminal
2 history record keeping and criminal history record reporting
3 policies, practices, and procedures of the repositories for
4 such information in Illinois to ensure compliance with the
5 provisions of this Act and Section 2.1 of the Criminal
6 Identification Act ~~"An Act in relation to criminal~~
7 ~~identification and investigation", approved July 2, 1931, as~~
8 ~~amended~~. The findings of such audits shall be reported to the
9 Governor, General Assembly, and, upon request, to members of
10 the general public.

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

12 Section 230. The Criminal Diversion Racial Impact Data
13 Collection Act is amended by changing Sections 5 and 15 as
14 follows:

15 (20 ILCS 2637/5)

16 (Section scheduled to be repealed on December 31, 2020)

17 Sec. 5. Legislative intent. Racial and ethnic disparity in
18 the criminal justice system, or the over-representation of
19 certain minority groups compared to their representation in the
20 general population, has been well documented, along with the
21 harmful effects of such disproportionality. There is no single
22 cause of the racial and ethnic disparity evident at every stage
23 of the criminal justice system; suggested causes have included
24 differing patterns of criminal activity, law enforcement

1 activity, and discretionary decisions of criminal justice
2 practitioners, along with effects of legislative policies. In
3 order to make progress in reducing this harmful phenomenon,
4 information on the racial composition of offenders at each
5 stage of the criminal justice system must be systematically
6 gathered and analyzed to lay the foundation for determining the
7 impact of proposed remedies. Gaps of information at any stage
8 will hamper valid analysis at subsequent stages. At the
9 earliest stages of the criminal justice system, systematic
10 statewide information on arrested persons, including race and
11 ethnicity, is collected in the Illinois State Police Criminal
12 History Record Information System. However, under the Criminal
13 Identification Act, systematic statewide information on the
14 racial and ethnic composition of adults diverted from arrest by
15 law enforcement and diverted from prosecution by each county's
16 State's Attorney's office is not available. Therefore, it is
17 the intent of this legislation to provide a mechanism by which
18 statewide data on the race and ethnicity of offenders diverted
19 from the criminal justice system before the filing of a court
20 case can be provided by the criminal justice entity involved
21 for future racial disparity impact analyses of the criminal
22 justice system.

23 (Source: P.A. 99-666, eff. 1-1-17.)

24 (20 ILCS 2637/15)

25 (Section scheduled to be repealed on December 31, 2020)

1 Sec. 15. Reporting; publication.

2 (a) Under the reporting guidelines for law enforcement
3 agencies in Sections 2.1, 4.5, and 5 of the Criminal
4 Identification Act, the Authority shall determine and report
5 the number of persons arrested and released without being
6 charged, and report the racial and ethnic composition of those
7 persons.

8 (b) Under the reporting guidelines for State's Attorneys in
9 Sections 2.1, 4.5, and 5 of the Criminal Identification Act,
10 the Authority shall determine and report the number of persons
11 for which formal charges were dismissed, and the race and
12 ethnicity of those persons.

13 (c) Under the reporting guidelines for circuit court clerks
14 in Sections 2.1, 4.5, and 5 of the Criminal Identification Act,
15 the Authority shall determine and report the number of persons
16 admitted to a diversion from prosecution program, and the
17 racial and ethnic composition of those persons, separated by
18 each type of diversion program.

19 (d) The Authority shall publish the information received
20 and an assessment of the quality of the information received,
21 aggregated to the county level in the case of law enforcement
22 reports, on its publicly available website for the previous
23 calendar year, as affirmed by each reporting agency at the time
24 of its report submission.

25 (e) The Authority, Illinois ~~Department of~~ State Police,
26 Administrative Office of the Illinois Courts, and Illinois

1 State's Attorneys Association may collaborate on any necessary
2 training concerning the provisions of this Act.

3 (Source: P.A. 99-666, eff. 1-1-17.)

4 Section 235. The Statewide Organized Gang Database Act is
5 amended by changing Sections 5 and 10 as follows:

6 (20 ILCS 2640/5)

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

8 ~~"Department" means the Department of State Police.~~

9 "Director" means the Director of the Illinois State Police.

10 "Organized gang" has the meaning ascribed to it in Section
11 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

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

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

18 (20 ILCS 2640/10)

19 Sec. 10. Duties of the Illinois State Police ~~Department~~.

20 The Illinois State Police ~~Department~~ may:

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

1 (b) notify all law enforcement agencies that reports of
2 arrested organized gang members or organized gang affiliates
3 shall be entered into the database as soon as the minimum level
4 of data specified by the Illinois State Police ~~Department~~ is
5 available to the reporting agency, and that no waiting period
6 for the entry of that data exists;

7 (c) develop and implement a policy for notifying law
8 enforcement agencies of the emergence of new organized gangs,
9 or the change of a name or other identifying sign by an
10 existing organized gang;

11 (d) compile and retain information regarding organized
12 gangs and their members and affiliates, in a manner that allows
13 the information to be used by law enforcement and other
14 agencies, deemed appropriate by the Director, for
15 investigative purposes;

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

22 (f) create a quality control program regarding
23 confirmation of organized gang membership and organized gang
24 affiliation data, timeliness and accuracy of information
25 entered into SWORD, and performance audits of all entering
26 agencies;

1 (g) locate all law enforcement agencies that could, in the
2 opinion of the Director, benefit from access to SWORD, and
3 notify them of its existence; and

4 (h) cooperate with all law enforcement agencies wishing to
5 gain access to the SWORD system, and facilitate their entry
6 into the system and their continued maintenance of access to
7 it.

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

9 Section 240. The Statewide Senior Citizen Victimizer
10 Database Act is amended by changing Sections 5 and 10 as
11 follows:

12 (20 ILCS 2645/5)

13 Sec. 5. Definitions. In this Act:

14 ~~"Department" means Department of State Police.~~

15 "Director" means the Director of the Illinois State Police.

16 "Senior citizen" means a person of the age of 60 years or
17 older.

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

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

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

2 (20 ILCS 2645/10)

3 Sec. 10. Duties of the Illinois State Police ~~Department~~.

4 The Illinois State Police ~~Department~~ may:

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

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

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

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

25 (e) Locate all law enforcement agencies that could, in the

1 opinion of the Director, benefit from access to the Statewide
2 Senior Citizen Victimizer Database, and notify them of its
3 existence; and

4 (f) Cooperate with all law enforcement agencies wishing to
5 gain access to the Statewide Senior Citizen Victimizer Database
6 system, and to facilitate their entry into the system and to
7 their continued maintenance of access to it.

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

9 Section 245. The Department of Transportation Law of the
10 Civil Administrative Code of Illinois is amended by changing
11 Sections 2705-90, 2705-125, 2705-317, 2705-505.5, and
12 2705-505.6 as follows:

13 (20 ILCS 2705/2705-90) (was 20 ILCS 2705/49.31)

14 Sec. 2705-90. Criminal history record information from
15 Illinois ~~Department of~~ State Police. Whenever the Department is
16 authorized or required by law to consider some aspect of
17 criminal history record information for the purpose of carrying
18 out its statutory powers and responsibilities, then, upon
19 request and payment of fees in conformance with the
20 requirements of Section 2605-400 of the Illinois ~~Department of~~
21 State Police Law ~~(20 ILCS 2605/2605-400)~~, the Illinois
22 ~~Department of~~ State Police is authorized to furnish, pursuant
23 to positive identification, the information contained in State
24 files that is necessary to fulfill the request.

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

2 (20 ILCS 2705/2705-125) (was 20 ILCS 2705/49.22)

3 Sec. 2705-125. Safety inspection of motor vehicles;
4 transfer from various State agencies. The Department has the
5 power to administer, exercise, and enforce the rights, powers,
6 and duties presently vested in the Illinois ~~Department of State~~
7 Police and the Division of State Troopers under the Illinois
8 Vehicle Inspection Law, in the Illinois Commerce Commission, in
9 the State Board of Education, and in the Secretary of State
10 under laws relating to the safety inspection of motor vehicles
11 operated by common carriers, of school buses, and of motor
12 vehicles used in the transportation of school children and
13 motor vehicles used in driver exam training schools for hire
14 licensed under Article IV of the Illinois Driver Licensing Law
15 or under any other law relating to the safety inspection of
16 motor vehicles of the second division as defined in the
17 Illinois Vehicle Code.

18 (Source: P.A. 96-740, eff. 1-1-10.)

19 (20 ILCS 2705/2705-317)

20 Sec. 2705-317. Safe Routes to School Construction Program.

21 (a) Upon enactment of a federal transportation bill with a
22 dedicated fund available to states for safe routes to schools,
23 the Department, in cooperation with the State Board of
24 Education and the Illinois ~~Department of State Police~~, shall

1 establish and administer a Safe Routes to School Construction
2 Program for the construction of bicycle and pedestrian safety
3 and traffic-calming projects using the federal Safe Routes to
4 Schools Program funds.

5 (b) The Department shall make construction grants
6 available to local governmental agencies under the Safe Routes
7 to School Construction Program based on the results of a
8 statewide competition that requires submission of Safe Routes
9 to School proposals for funding and that rates those proposals
10 on all of the following factors:

11 (1) Demonstrated needs of the grant applicant.

12 (2) Potential of the proposal for reducing child
13 injuries and fatalities.

14 (3) Potential of the proposal for encouraging
15 increased walking and bicycling among students.

16 (4) Identification of safety hazards.

17 (5) Identification of current and potential walking
18 and bicycling routes to school.

19 (6) Consultation and support for projects by
20 school-based associations, local traffic engineers, local
21 elected officials, law enforcement agencies, and school
22 officials.

23 (7) Proximity to parks and other recreational
24 facilities.

25 With respect to the use of federal Safe Routes to Schools
26 Program funds, prior to the award of a construction grant or

1 the use of those funds for a Safe Routes to School project
2 encompassing a highway, the Department shall consult with and
3 obtain approval from the Illinois ~~Department of~~ State Police
4 and the highway authority with jurisdiction to ensure that the
5 Safe Routes to School proposal is consistent with a statewide
6 pedestrian safety statistical analysis.

7 (c) On March 30, 2006 and each March 30th thereafter, the
8 Department shall submit a report to the General Assembly
9 listing and describing the projects funded under the Safe
10 Routes to School Construction Program.

11 (d) The Department shall study the effectiveness of the
12 Safe Routes to School Construction Program, with particular
13 emphasis on the Program's effectiveness in reducing traffic
14 accidents and its contribution to improving safety and reducing
15 the number of child injuries and fatalities in the vicinity of
16 a Safe Routes to School project. The Department shall submit a
17 report to the General Assembly on or before December 31, 2006
18 regarding the results of the study.

19 (e) The Department, the State Board of Education, and the
20 Illinois ~~Department of~~ State Police may adopt any rules
21 necessary to implement this Section.

22 (Source: P.A. 94-493, eff. 8-8-05.)

23 (20 ILCS 2705/2705-505.5)

24 Sec. 2705-505.5. Child abduction message signs. The
25 Department of Transportation shall coordinate with the

1 Illinois ~~Department of~~ State Police in the use of electronic
2 message signs on roads and highways in the vicinity of a child
3 abduction to immediately provide critical information to the
4 public.

5 (Source: P.A. 93-310, eff. 7-23-03.)

6 (20 ILCS 2705/2705-505.6)

7 Sec. 2705-505.6. Endangered Missing Persons Advisory
8 message signs. The Department of Transportation shall
9 coordinate with the Illinois ~~Department of~~ State Police in the
10 use of electronic message signs on roads and highways to
11 immediately provide critical information to the public
12 concerning missing persons who are believed to be high risk,
13 missing persons with Alzheimer's disease, other related
14 dementia, or other dementia-like cognitive impairment, as
15 allowed by federal guidelines.

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

17 Section 255. The State Fire Marshal Act is amended by
18 changing Section 2 as follows:

19 (20 ILCS 2905/2) (from Ch. 127 1/2, par. 2)

20 Sec. 2. The Office shall have the following powers and
21 duties:

22 1. To exercise the rights, powers and duties which have
23 been vested by law in the Illinois ~~Department of~~ State

1 Police as the successor of the Department of Public Safety,
2 State Fire Marshal, inspectors, officers and employees of
3 the State Fire Marshal, including arson investigation.
4 Arson investigations conducted by the State Fire Marshal's
5 Office shall be conducted by State Fire Marshal Arson
6 Investigator Special Agents, who shall be peace officers as
7 provided in the Peace Officer Fire Investigation Act.

8 2. To keep a record, as may be required by law, of all
9 fires occurring in the State, together with all facts,
10 statistics and circumstances, including the origin of
11 fires.

12 3. To exercise the rights, powers and duties which have
13 been vested in the Illinois ~~Department of~~ State Police by
14 the "Boiler and Pressure Vessel Safety Act", ~~approved~~
15 ~~August 7, 1951, as amended.~~

16 4. To administer the Illinois Fire Protection Training
17 Act.

18 5. To aid in the establishment and maintenance of the
19 training facilities and programs of the Illinois Fire
20 Service Institute.

21 6. To disburse Federal grants for fire protection
22 purposes to units of local government.

23 7. To pay to or in behalf of the City of Chicago for
24 the maintenance, expenses, facilities and structures
25 directly incident to the Chicago Fire Department training
26 program. Such payments may be made either as reimbursements

1 for expenditures previously made by the City, or as
2 payments at the time the City has incurred an obligation
3 which is then due and payable for such expenditures.
4 Payments for the Chicago Fire Department training program
5 shall be made only for those expenditures which are not
6 claimable by the City under "An Act relating to fire
7 protection training", certified November 9, 1971, as
8 amended.

9 8. To administer grants to areas not located in a fire
10 protection district or in a municipality which provides
11 fire protection services, to defray the organizational
12 expenses of forming a fire protection district.

13 9. In cooperation with the Illinois Environmental
14 Protection Agency, to administer the Illinois Leaking
15 Underground Storage Tank program in accordance with
16 Section 4 of this Act and Section 22.12 of the
17 Environmental Protection Act.

18 10. To expend state and federal funds as appropriated
19 by the General Assembly.

20 11. To provide technical assistance, to areas not
21 located in a fire protection district or in a municipality
22 which provides fire protection service, to form a fire
23 protection district, to join an existing district, or to
24 establish a municipal fire department, whichever is
25 applicable.

26 12. To exercise such other powers and duties as may be

1 vested in the Office by law.

2 (Source: P.A. 100-67, eff. 8-11-17.)

3 Section 260. The Division of Banking Act is amended by
4 changing Section 5 as follows:

5 (20 ILCS 3205/5) (from Ch. 17, par. 455)

6 Sec. 5. Powers. In addition to all the other powers and
7 duties provided by law, the Commissioner shall have the
8 following powers:

9 (a) To exercise the rights, powers and duties formerly
10 vested by law in the Director of Financial Institutions under
11 the Illinois Banking Act.

12 (b) To exercise the rights, powers and duties formerly
13 vested by law in the Department of Financial Institutions under
14 "An act to provide for and regulate the administration of
15 trusts by trust companies", approved June 15, 1887, as amended.

16 (c) To exercise the rights, powers and duties formerly
17 vested by law in the Director of Financial Institutions under
18 "An act authorizing foreign corporations, including banks and
19 national banking associations domiciled in other states, to act
20 in a fiduciary capacity in this state upon certain conditions
21 herein set forth", approved July 13, 1953, as amended.

22 (c-5) To exercise all of the rights, powers, and duties
23 granted to the Director or Secretary under the Illinois Banking
24 Act, the Corporate Fiduciary Act, the Electronic Fund Transfer

1 Act, the Illinois Bank Holding Company Act of 1957, the Savings
2 Bank Act, the Illinois Savings and Loan Act of 1985, the
3 Savings and Loan Share and Account Act, the Residential
4 Mortgage License Act of 1987, and the Pawnbroker Regulation
5 Act.

6 (c-15) To enter into cooperative agreements with
7 appropriate federal and out-of-state state regulatory agencies
8 to conduct and otherwise perform any examination of a regulated
9 entity as authorized under the Illinois Banking Act, the
10 Corporate Fiduciary Act, the Electronic Fund Transfer Act, the
11 Illinois Bank Holding Company Act of 1957, the Savings Bank
12 Act, the Illinois Savings and Loan Act of 1985, the Residential
13 Mortgage License Act of 1987, and the Pawnbroker Regulation
14 Act.

15 (d) Whenever the Commissioner is authorized or required by
16 law to consider or to make findings regarding the character of
17 incorporators, directors, management personnel, or other
18 relevant individuals under the Illinois Banking Act, the
19 Corporate Fiduciary Act, the Pawnbroker Regulation Act, or at
20 other times as the Commissioner deems necessary for the purpose
21 of carrying out the Commissioner's statutory powers and
22 responsibilities, the Commissioner shall consider criminal
23 history record information, including nonconviction
24 information, pursuant to the Criminal Identification Act. The
25 Commissioner shall, in the form and manner required by the
26 Illinois Department of State Police and the Federal Bureau of

1 Investigation, cause to be conducted a criminal history record
2 investigation to obtain information currently contained in the
3 files of the Illinois ~~Department of~~ State Police or the Federal
4 Bureau of Investigation, provided that the Commissioner need
5 not cause additional criminal history record investigations to
6 be conducted on individuals for whom the Commissioner, a
7 federal bank regulatory agency, or any other government agency
8 has caused such investigations to have been conducted
9 previously unless such additional investigations are otherwise
10 required by law or unless the Commissioner deems such
11 additional investigations to be necessary for the purposes of
12 carrying out the Commissioner's statutory powers and
13 responsibilities. The Illinois ~~Department of~~ State Police
14 shall provide, on the Commissioner's request, information
15 concerning criminal charges and their disposition currently on
16 file with respect to a relevant individual. Information
17 obtained as a result of an investigation under this Section
18 shall be used in determining eligibility to be an incorporator,
19 director, management personnel, or other relevant individual
20 in relation to a financial institution or other entity
21 supervised by the Commissioner. Upon request and payment of
22 fees in conformance with the requirements of Section 2605-400
23 of the Illinois ~~Department of~~ State Police Law (~~20 ILCS~~
24 ~~2605/2605-400~~), the Illinois ~~Department of~~ State Police is
25 authorized to furnish, pursuant to positive identification,
26 such information contained in State files as is necessary to

1 fulfill the request.

2 (e) When issuing charters, permits, licenses, or other
3 authorizations, the Commissioner may impose such terms and
4 conditions on the issuance as he deems necessary or
5 appropriate. Failure to abide by those terms and conditions may
6 result in the revocation of the issuance, the imposition of
7 corrective orders, or the imposition of civil money penalties.

8 (f) If the Commissioner has reasonable cause to believe
9 that any entity that has not submitted an application for
10 authorization or licensure is conducting any activity that
11 would otherwise require authorization or licensure by the
12 Commissioner, the Commissioner shall have the power to subpoena
13 witnesses, to compel their attendance, to require the
14 production of any relevant books, papers, accounts, and
15 documents, and to conduct an examination of the entity in order
16 to determine whether the entity is subject to authorization or
17 licensure by the Commissioner or the Division. If the Secretary
18 determines that the entity is subject to authorization or
19 licensure by the Secretary, then the Secretary shall have the
20 power to issue orders against or take any other action,
21 including initiating a receivership against the unauthorized
22 or unlicensed entity.

23 (g) The Commissioner may, through the Attorney General,
24 request the circuit court of any county to issue an injunction
25 to restrain any person from violating the provisions of any Act
26 administered by the Commissioner.

1 (h) Whenever the Commissioner is authorized to take any
2 action or required by law to consider or make findings, the
3 Commissioner may delegate or appoint, in writing, an officer or
4 employee of the Division to take that action or make that
5 finding.

6 (i) Whenever the Secretary determines that it is in the
7 public's interest, he or she may publish any cease and desist
8 order or other enforcement action issued by the Division.

9 (Source: P.A. 96-1365, eff. 7-28-10; 97-492, eff. 1-1-12.)

10 Section 265. The Illinois Emergency Management Agency Act
11 is amended by changing Section 5 as follows:

12 (20 ILCS 3305/5) (from Ch. 127, par. 1055)

13 Sec. 5. Illinois Emergency Management Agency.

14 (a) There is created within the executive branch of the
15 State Government an Illinois Emergency Management Agency and a
16 Director of the Illinois Emergency Management Agency, herein
17 called the "Director" who shall be the head thereof. The
18 Director shall be appointed by the Governor, with the advice
19 and consent of the Senate, and shall serve for a term of 2
20 years beginning on the third Monday in January of the
21 odd-numbered year, and until a successor is appointed and has
22 qualified; except that the term of the first Director appointed
23 under this Act shall expire on the third Monday in January,
24 1989. The Director shall not hold any other remunerative public

1 office. For terms ending before December 31, 2019, the Director
2 shall receive an annual salary as set by the Compensation
3 Review Board. For terms beginning after the effective date of
4 this amendatory Act of the 100th General Assembly, the annual
5 salary of the Director shall be as provided in Section 5-300 of
6 the Civil Administrative Code of Illinois.

7 (b) The Illinois Emergency Management Agency shall obtain,
8 under the provisions of the Personnel Code, technical,
9 clerical, stenographic and other administrative personnel, and
10 may make expenditures within the appropriation therefor as may
11 be necessary to carry out the purpose of this Act. The agency
12 created by this Act is intended to be a successor to the agency
13 created under the Illinois Emergency Services and Disaster
14 Agency Act of 1975 and the personnel, equipment, records, and
15 appropriations of that agency are transferred to the successor
16 agency as of June 30, 1988 (the effective date of this Act).

17 (c) The Director, subject to the direction and control of
18 the Governor, shall be the executive head of the Illinois
19 Emergency Management Agency and the State Emergency Response
20 Commission and shall be responsible under the direction of the
21 Governor, for carrying out the program for emergency management
22 of this State. The Director shall also maintain liaison and
23 cooperate with the emergency management organizations of this
24 State and other states and of the federal government.

25 (d) The Illinois Emergency Management Agency shall take an
26 integral part in the development and revision of political

1 subdivision emergency operations plans prepared under
2 paragraph (f) of Section 10. To this end it shall employ or
3 otherwise secure the services of professional and technical
4 personnel capable of providing expert assistance to the
5 emergency services and disaster agencies. These personnel
6 shall consult with emergency services and disaster agencies on
7 a regular basis and shall make field examinations of the areas,
8 circumstances, and conditions that particular political
9 subdivision emergency operations plans are intended to apply.

10 (e) The Illinois Emergency Management Agency and political
11 subdivisions shall be encouraged to form an emergency
12 management advisory committee composed of private and public
13 personnel representing the emergency management phases of
14 mitigation, preparedness, response, and recovery. The Local
15 Emergency Planning Committee, as created under the Illinois
16 Emergency Planning and Community Right to Know Act, shall serve
17 as an advisory committee to the emergency services and disaster
18 agency or agencies serving within the boundaries of that Local
19 Emergency Planning Committee planning district for:

20 (1) the development of emergency operations plan
21 provisions for hazardous chemical emergencies; and

22 (2) the assessment of emergency response capabilities
23 related to hazardous chemical emergencies.

24 (f) The Illinois Emergency Management Agency shall:

25 (1) Coordinate the overall emergency management
26 program of the State.

1 (2) Cooperate with local governments, the federal
2 government and any public or private agency or entity in
3 achieving any purpose of this Act and in implementing
4 emergency management programs for mitigation,
5 preparedness, response, and recovery.

6 (2.5) Develop a comprehensive emergency preparedness
7 and response plan for any nuclear accident in accordance
8 with Section 65 of the Nuclear Safety Law of 2004 and in
9 development of the Illinois Nuclear Safety Preparedness
10 program in accordance with Section 8 of the Illinois
11 Nuclear Safety Preparedness Act.

12 (2.6) Coordinate with the Department of Public Health
13 with respect to planning for and responding to public
14 health emergencies.

15 (3) Prepare, for issuance by the Governor, executive
16 orders, proclamations, and regulations as necessary or
17 appropriate in coping with disasters.

18 (4) Promulgate rules and requirements for political
19 subdivision emergency operations plans that are not
20 inconsistent with and are at least as stringent as
21 applicable federal laws and regulations.

22 (5) Review and approve, in accordance with Illinois
23 Emergency Management Agency rules, emergency operations
24 plans for those political subdivisions required to have an
25 emergency services and disaster agency pursuant to this
26 Act.

1 (5.5) Promulgate rules and requirements for the
2 political subdivision emergency management exercises,
3 including, but not limited to, exercises of the emergency
4 operations plans.

5 (5.10) Review, evaluate, and approve, in accordance
6 with Illinois Emergency Management Agency rules, political
7 subdivision emergency management exercises for those
8 political subdivisions required to have an emergency
9 services and disaster agency pursuant to this Act.

10 (6) Determine requirements of the State and its
11 political subdivisions for food, clothing, and other
12 necessities in event of a disaster.

13 (7) Establish a register of persons with types of
14 emergency management training and skills in mitigation,
15 preparedness, response, and recovery.

16 (8) Establish a register of government and private
17 response resources available for use in a disaster.

18 (9) Expand the Earthquake Awareness Program and its
19 efforts to distribute earthquake preparedness materials to
20 schools, political subdivisions, community groups, civic
21 organizations, and the media. Emphasis will be placed on
22 those areas of the State most at risk from an earthquake.
23 Maintain the list of all school districts, hospitals,
24 airports, power plants, including nuclear power plants,
25 lakes, dams, emergency response facilities of all types,
26 and all other major public or private structures which are

1 at the greatest risk of damage from earthquakes under
2 circumstances where the damage would cause subsequent harm
3 to the surrounding communities and residents.

4 (10) Disseminate all information, completely and
5 without delay, on water levels for rivers and streams and
6 any other data pertaining to potential flooding supplied by
7 the Division of Water Resources within the Department of
8 Natural Resources to all political subdivisions to the
9 maximum extent possible.

10 (11) Develop agreements, if feasible, with medical
11 supply and equipment firms to supply resources as are
12 necessary to respond to an earthquake or any other disaster
13 as defined in this Act. These resources will be made
14 available upon notifying the vendor of the disaster.
15 Payment for the resources will be in accordance with
16 Section 7 of this Act. The Illinois Department of Public
17 Health shall determine which resources will be required and
18 requested.

19 (11.5) In coordination with the Illinois ~~Department of~~
20 State Police, develop and implement a community outreach
21 program to promote awareness among the State's parents and
22 children of child abduction prevention and response.

23 (12) Out of funds appropriated for these purposes,
24 award capital and non-capital grants to Illinois hospitals
25 or health care facilities located outside of a city with a
26 population in excess of 1,000,000 to be used for purposes

1 that include, but are not limited to, preparing to respond
2 to mass casualties and disasters, maintaining and
3 improving patient safety and quality of care, and
4 protecting the confidentiality of patient information. No
5 single grant for a capital expenditure shall exceed
6 \$300,000. No single grant for a non-capital expenditure
7 shall exceed \$100,000. In awarding such grants, preference
8 shall be given to hospitals that serve a significant number
9 of Medicaid recipients, but do not qualify for
10 disproportionate share hospital adjustment payments under
11 the Illinois Public Aid Code. To receive such a grant, a
12 hospital or health care facility must provide funding of at
13 least 50% of the cost of the project for which the grant is
14 being requested. In awarding such grants the Illinois
15 Emergency Management Agency shall consider the
16 recommendations of the Illinois Hospital Association.

17 (13) Do all other things necessary, incidental or
18 appropriate for the implementation of this Act.

19 (g) The Illinois Emergency Management Agency is authorized
20 to make grants to various higher education institutions, public
21 K-12 school districts, area vocational centers as designated by
22 the State Board of Education, inter-district special education
23 cooperatives, regional safe schools, and nonpublic K-12
24 schools for safety and security improvements. For the purpose
25 of this subsection (g), "higher education institution" means a
26 public university, a public community college, or an

1 independent, not-for-profit or for-profit higher education
2 institution located in this State. Grants made under this
3 subsection (g) shall be paid out of moneys appropriated for
4 that purpose from the Build Illinois Bond Fund. The Illinois
5 Emergency Management Agency shall adopt rules to implement this
6 subsection (g). These rules may specify: (i) the manner of
7 applying for grants; (ii) project eligibility requirements;
8 (iii) restrictions on the use of grant moneys; (iv) the manner
9 in which the various higher education institutions must account
10 for the use of grant moneys; and (v) any other provision that
11 the Illinois Emergency Management Agency determines to be
12 necessary or useful for the administration of this subsection
13 (g).

14 (g-5) The Illinois Emergency Management Agency is
15 authorized to make grants to not-for-profit organizations
16 which are exempt from federal income taxation under section
17 501(c)(3) of the Federal Internal Revenue Code for eligible
18 security improvements that assist the organization in
19 preventing, preparing for, or responding to acts of terrorism.
20 The Director shall establish procedures and forms by which
21 applicants may apply for a grant and procedures for
22 distributing grants to recipients. The procedures shall
23 require each applicant to do the following:

24 (1) identify and substantiate prior threats or attacks
25 by a terrorist organization, network, or cell against the
26 not-for-profit organization;

1 (2) indicate the symbolic or strategic value of one or
2 more sites that renders the site a possible target of
3 terrorism;

4 (3) discuss potential consequences to the organization
5 if the site is damaged, destroyed, or disrupted by a
6 terrorist act;

7 (4) describe how the grant will be used to integrate
8 organizational preparedness with broader State and local
9 preparedness efforts;

10 (5) submit a vulnerability assessment conducted by
11 experienced security, law enforcement, or military
12 personnel, and a description of how the grant award will be
13 used to address the vulnerabilities identified in the
14 assessment; and

15 (6) submit any other relevant information as may be
16 required by the Director.

17 The Agency is authorized to use funds appropriated for the
18 grant program described in this subsection (g-5) to administer
19 the program.

20 (h) Except as provided in Section 17.5 of this Act, any
21 moneys received by the Agency from donations or sponsorships
22 shall be deposited in the Emergency Planning and Training Fund
23 and used by the Agency, subject to appropriation, to effectuate
24 planning and training activities.

25 (i) The Illinois Emergency Management Agency may by rule
26 assess and collect reasonable fees for attendance at

1 Agency-sponsored conferences to enable the Agency to carry out
2 the requirements of this Act. Any moneys received under this
3 subsection shall be deposited in the Emergency Planning and
4 Training Fund and used by the Agency, subject to appropriation,
5 for planning and training activities.

6 (j) The Illinois Emergency Management Agency is authorized
7 to make grants to other State agencies, public universities,
8 units of local government, and statewide mutual aid
9 organizations to enhance statewide emergency preparedness and
10 response.

11 (Source: P.A. 100-444, eff. 1-1-18; 100-508, eff. 9-15-17;
12 100-587, eff. 6-4-18; 100-863, eff. 8-14-18; 100-1179, eff.
13 1-18-19.)

14 Section 270. The Nuclear Safety Law of 2004 is amended by
15 changing Sections 40 and 70 as follows:

16 (20 ILCS 3310/40)

17 Sec. 40. Regulation of nuclear safety. The Illinois
18 Emergency Management Agency shall have primary responsibility
19 for the coordination and oversight of all State governmental
20 functions concerning the regulation of nuclear power,
21 including low level waste management, environmental
22 monitoring, and transportation of nuclear waste. Functions
23 performed by the Illinois ~~Department of~~ State Police and the
24 Department of Transportation in the area of nuclear safety, on

1 the effective date of this Act, may continue to be performed by
2 these agencies but under the direction of the Illinois
3 Emergency Management Agency. All other governmental functions
4 regulating nuclear safety shall be coordinated by the Illinois
5 Emergency Management Agency.

6 (Source: P.A. 93-1029, eff. 8-25-04.)

7 (20 ILCS 3310/70)

8 Sec. 70. Nuclear and radioactive materials transportation
9 plan. The Illinois Emergency Management Agency shall formulate
10 a comprehensive plan regarding the transportation of nuclear
11 and radioactive materials in Illinois. The Illinois Emergency
12 Management Agency shall have primary responsibility for all
13 State governmental regulation of the transportation of nuclear
14 and radioactive materials, insofar as the regulation pertains
15 to the public health and safety. This responsibility shall
16 include but not be limited to the authority to oversee and
17 coordinate regulatory functions performed by the Department of
18 Transportation, the Illinois ~~Department of~~ State Police, and
19 the Illinois Commerce Commission.

20 (Source: P.A. 93-1029, eff. 8-25-04.)

21 Section 275. The Illinois Power Agency Act is amended by
22 changing Section 1-110 as follows:

23 (20 ILCS 3855/1-110)

1 Sec. 1-110. State Police reimbursement. The Agency shall
2 reimburse the Illinois ~~Department of~~ State Police for any
3 expenses associated with security at facilities from the
4 Illinois Power Agency Facilities Fund.
5 (Source: P.A. 95-481, eff. 8-28-07.)

6 Section 280. The Illinois Criminal Justice Information Act
7 is amended by changing Sections 4 and 9.1 as follows:

8 (20 ILCS 3930/4) (from Ch. 38, par. 210-4)

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

1 Governor: a circuit court clerk, a sheriff, a State's Attorney
2 of a county other than Cook, a Public Defender of a county
3 other than Cook, a chief of police, and 6 members of the
4 general public.

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

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

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

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

18 (20 ILCS 3930/9.1)

19 Sec. 9.1. Criminal Justice Information Projects Fund. The
20 Criminal Justice Information Projects Fund is hereby created as
21 a special fund in the State Treasury. Grants and other moneys
22 obtained by the Authority from governmental entities (other
23 than the federal government), private sources, and
24 not-for-profit organizations for use in investigating criminal
25 justice issues or undertaking other criminal justice

1 information projects, or pursuant to the uses identified in
2 Section 21.10 of the Illinois Lottery Law, shall be deposited
3 into the Fund. Moneys in the Fund may be used by the Authority,
4 subject to appropriation, for undertaking such projects and for
5 the operating and other expenses of the Authority incidental to
6 those projects, and for the costs associated with making grants
7 from the Prescription Pill and Drug Disposal Fund. The moneys
8 deposited into the Criminal Justice Information Projects Fund
9 under Sections 15-15 and 15-35 of the Criminal and Traffic
10 Assessment Act shall be appropriated to and administered by the
11 Illinois Criminal Justice Information Authority for
12 distribution to fund Illinois ~~Department of~~ State Police drug
13 task forces and Metropolitan Enforcement Groups by dividing the
14 funds equally by the total number of Illinois ~~Department of~~
15 State Police drug task forces and Illinois Metropolitan
16 Enforcement Groups. Any interest earned on moneys in the Fund
17 must be deposited into the Fund.

18 (Source: P.A. 100-647, eff. 7-30-18; 100-987, eff. 7-1-19;
19 101-81, eff. 7-12-19.)

20 Section 285. The Laboratory Review Board Act is amended by
21 changing Section 2 as follows:

22 (20 ILCS 3980/2) (from Ch. 111 1/2, par. 8002)

23 Sec. 2. There is hereby created the Laboratory Review Board
24 (hereinafter referred to as the Board), which shall consist of

1 7 persons, one each appointed by the Director of Agriculture,
2 the Director of Natural Resources, the Secretary of Human
3 Services, the Director of Public Health, the Director of the
4 Illinois State Police, the Director of the Environmental
5 Protection Agency, and the Illinois Secretary of
6 Transportation. Members of the Board shall serve at the
7 pleasure of their appointing authorities.

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

9 Section 290. The Law Enforcement and Fire Fighting Medal of
10 Honor Act is amended by changing Section 2001 as follows:

11 (20 ILCS 3985/2001) (from Ch. 127, par. 3852-1)

12 Sec. 2001. There is created the Law Enforcement Medal of
13 Honor Committee, referred to in this Article as the Committee.
14 The Committee shall consist of the Director of the Illinois
15 ~~Department of~~ State Police, the Superintendent of the Chicago
16 Police Department, the Executive Director of the Illinois Law
17 Enforcement Training Standards Board, and the following
18 persons appointed by the Governor: a sheriff, a chief of police
19 from other than Chicago, a representative of a statewide law
20 enforcement officer organization and a retired Illinois law
21 enforcement officer. Of the appointed members, the sheriff and
22 police chief shall each serve a 2-year term and the
23 organization representative and retired officer shall each
24 serve a one-year term. The Governor shall appoint initial

1 members within 3 months of the effective date of this Act.

2 Members of the Committee shall serve without compensation
3 but shall be reimbursed for actual expenses incurred in the
4 performance of their duties from funds appropriated to the
5 Office of the Governor for such purpose.

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

7 Section 295. The Illinois Motor Vehicle Theft Prevention
8 and Insurance Verification Act is amended by changing Sections
9 4 and 8.5 as follows:

10 (20 ILCS 4005/4) (from Ch. 95 1/2, par. 1304)

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

12 Sec. 4. There is hereby created an Illinois Motor Vehicle
13 Theft Prevention and Insurance Verification Council, which
14 shall exercise its powers, duties and responsibilities. There
15 shall be 11 members of the Council consisting of the Secretary
16 of State or his designee, the Director of the Illinois
17 ~~Department of~~ State Police, the State's Attorney of Cook
18 County, the Superintendent of the Chicago Police Department,
19 and the following 7 additional members, each of whom shall be
20 appointed by the Secretary of State: a state's attorney of a
21 county other than Cook, a chief executive law enforcement
22 official from a jurisdiction other than the City of Chicago, 5
23 representatives of insurers authorized to write motor vehicle
24 insurance in this State, all of whom shall be domiciled in this

1 State.

2 The Director shall be the Chairman of the Council. All
3 members of the Council appointed by the Secretary shall serve
4 at the discretion of the Secretary for a term not to exceed 4
5 years. The Council shall meet at least quarterly.

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

7 (20 ILCS 4005/8.5)

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

9 Sec. 8.5. State Police Motor Vehicle Theft Prevention Trust
10 Fund. The State Police Motor Vehicle Theft Prevention Trust
11 Fund is created as a trust fund in the State treasury. The
12 State Treasurer shall be the custodian of the Trust Fund. The
13 Trust Fund is established to receive funds from the Illinois
14 Motor Vehicle Theft Prevention and Insurance Verification
15 Council. All interest earned from the investment or deposit of
16 moneys accumulated in the Trust Fund shall be deposited into
17 the Trust Fund. Moneys in the Trust Fund shall be used by the
18 Illinois Department of State Police for motor vehicle theft
19 prevention purposes.

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

21 Section 305. The Social Security Number Protection Task
22 Force Act is amended by changing Section 10 as follows:

23 (20 ILCS 4040/10)

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

2 (a) The Social Security Number Protection Task Force is
3 created within the Office of the Attorney General. The Attorney
4 General is responsible for administering the activities of the
5 Task Force. The Task Force shall consist of the following
6 members:

7 (1) Two members representing the House of
8 Representatives, appointed by the Speaker of the House of
9 Representatives;

10 (2) Two members representing the House of
11 Representatives, appointed by the Minority Leader of the
12 House of Representatives;

13 (3) Two members representing the Senate, appointed by
14 the President of the Senate;

15 (4) Two members representing the Senate, appointed by
16 the Minority Leader of the Senate;

17 (5) One member, who shall serve as the chairperson of
18 the Task Force, representing the Office of the Attorney
19 General, appointed by the Attorney General;

20 (6) One member representing the Office of the Secretary
21 of State, appointed by the Secretary of State;

22 (7) One member representing the Office of the Governor,
23 appointed by the Governor;

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

26 (9) One member representing the Department of

1 Healthcare and Family Services, appointed by the Director
2 of Healthcare and Family Services;

3 (10) One member representing the Department of
4 Revenue, appointed by the Director of Revenue;

5 (11) One member representing the Illinois ~~Department~~
6 ~~of~~ State Police, appointed by the Director of the Illinois
7 State Police;

8 (12) One member representing the Department of
9 Employment Security, appointed by the Director of
10 Employment Security;

11 (13) One member representing the Illinois Courts,
12 appointed by the Director of the Administrative Office of
13 the Illinois Courts;

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

16 (15) One member appointed by the Director of Central
17 Management Services;

18 (16) One member appointed by the Executive Director of
19 the Board of Higher Education;

20 (17) One member appointed by the Secretary of Human
21 Services;

22 (18) Three members appointed by the chairperson of the
23 Task Force, representing local-governmental organizations,
24 who may include representatives of clerks of the circuit
25 court, recorders of deeds, counties, and municipalities;

26 (19) One member representing the Office of the State

1 Comptroller, appointed by the Comptroller; and

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

4 (b) The Task Force shall examine the procedures used by the
5 State to protect an individual against the unauthorized
6 disclosure of his or her social security number when the State
7 requires the individual to provide his or her social security
8 number to an officer or agency of the State.

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

14 (Source: P.A. 94-611, eff. 8-18-05; 95-331, eff. 8-21-07;
15 95-482, eff. 8-28-07.)

16 Section 310. The Commission to Study Disproportionate
17 Justice Impact Act is amended by changing Section 10 as
18 follows:

19 (20 ILCS 4085/10)

20 Sec. 10. Composition. The Commission shall be composed of
21 the following members:

22 (a) Two members of the Senate appointed by the Senate
23 President, one of whom the President shall designate to
24 serve as co-chair, and two members of the Senate appointed

1 by the Minority Leader of the Senate.

2 (b) Two members of the House of Representatives
3 appointed by the Speaker of the House of Representatives,
4 one of whom the Speaker shall designate to serve as
5 co-chair, and two members of the House of Representatives
6 appointed by the Minority Leader of the House of
7 Representatives.

8 (c) The following persons or their designees:

9 (1) the Attorney General,

10 (2) the Chief Judge of the Circuit Court of Cook
11 County,

12 (3) the Director of the Illinois State Police,

13 (4) the Superintendent of the Chicago Police
14 Department,

15 (5) the sheriff of Cook County,

16 (6) the State Appellate Defender,

17 (7) the Cook County Public Defender,

18 (8) the Director of the Office of the State's
19 Attorneys Appellate Prosecutor,

20 (9) the Cook County State's Attorney,

21 (10) the Executive Director of the Criminal
22 Justice Information Authority,

23 (11) the Director of Corrections,

24 (12) the Director of Juvenile Justice, and

25 (13) the Executive Director of the Illinois
26 African-American Family Commission.

1 (d) The co-chairs may name up to 8 persons,
2 representing minority communities within Illinois, groups
3 involved in the improvement of the administration of
4 justice, behavioral health, criminal justice, law
5 enforcement, and the rehabilitation of former inmates,
6 community groups, and other interested parties.

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

8 Section 315. The Racial and Ethnic Impact Research Task
9 Force Act is amended by changing Section 10 as follows:

10 (20 ILCS 5025/10)

11 Sec. 10. Racial and Ethnic Impact Research Task Force.
12 There is created the Racial and Ethnic Impact Research Task
13 Force, composed of the following members:

14 (1) 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 2 members of the Senate appointed by
17 the Minority Leader of the Senate.

18 (2) 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 2 members of the House of Representatives
22 appointed by the Minority Leader of the House of
23 Representatives.

24 (3) The following persons or their designees:

- 1 (A) the Attorney General,
2 (B) the Chief Judge of the Circuit Court of Cook
3 County,
4 (C) the Director of the Illinois State Police,
5 (D) the Superintendent of the Chicago Police
6 Department,
7 (E) the Sheriff of Cook County,
8 (F) the State Appellate Defender,
9 (G) the Cook County Public Defender,
10 (H) the Director of the Office of the State's
11 Attorneys Appellate Prosecutor,
12 (I) the Cook County State's Attorney,
13 (J) the Executive Director of the Illinois
14 Criminal Justice Information Authority,
15 (K) the Director of Corrections,
16 (L) the Director of Juvenile Justice, and
17 (M) the Executive Director of the Illinois
18 African-American Family Commission.

19 (4) 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. 97-433, eff. 8-16-11.)

1 Section 330. The State Finance Act is amended by changing
2 Sections 6z-82, 6z-99, 6z-106, 8.3, 8.37, 8p, and 14 as
3 follows:

4 (30 ILCS 105/6z-82)

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

6 (a) There is created in the State treasury a special fund
7 known as the State Police Operations Assistance Fund. The Fund
8 shall receive revenue under the Criminal and Traffic Assessment
9 Act. The Fund may also receive revenue from grants, donations,
10 appropriations, and any other legal source.

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

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

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

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

20 (f) Notwithstanding any other provision of State law to the
21 contrary, on or after July 1, 2012, and until June 30, 2013, in
22 addition to any other transfers that may be provided for by
23 law, at the direction of and upon notification from the
24 Director of the Illinois State Police, the State Comptroller
25 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. 100-987, eff. 7-1-19.)

8 (30 ILCS 105/6z-99)

9 Sec. 6z-99. The Mental Health Reporting Fund.

10 (a) There is created in the State treasury a special fund
11 known as the Mental Health Reporting Fund. The Fund shall
12 receive revenue under the Firearm Concealed Carry Act. The Fund
13 may also receive revenue from grants, pass-through grants,
14 donations, appropriations, and any other legal source.

15 (b) The Illinois ~~Department of~~ State Police and Department
16 of Human Services shall coordinate to use moneys in the Fund to
17 finance their respective duties of collecting and reporting
18 data on mental health records and ensuring that mental health
19 firearm possession prohibitors are enforced as set forth under
20 the Firearm Concealed Carry Act and the Firearm Owners
21 Identification Card Act. Any surplus in the Fund beyond what is
22 necessary to ensure compliance with mental health reporting
23 under these Acts shall be used by the Department of Human
24 Services for mental health treatment programs.

25 (c) Investment income that is attributable to the

1 investment of moneys in the Fund shall be retained in the Fund
2 for the uses specified in this Section.

3 (Source: P.A. 98-63, eff. 7-9-13; 98-756, eff. 7-16-14.)

4 (30 ILCS 105/6z-106)

5 Sec. 6z-106. State Police Law Enforcement Administration
6 Fund.

7 (a) There is created in the State treasury a special fund
8 known as the State Police Law Enforcement Administration Fund.
9 The Fund shall receive revenue under subsection (c) of Section
10 10-5 of the Criminal and Traffic Assessment Act. The Fund may
11 also receive revenue from grants, donations, appropriations,
12 and any other legal source.

13 (b) The Illinois ~~Department of~~ State Police may use moneys
14 in the Fund to finance any of its lawful purposes or functions;
15 however, the primary purpose shall be to finance State Police
16 cadet classes in May and October of each year.

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

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

22 (e) The State Police Law Enforcement Administration Fund
23 shall not be subject to administrative chargebacks.

24 (Source: P.A. 100-987, eff. 7-1-19; 101-81, eff. 7-12-19.)

1 (30 ILCS 105/8.3) (from Ch. 127, par. 144.3)

2 Sec. 8.3. Money in the Road Fund shall, if and when the
3 State of Illinois incurs any bonded indebtedness for the
4 construction of permanent highways, be set aside and used for
5 the purpose of paying and discharging annually the principal
6 and interest on that bonded indebtedness then due and payable,
7 and for no other purpose. The surplus, if any, in the Road Fund
8 after the payment of principal and interest on that bonded
9 indebtedness then annually due shall be used as follows:

10 first -- to pay the cost of administration of Chapters
11 2 through 10 of the Illinois Vehicle Code, except the cost
12 of administration of Articles I and II of Chapter 3 of that
13 Code; and

14 secondly -- for expenses of the Department of
15 Transportation for construction, reconstruction,
16 improvement, repair, maintenance, operation, and
17 administration of highways in accordance with the
18 provisions of laws relating thereto, or for any purpose
19 related or incident to and connected therewith, including
20 the separation of grades of those highways with railroads
21 and with highways and including the payment of awards made
22 by the Illinois Workers' Compensation Commission under the
23 terms of the Workers' Compensation Act or Workers'
24 Occupational Diseases Act for injury or death of an
25 employee of the Division of Highways in the Department of
26 Transportation; or for the acquisition of land and the

1 erection of buildings for highway purposes, including the
2 acquisition of highway right-of-way or for investigations
3 to determine the reasonably anticipated future highway
4 needs; or for making of surveys, plans, specifications and
5 estimates for and in the construction and maintenance of
6 flight strips and of highways necessary to provide access
7 to military and naval reservations, to defense industries
8 and defense-industry sites, and to the sources of raw
9 materials and for replacing existing highways and highway
10 connections shut off from general public use at military
11 and naval reservations and defense-industry sites, or for
12 the purchase of right-of-way, except that the State shall
13 be reimbursed in full for any expense incurred in building
14 the flight strips; or for the operating and maintaining of
15 highway garages; or for patrolling and policing the public
16 highways and conserving the peace; or for the operating
17 expenses of the Department relating to the administration
18 of public transportation programs; or, during fiscal year
19 2020 only, for the purposes of a grant not to exceed
20 \$8,394,800 to the Regional Transportation Authority on
21 behalf of PACE for the purpose of ADA/Para-transit
22 expenses; or for any of those purposes or any other purpose
23 that may be provided by law.

24 Appropriations for any of those purposes are payable from
25 the Road Fund. Appropriations may also be made from the Road
26 Fund for the administrative expenses of any State agency that

1 are related to motor vehicles or arise from the use of motor
2 vehicles.

3 Beginning with fiscal year 1980 and thereafter, no Road
4 Fund monies shall be appropriated to the following Departments
5 or agencies of State government for administration, grants, or
6 operations; but this limitation is not a restriction upon
7 appropriating for those purposes any Road Fund monies that are
8 eligible for federal reimbursement:

9 1. Department of Public Health;

10 2. Department of Transportation, only with respect to
11 subsidies for one-half fare Student Transportation and
12 Reduced Fare for Elderly, except during fiscal year 2019
13 only when no more than \$17,570,000 may be expended and
14 except fiscal year 2020 only when no more than \$17,570,000
15 may be expended;

16 3. Department of Central Management Services, except
17 for expenditures incurred for group insurance premiums of
18 appropriate personnel;

19 4. Judicial Systems and Agencies.

20 Beginning with fiscal year 1981 and thereafter, no Road
21 Fund monies shall be appropriated to the following Departments
22 or agencies of State government for administration, grants, or
23 operations; but this limitation is not a restriction upon
24 appropriating for those purposes any Road Fund monies that are
25 eligible for federal reimbursement:

26 1. Illinois ~~Department of~~ State Police, except for

1 expenditures with respect to the Division of Patrol
2 Operations and Division of Criminal Investigation
3 Operations;

4 2. Department of Transportation, only with respect to
5 Intercity Rail Subsidies, except during fiscal year 2019
6 only when no more than \$52,000,000 may be expended and
7 except fiscal year 2020 only when no more than \$50,000,000
8 may be expended, and Rail Freight Services.

9 Beginning with fiscal year 1982 and thereafter, no Road
10 Fund monies shall be appropriated to the following Departments
11 or agencies of State government for administration, grants, or
12 operations; but this limitation is not a restriction upon
13 appropriating for those purposes any Road Fund monies that are
14 eligible for federal reimbursement: Department of Central
15 Management Services, except for awards made by the Illinois
16 Workers' Compensation Commission under the terms of the
17 Workers' Compensation Act or Workers' Occupational Diseases
18 Act for injury or death of an employee of the Division of
19 Highways in the Department of Transportation.

20 Beginning with fiscal year 1984 and thereafter, no Road
21 Fund monies shall be appropriated to the following Departments
22 or agencies of State government for administration, grants, or
23 operations; but this limitation is not a restriction upon
24 appropriating for those purposes any Road Fund monies that are
25 eligible for federal reimbursement:

26 1. Illinois ~~Department of~~ State Police, except not more

1 than 40% of the funds appropriated for the Division of
2 Patrol Operations and Division of Criminal Investigation
3 Operations;

4 2. State Officers.

5 Beginning with fiscal year 1984 and thereafter, no Road
6 Fund monies shall be appropriated to any Department or agency
7 of State government for administration, grants, or operations
8 except as provided hereafter; but this limitation is not a
9 restriction upon appropriating for those purposes any Road Fund
10 monies that are eligible for federal reimbursement. It shall
11 not be lawful to circumvent the above appropriation limitations
12 by governmental reorganization or other methods.
13 Appropriations shall be made from the Road Fund only in
14 accordance with the provisions of this Section.

15 Money in the Road Fund shall, if and when the State of
16 Illinois incurs any bonded indebtedness for the construction of
17 permanent highways, be set aside and used for the purpose of
18 paying and discharging during each fiscal year the principal
19 and interest on that bonded indebtedness as it becomes due and
20 payable as provided in the Transportation Bond Act, and for no
21 other purpose. The surplus, if any, in the Road Fund after the
22 payment of principal and interest on that bonded indebtedness
23 then annually due shall be used as follows:

24 first -- to pay the cost of administration of Chapters
25 2 through 10 of the Illinois Vehicle Code; and

26 secondly -- no Road Fund monies derived from fees,

1 excises, or license taxes relating to registration,
2 operation and use of vehicles on public highways or to
3 fuels used for the propulsion of those vehicles, shall be
4 appropriated or expended other than for costs of
5 administering the laws imposing those fees, excises, and
6 license taxes, statutory refunds and adjustments allowed
7 thereunder, administrative costs of the Department of
8 Transportation, including, but not limited to, the
9 operating expenses of the Department relating to the
10 administration of public transportation programs, payment
11 of debts and liabilities incurred in construction and
12 reconstruction of public highways and bridges, acquisition
13 of rights-of-way for and the cost of construction,
14 reconstruction, maintenance, repair, and operation of
15 public highways and bridges under the direction and
16 supervision of the State, political subdivision, or
17 municipality collecting those monies, or during fiscal
18 year 2019 only for the purposes of a grant not to exceed
19 \$3,825,000 to the Regional Transportation Authority on
20 behalf of PACE for the purpose of ADA/Para-transit
21 expenses, or during fiscal year 2020 only for the purposes
22 of a grant not to exceed \$8,394,800 to the Regional
23 Transportation Authority on behalf of PACE for the purpose
24 of ADA/Para-transit expenses, and the costs for patrolling
25 and policing the public highways (by State, political
26 subdivision, or municipality collecting that money) for

1 enforcement of traffic laws. The separation of grades of
2 such highways with railroads and costs associated with
3 protection of at-grade highway and railroad crossing shall
4 also be permissible.

5 Appropriations for any of such purposes are payable from
6 the Road Fund or the Grade Crossing Protection Fund as provided
7 in Section 8 of the Motor Fuel Tax Law.

8 Except as provided in this paragraph, beginning with fiscal
9 year 1991 and thereafter, no Road Fund monies shall be
10 appropriated to the Illinois ~~Department of~~ State Police for the
11 purposes of this Section in excess of its total fiscal year
12 1990 Road Fund appropriations for those purposes unless
13 otherwise provided in Section 5g of this Act. For fiscal years
14 2003, 2004, 2005, 2006, and 2007 only, no Road Fund monies
15 shall be appropriated to the Department of State Police for the
16 purposes of this Section in excess of \$97,310,000. For fiscal
17 year 2008 only, no Road Fund monies shall be appropriated to
18 the Department of State Police for the purposes of this Section
19 in excess of \$106,100,000. For fiscal year 2009 only, no Road
20 Fund monies shall be appropriated to the Department of State
21 Police for the purposes of this Section in excess of
22 \$114,700,000. Beginning in fiscal year 2010, no road fund
23 moneys shall be appropriated to the Illinois ~~Department of~~
24 State Police. It shall not be lawful to circumvent this
25 limitation on appropriations by governmental reorganization or
26 other methods unless otherwise provided in Section 5g of this

1 Act.

2 In fiscal year 1994, no Road Fund monies shall be
3 appropriated to the Secretary of State for the purposes of this
4 Section in excess of the total fiscal year 1991 Road Fund
5 appropriations to the Secretary of State for those purposes,
6 plus \$9,800,000. It shall not be lawful to circumvent this
7 limitation on appropriations by governmental reorganization or
8 other method.

9 Beginning with fiscal year 1995 and thereafter, no Road
10 Fund monies shall be appropriated to the Secretary of State for
11 the purposes of this Section in excess of the total fiscal year
12 1994 Road Fund appropriations to the Secretary of State for
13 those purposes. It shall not be lawful to circumvent this
14 limitation on appropriations by governmental reorganization or
15 other methods.

16 Beginning with fiscal year 2000, total Road Fund
17 appropriations to the Secretary of State for the purposes of
18 this Section shall not exceed the amounts specified for the
19 following fiscal years:

20	Fiscal Year 2000	\$80,500,000;
21	Fiscal Year 2001	\$80,500,000;
22	Fiscal Year 2002	\$80,500,000;
23	Fiscal Year 2003	\$130,500,000;
24	Fiscal Year 2004	\$130,500,000;
25	Fiscal Year 2005	\$130,500,000;
26	Fiscal Year 2006	\$130,500,000;

1 Fiscal Year 2007 \$130,500,000;
2 Fiscal Year 2008 \$130,500,000;
3 Fiscal Year 2009 \$130,500,000.

4 For fiscal year 2010, no road fund moneys shall be
5 appropriated to the Secretary of State.

6 Beginning in fiscal year 2011, moneys in the Road Fund
7 shall be appropriated to the Secretary of State for the
8 exclusive purpose of paying refunds due to overpayment of fees
9 related to Chapter 3 of the Illinois Vehicle Code unless
10 otherwise provided for by law.

11 It shall not be lawful to circumvent this limitation on
12 appropriations by governmental reorganization or other
13 methods.

14 No new program may be initiated in fiscal year 1991 and
15 thereafter that is not consistent with the limitations imposed
16 by this Section for fiscal year 1984 and thereafter, insofar as
17 appropriation of Road Fund monies is concerned.

18 Nothing in this Section prohibits transfers from the Road
19 Fund to the State Construction Account Fund under Section 5e of
20 this Act; nor to the General Revenue Fund, as authorized by
21 Public Act 93-25.

22 The additional amounts authorized for expenditure in this
23 Section by Public Acts 92-0600, 93-0025, 93-0839, and 94-91
24 shall be repaid to the Road Fund from the General Revenue Fund
25 in the next succeeding fiscal year that the General Revenue
26 Fund has a positive budgetary balance, as determined by

1 generally accepted accounting principles applicable to
2 government.

3 The additional amounts authorized for expenditure by the
4 Secretary of State and the Department of State Police in this
5 Section by Public Act 94-91 shall be repaid to the Road Fund
6 from the General Revenue Fund in the next succeeding fiscal
7 year that the General Revenue Fund has a positive budgetary
8 balance, as determined by generally accepted accounting
9 principles applicable to government.

10 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;
11 100-863, eff.8-14-18; 101-10, eff. 6-5-19.)

12 (30 ILCS 105/8.37)

13 Sec. 8.37. State Police Wireless Service Emergency Fund.

14 (a) The State Police Wireless Service Emergency Fund is
15 created as a special fund in the State Treasury.

16 (b) Grants or surcharge funds allocated to the Illinois
17 ~~Department of~~ State Police from the Statewide 9-1-1 Fund shall
18 be deposited into the State Police Wireless Service Emergency
19 Fund and shall be used in accordance with Section 30 of the
20 Emergency Telephone System Act.

21 (c) On July 1, 1999, the State Comptroller and State
22 Treasurer shall transfer \$1,300,000 from the General Revenue
23 Fund to the State Police Wireless Service Emergency Fund. On
24 June 30, 2003 the State Comptroller and State Treasurer shall
25 transfer \$1,300,000 from the State Police Wireless Service

1 Emergency Fund to the General Revenue Fund.

2 (Source: P.A. 100-20, eff. 7-1-17.)

3 (30 ILCS 105/8p)

4 Sec. 8p. State Police Streetgang-Related Crime Fund.

5 (a) The State Police Streetgang-Related Crime Fund is
6 created as a special fund in the State treasury.

7 (b) All moneys collected and payable to the Illinois
8 ~~Department~~ of State Police from the State Police
9 Streetgang-Related Crime Fund shall be appropriated to and
10 administered by the Illinois ~~Department~~ of State Police for
11 operations and initiatives to combat and prevent
12 streetgang-related crime.

13 (c) The State Police Streetgang-Related Crime Fund shall
14 not be subject to administrative chargebacks.

15 (Source: P.A. 100-987, eff. 7-1-19.)

16 (30 ILCS 105/14) (from Ch. 127, par. 150)

17 Sec. 14. The item "personal services", when used in an
18 appropriation Act, means the reward or recompense made for
19 personal services rendered for the State by an officer or
20 employee of the State or of an instrumentality thereof, or for
21 the purpose of Section 14a of this Act, or any amount required
22 or authorized to be deducted from the salary of any such person
23 under the provisions of Section 30c of this Act, or any
24 retirement or tax law, or both, or deductions from the salary

1 of any such person under the Social Security Enabling Act or
2 deductions from the salary of such person pursuant to the
3 Voluntary Payroll Deductions Act of 1983.

4 If no home is furnished to a person who is a full-time
5 chaplain employed by the State or a former full-time chaplain
6 retired from State employment, 20% of the salary or pension
7 paid to that person for his personal services to the State as
8 chaplain are considered to be a rental allowance paid to him to
9 rent or otherwise provide a home. This amendatory Act of 1973
10 applies to State salary amounts received after December 31,
11 1973.

12 When any appropriation payable from trust funds or federal
13 funds includes an item for personal services but does not
14 include a separate item for State contribution for employee
15 group insurance, the State contribution for employee group
16 insurance in relation to employees paid under that personal
17 services line item shall also be payable under that personal
18 services line item.

19 When any appropriation payable from trust funds or federal
20 funds includes an item for personal services but does not
21 include a separate item for employee retirement contributions
22 paid by the employer, the State contribution for employee
23 retirement contributions paid by the employer in relation to
24 employees paid under that personal services line item shall
25 also be payable under that personal services line item.

26 The item "personal services", when used in an appropriation

1 Act, shall also mean and include a payment to a State
2 retirement system by a State agency to discharge a debt arising
3 from the over-refund to an employee of retirement
4 contributions. The payment to a State retirement system
5 authorized by this paragraph shall not be construed to release
6 the employee from his or her obligation to return to the State
7 the amount of the over-refund.

8 The item "personal services", when used in an appropriation
9 Act, also includes a payment to reimburse the Department of
10 Central Management Services for temporary total disability
11 benefit payments in accordance with subdivision (9) of Section
12 405-105 of the Department of Central Management Services Law
13 ~~(20 ILCS 405/405-105)~~.

14 Beginning July 1, 1993, the item "personal services" and
15 related line items, when used in an appropriation Act or this
16 Act, shall also mean and include back wage claims of State
17 officers and employees to the extent those claims have not been
18 satisfied from the back wage appropriation to the Department of
19 Central Management Services in the preceding fiscal year, as
20 provided in Section 14b of this Act and subdivision (13) of
21 Section 405-105 of the Department of Central Management
22 Services Law ~~(20 ILCS 405/405-105)~~.

23 The item "personal services", when used with respect to
24 State police officers in an appropriation Act, also includes a
25 payment for the burial expenses of a State police officer
26 killed in the line of duty, made in accordance with Section

1 12.2 of the Illinois State Police Act and any rules adopted
2 under that Section.

3 For State fiscal year 2005, the item "personal services",
4 when used in an appropriation Act, also includes payments for
5 employee retirement contributions paid by the employer.

6 (Source: P.A. 93-839, eff. 7-30-04.)

7 Section 335. The State Officers and Employees Money
8 Disposition Act is amended by changing Section 2 as follows:

9 (30 ILCS 230/2) (from Ch. 127, par. 171)

10 Sec. 2. Accounts of money received; payment into State
11 treasury.

12 (a) Every officer, board, commission, commissioner,
13 department, institution, arm or agency brought within the
14 provisions of this Act by Section 1 shall keep in proper books
15 a detailed itemized account of all moneys received for or on
16 behalf of the State of Illinois, showing the date of receipt,
17 the payor, and purpose and amount, and the date and manner of
18 disbursement as hereinafter provided, and, unless a different
19 time of payment is expressly provided by law or by rules or
20 regulations promulgated under subsection (b) of this Section,
21 shall pay into the State treasury the gross amount of money so
22 received on the day of actual physical receipt with respect to
23 any single item of receipt exceeding \$10,000, within 24 hours
24 of actual physical receipt with respect to an accumulation of

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

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

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

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

10 (3.5) the State Treasurer may permit the deduction of
11 fees by third-party unclaimed property examiners from the
12 property recovered by the examiners for the State of
13 Illinois during examinations of holders located outside
14 the State under which the Office of the Treasurer has
15 agreed to pay for the examinations based upon a percentage,
16 in accordance with the Revised Uniform Unclaimed Property
17 Act, of the property recovered during the examination; and

18 (4) if the amount of money received does not exceed
19 \$500, such money may be retained and need not be paid into
20 the State treasury until the total amount of money so
21 received exceeds \$500, or until the next succeeding 1st or
22 15th day of each month (or until the next business day if
23 these days fall on Sunday or a holiday), whichever is
24 earlier, at which earlier time such money shall be paid
25 into the State treasury, except that if a local bank or
26 savings and loan association account has been authorized by

1 law, any balances shall be paid into the State treasury on
2 Monday of each week if more than \$500 is to be deposited in
3 any fund.

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

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

1 provided to the State Comptroller to allow deposit into the
2 appropriate fund.

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

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

25 Section 340. The Illinois Procurement Code is amended by

1 changing Section 25-75 as follows:

2 (30 ILCS 500/25-75)

3 Sec. 25-75. Purchase of motor vehicles.

4 (a) Beginning on the effective date of this amendatory Act
5 of the 94th General Assembly, all gasoline-powered vehicles
6 purchased from State funds must be flexible fuel vehicles.
7 Beginning July 1, 2007, all gasoline-powered vehicles
8 purchased from State funds must be flexible fuel or fuel
9 efficient hybrid vehicles. For purposes of this Section,
10 "flexible fuel vehicles" are automobiles or light trucks that
11 operate on either gasoline or E-85 (85% ethanol, 15% gasoline)
12 fuel and "Fuel efficient hybrid vehicles" are automobiles or
13 light trucks that use a gasoline or diesel engine and an
14 electric motor to provide power and gain at least a 20%
15 increase in combined US-EPA city-highway fuel economy over the
16 equivalent or most-similar conventionally-powered model.

17 (b) On and after the effective date of this amendatory Act
18 of the 94th General Assembly, any vehicle purchased from State
19 funds that is fueled by diesel fuel shall be certified by the
20 manufacturer to run on 5% biodiesel (B5) fuel.

21 (b-5) On and after January 1, 2016, 15% of passenger
22 vehicles, other than Department of Corrections vehicles,
23 Secretary of State vehicles (except for mid-sized sedans), and
24 Illinois ~~Department of~~ State Police patrol vehicles, purchased
25 with State funds shall be vehicles fueled by electricity,

1 electricity and gasohol (hybrids or plug-in hybrids),
2 compressed natural gas, liquid petroleum gas, or liquid natural
3 gas, including dedicated or non-dedicated fuel type vehicles.

4 (c) The Chief Procurement Officer may determine that
5 certain vehicle procurements are exempt from this Section based
6 on intended use or other reasonable considerations such as
7 health and safety of Illinois citizens.

8 (Source: P.A. 98-442, eff. 1-1-14; 98-759, eff. 7-16-14;
9 99-406, eff. 1-1-16.)

10 Section 345. The State Property Control Act is amended by
11 changing Sections 7, 7b and 7c as follows:

12 (30 ILCS 605/7) (from Ch. 127, par. 133b10)

13 Sec. 7. Disposition of transferable property.

14 (a) Except as provided in subsection (c), whenever a
15 responsible officer considers it advantageous to the State to
16 dispose of transferable property by trading it in for credit on
17 a replacement of like nature, the responsible officer shall
18 report the trade-in and replacement to the administrator on
19 forms furnished by the latter. The exchange, trade or transfer
20 of "textbooks" as defined in Section 18-17 of the School Code
21 between schools or school districts pursuant to regulations
22 adopted by the State Board of Education under that Section
23 shall not constitute a disposition of transferable property
24 within the meaning of this Section, even though such exchange,

1 trade or transfer occurs within 5 years after the textbooks are
2 first provided for loan pursuant to Section 18-17 of the School
3 Code.

4 (b) Except as provided in subsection (c), whenever it is
5 deemed necessary to dispose of any item of transferable
6 property, the administrator shall proceed to dispose of the
7 property by sale or scrapping as the case may be, in whatever
8 manner he considers most advantageous and most profitable to
9 the State. Items of transferable property which would
10 ordinarily be scrapped and disposed of by burning or by burial
11 in a landfill may be examined and a determination made whether
12 the property should be recycled. This determination and any
13 sale of recyclable property shall be in accordance with rules
14 promulgated by the Administrator.

15 When the administrator determines that property is to be
16 disposed of by sale, he shall offer it first to the
17 municipalities, counties, and school districts of the State and
18 to charitable, not-for-profit educational and public health
19 organizations, including but not limited to medical
20 institutions, clinics, hospitals, health centers, schools,
21 colleges, universities, child care centers, museums, nursing
22 homes, programs for the elderly, food banks, State Use
23 Sheltered Workshops and the Boy and Girl Scouts of America, for
24 purchase at an appraised value. Notice of inspection or viewing
25 dates and property lists shall be distributed in the manner
26 provided in rules and regulations promulgated by the

1 Administrator for that purpose.

2 Electronic data processing equipment purchased and charged
3 to appropriations may, at the discretion of the administrator,
4 be sold, pursuant to contracts entered into by the Director of
5 Central Management Services or the heads of agencies exempt
6 from "The Illinois Purchasing Act". However such equipment
7 shall not be sold at prices less than the purchase cost thereof
8 or depreciated value as determined by the administrator. No
9 sale of the electronic data processing equipment and lease to
10 the State by the purchaser of such equipment shall be made
11 under this Act unless the Director of Central Management
12 Services finds that such contracts are financially
13 advantageous to the State.

14 Disposition of other transferable property by sale, except
15 sales directly to local governmental units, school districts,
16 and not-for-profit educational, charitable and public health
17 organizations, shall be subject to the following minimum
18 conditions:

19 (1) The administrator shall cause the property to be
20 advertised for sale to the highest responsible bidder,
21 stating time, place, and terms of such sale at least 7 days
22 prior to the time of sale and at least once in a newspaper
23 having a general circulation in the county where the
24 property is to be sold.

25 (2) If no acceptable bids are received, the
26 administrator may then sell the property in whatever manner

1 he considers most advantageous and most profitable to the
2 State.

3 (c) Notwithstanding any other provision of this Act, an
4 agency covered by this Act may transfer books, serial
5 publications, or other library materials that are transferable
6 property, or that have been withdrawn from the agency's library
7 collection through a regular collection evaluation process, to
8 any of the following entities:

9 (1) Another agency covered by this Act located in
10 Illinois.

11 (2) A State supported university library located in
12 Illinois.

13 (3) A tax-supported public library located in
14 Illinois, including a library established by a public
15 library district.

16 (4) A library system organized under the Illinois
17 Library System Act or any library located in Illinois that
18 is a member of such a system.

19 (5) A non-profit agency, located in or outside
20 Illinois.

21 A transfer of property under this subsection is not subject
22 to the requirements of subsection (a) or (b).

23 In addition, an agency covered by this Act may sell or
24 exchange books, serial publications, and other library
25 materials that have been withdrawn from its library collection
26 through a regular collection evaluation process. Those items

1 may be sold to the public at library book sales or to book
2 dealers or may be offered through exchange to book dealers or
3 other organizations. Revenues generated from the sale of
4 withdrawn items shall be retained by the agency in a separate
5 account to be used solely for the purchase of library
6 materials; except that in the case of the State Library,
7 revenues from the sale of withdrawn items shall be deposited
8 into the State Library Fund to be used for the purposes stated
9 in Section 25 of the State Library Act.

10 For purposes of this subsection (c), "library materials"
11 means physical entities of any substance that serve as carriers
12 of information, including, without limitation, books, serial
13 publications, periodicals, microforms, graphics, audio or
14 video recordings, and machine readable data files.

15 (d) Notwithstanding any other provision of this Act, the
16 Director of the Illinois State Police may dispose of a service
17 firearm or police badge issued or previously issued to a
18 retiring or separating State Police officer as provided in
19 Section 17b of the Illinois State Police Act. The Director of
20 Natural Resources may dispose of a service firearm or police
21 badge issued previously to a retiring Conservation Police
22 Officer as provided in Section 805-538 of the Department of
23 Natural Resources (Conservation) Law of the Civil
24 Administrative Code of Illinois. The Director of the Secretary
25 of State Department of Police may dispose of a service firearm
26 or police badge issued or previously issued to a retiring

1 Secretary of State Police officer, inspector, or investigator
2 as provided in Section 2-116 of the Illinois Vehicle Code. The
3 Office of the State Fire Marshal may dispose of a service
4 firearm or badge previously issued to a State Fire Marshal
5 Arson Investigator Special Agent who is honorably retiring or
6 separating in good standing as provided in subsection (c) of
7 Section 1 of the Peace Officer Fire Investigation Act.

8 (Source: P.A. 100-931, eff. 8-17-18.)

9 (30 ILCS 605/7b)

10 Sec. 7b. Maintenance and operation of Illinois State Police
11 vehicles. All proceeds received by the Department of Central
12 Management Services under this Act from the sale of vehicles
13 operated by the Illinois ~~Department of~~ State Police, except for
14 a \$500 handling fee to be retained by the Department of Central
15 Management Services for each vehicle sold, shall be deposited
16 into the State Police Vehicle Maintenance Fund. However, in
17 lieu of the \$500 handling fee as provided by this paragraph,
18 the Department of Central Management Services shall retain all
19 proceeds from the sale of any vehicle for which \$500 or a
20 lesser amount is collected.

21 The State Police Vehicle Maintenance Fund is created as a
22 special fund in the State treasury. All moneys in the State
23 Police Vehicle Maintenance Fund, subject to appropriation,
24 shall be used by the Illinois ~~Department of~~ State Police for
25 the maintenance and operation of vehicles for that Department.

1 (Source: P.A. 94-839, eff. 6-6-06.)

2 (30 ILCS 605/7c)

3 Sec. 7c. Acquisition of Illinois State Police vehicles. The
4 State Police Vehicle Fund is created as a special fund in the
5 State treasury. All moneys in the Fund, subject to
6 appropriation, shall be used by the Illinois ~~Department of~~
7 State Police:

8 (1) for the acquisition of vehicles for that
9 Department; or

10 (2) for debt service on bonds issued to finance the
11 acquisition of vehicles for that Department.

12 (Source: P.A. 100-987, eff. 7-1-19.)

13 Section 350. The State Vehicle Identification Act is
14 amended by changing Section 4 as follows:

15 (30 ILCS 610/4) (from Ch. 127, par. 133e4)

16 Sec. 4. This Act shall not apply to vehicles used by
17 elective State officers, by executive heads of State agencies
18 and departments, by presidents of colleges or universities
19 placed under control of officers of this State, or by any
20 employee of a State agency or department in the performance of
21 investigative services exclusively when the executive head
22 thereof has requested an exception in writing, and such
23 exception has been approved in writing by the Department, on

1 the basis that the identification would hamper the individual
2 employee in the routine performance of his investigative
3 duties. A record, open to public inspection, shall be kept by
4 the Department of all such exceptions approved by it.

5 This Act shall not apply to vehicles assigned to the use of
6 the Illinois ~~Department of~~ State Police and the Division of Law
7 Enforcement of the Department of Natural Resources, and the
8 executive heads thereof shall have within their discretion
9 determination of the type of markings or identification, if
10 any, to be affixed to vehicles assigned to said Department or
11 Division nor shall this Act apply to vehicles assigned to the
12 use of Secretary of State police officers.

13 (Source: P.A. 89-445, eff. 2-7-96.)

14 Section 355. The Intergovernmental Drug Laws Enforcement
15 Act is amended by changing Sections 2.01, 3, 4, 5, and 5.1 as
16 follows:

17 (30 ILCS 715/2.01) (from Ch. 56 1/2, par. 1702.01)

18 Sec. 2.01. ~~"Department" means the Department of State~~
19 ~~Police and~~ "Director" means the Director of the Illinois State
20 Police.

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

22 (30 ILCS 715/3) (from Ch. 56 1/2, par. 1703)

23 Sec. 3. A Metropolitan Enforcement Group which meets the

1 minimum criteria established in this Section is eligible to
2 receive State grants to help defray the costs of operation. To
3 be eligible a MEG must:

4 (1) Be established and operating pursuant to
5 intergovernmental contracts written and executed in
6 conformity with the Intergovernmental Cooperation Act, and
7 involve 2 or more units of local government.

8 (2) Establish a MEG Policy Board composed of an elected
9 official, or his designee, and the chief law enforcement
10 officer, or his designee, from each participating unit of
11 local government to oversee the operations of the MEG and
12 make such reports to the Illinois Department of State
13 Police as the Illinois State Police Department may require.

14 (3) Designate a single appropriate elected official of
15 a participating unit of local government to act as the
16 financial officer of the MEG for all participating units of
17 local government and to receive funds for the operation of
18 the MEG.

19 (4) Limit its operations to enforcement of drug laws;
20 enforcement of Sections 24-2.1, 24-2.2, 24-3, 24-3.1,
21 24-3.3, 24-3.4, 24-4, and 24-5 and subsections 24-1(a)(4),
22 24-1(a)(6), 24-1(a)(7), 24-1(a)(9), 24-1(a)(10), and
23 24-1(c) of the Criminal Code of 2012; and the investigation
24 of streetgang related offenses.

25 (5) Cooperate with the Illinois Department of State
26 Police in order to assure compliance with this Act and to

1 enable the Illinois State Police ~~Department~~ to fulfill its
2 duties under this Act, and supply the Illinois State Police
3 ~~Department~~ with all information the Illinois State Police
4 ~~Department~~ deems necessary therefor.

5 (6) Receive funding of at least 50% of the total
6 operating budget of the MEG from the participating units of
7 local government.

8 (Source: P.A. 97-1150, eff. 1-25-13.)

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

10 Sec. 4. The Illinois ~~Department of~~ State Police shall
11 monitor the operations of all MEG units and determine their
12 eligibility to receive State grants under this Act. From the
13 moneys appropriated annually by the General Assembly for this
14 purpose, the 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 Illinois ~~Department of~~ State Police shall
22 coordinate the operations of all MEG units and may establish
23 such reasonable rules and regulations and conduct those
24 investigations the Director deems necessary to carry out its

1 duties under this Act, including the establishment of forms for
2 reporting by each MEG to the Illinois State Police ~~Department~~.

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

4 (30 ILCS 715/5.1) (from Ch. 56 1/2, par. 1705.1)

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

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

9 Section 360. The State Mandates Act is amended by changing
10 Section 8.40 as follows:

11 (30 ILCS 805/8.40)

12 Sec. 8.40. Exempt mandate.

13 (a) Notwithstanding Sections 6 and 8 of this Act, no
14 reimbursement by the State is required for the implementation
15 of any mandate created by Public Act 99-683, 99-745, or 99-905.

16 (b) Notwithstanding Sections 6 and 8 of this Act, no
17 reimbursement by the State is required for the implementation
18 of any mandate created by Section 40 of the Illinois State
19 Police Act and Section 10.19 of the Illinois Police Training
20 Act.

21 (Source: P.A. 99-683, eff. 7-29-16; 99-711, eff. 1-1-17;
22 99-745, eff. 8-5-16; 99-905, eff. 11-29-16; 100-201, eff.
23 8-18-17.)

1 Section 365. The Illinois Income Tax Act is amended by
2 changing Section 1109 as follows:

3 (35 ILCS 5/1109) (from Ch. 120, par. 11-1109)

4 Sec. 1109. Demand and Seizure. In addition to any other
5 remedy provided for by the laws of this State, if the tax
6 imposed by this Act is not paid within the time required by
7 this Act, the Department, or some person designated by it, may
8 cause a demand to be made on the taxpayer for the payment
9 thereof. If such tax remains unpaid for 10 days after such
10 demand has been made and no proceedings have been taken to
11 review the same, the Department may issue a warrant directed to
12 any sheriff or other person authorized to serve process,
13 commanding the sheriff or other person to levy upon the
14 property and rights to property (whether real or personal,
15 tangible or intangible) of the taxpayer, without exemption,
16 found within his jurisdiction, for the payment of the amount
17 thereof with the added penalties, interest and the cost of
18 executing the warrant. The term "levy" includes the power of
19 distraint and seizure by any means. In any case in which the
20 warrant to levy has been issued, the sheriff or other person to
21 whom the warrant was directed may seize and sell such property
22 or rights to property. Such warrant shall be returned to the
23 Department together with the money collected by virtue thereof
24 within the time therein specified, which shall not be less than

1 20 nor more than 90 days from the date of the warrant. The
2 sheriff or other person to whom such warrant is directed shall
3 proceed in the same manner as prescribed by law in respect to
4 the enforcement against property upon judgments by a court, and
5 shall be entitled to the same fees for his services in
6 executing the warrant, to be collected in the same manner. The
7 Department, or some officer, employee or agent designated by
8 it, is hereby authorized to bid for and purchase any property
9 sold under the provisions hereof. No proceedings for a levy
10 under this Section shall be commenced more than 20 years after
11 the latest date for filing of the notice of lien under the
12 provisions of Section 1103, without regard to whether such
13 notice was actually filed.

14 Any officer or employee of the Department designated in
15 writing by the Director is authorized to serve process under
16 this Section to levy upon accounts or other intangible assets
17 of a taxpayer held by a financial organization, as defined in
18 Section 1501 of this Act. In addition to any other provisions
19 of this Section, any officer or employee of the Department
20 designated in writing by the Director may levy upon the
21 following property and rights to property belonging to a
22 taxpayer: contractual payments, accounts and notes receivable
23 and other evidences of debt, and interest on bonds, by serving
24 a notice of levy on the person making such payment. Levy shall
25 not be made until the Department has caused a demand to be made
26 on the taxpayer in the manner provided above. In addition to

1 any other provisions of this Section, any officer or employee
2 of the Department designated in writing by the Director, may
3 levy upon the salary, wages, commissions and bonuses of any
4 employee, including officers, employees, or elected officials
5 of the United States as authorized by Section 5520a of the
6 Government Organization and Employees Act (5 U.S.C. 5520a), but
7 not upon the salary or wages of officers, employees, or elected
8 officials of any state other than this State, by serving a
9 notice of levy on the employer, as defined in Section 701(d).
10 Levy shall not be made until the Department has caused a demand
11 to be made on the employee in the manner provided above. The
12 provisions of Section 12-803 of the Code of Civil Procedure
13 relating to maximum compensation subject to collection under
14 wage deduction orders shall apply to all levies made upon
15 compensation under this Section. To the extent of the amount
16 due on the levy, the employer or other person making payments
17 to the taxpayer shall hold any non-exempt wages or other
18 payments due or which subsequently come due. The levy or
19 balance due thereon is a lien on wages or other payments due at
20 the time of the service of the notice of levy, and such lien
21 shall continue as to subsequent earnings and other payments
22 until the total amount due upon the levy is paid, except that
23 such lien on subsequent earnings or other payments shall
24 terminate sooner if the employment relationship is terminated
25 or if the notice of levy is rescinded or modified. The employer
26 or other person making payments to the taxpayer shall file, on

1 or before the return dates stated in the notice of levy (which
2 shall not be more often than bimonthly) a written answer under
3 oath to interrogatories, setting forth the amount due as wages
4 or other payments to the taxpayer for the payment periods
5 ending immediately prior to the appropriate return date. A lien
6 obtained hereunder shall have priority over any subsequent lien
7 obtained pursuant to Section 12-808 of the Code of Civil
8 Procedure, except that liens for the support of a spouse or
9 dependent children shall have priority over all liens obtained
10 hereunder.

11 In any case where property or rights to property have been
12 seized by an officer of the Illinois ~~Department of~~ State
13 Police, or successor agency thereto, under the authority of a
14 warrant to levy issued by the Department of Revenue, the
15 Department of Revenue may take possession of and may sell such
16 property or rights to property and the Department of Revenue
17 may contract with third persons to conduct sales of such
18 property or rights to the property. In the conduct of such
19 sales, the Department of Revenue shall proceed in the same
20 manner as is prescribed by law for proceeding against property
21 to enforce judgments which are entered by a circuit court of
22 this State. If, in the Department of Revenue's opinion, no
23 offer to purchase at such sale is acceptable and the State's
24 interest would be better served by retaining the property for
25 sale at a later date, then the Department may decline to accept
26 any bid and may retain the property for sale at a later date.

1 (Source: P.A. 89-399, eff. 8-20-95.)

2 Section 370. The Cigarette Use Tax Act is amended by
3 changing Section 3-10 as follows:

4 (35 ILCS 135/3-10)

5 Sec. 3-10. Cigarette enforcement.

6 (a) Prohibitions. It is unlawful for any person:

7 (1) to sell or distribute in this State; to acquire,
8 hold, own, possess, or transport, for sale or distribution
9 in this State; or to import, or cause to be imported into
10 this State for sale or distribution in this State:

11 (A) any cigarettes the package of which:

12 (i) bears any statement, label, stamp,
13 sticker, or notice indicating that the
14 manufacturer did not intend the cigarettes to be
15 sold, distributed, or used in the United States,
16 including but not limited to labels stating "For
17 Export Only", "U.S. Tax Exempt", "For Use Outside
18 U.S.", or similar wording; or

19 (ii) does not comply with:

20 (aa) all requirements imposed by or
21 pursuant to federal law regarding warnings and
22 other information on packages of cigarettes
23 manufactured, packaged, or imported for sale,
24 distribution, or use in the United States,

1 including but not limited to the precise
2 warning labels specified in the federal
3 Cigarette Labeling and Advertising Act, 15
4 U.S.C. 1333; and

5 (bb) all federal trademark and copyright
6 laws;

7 (B) any cigarettes imported into the United States
8 in violation of 26 U.S.C. 5754 or any other federal
9 law, or implementing federal regulations;

10 (C) any cigarettes that such person otherwise
11 knows or has reason to know the manufacturer did not
12 intend to be sold, distributed, or used in the United
13 States; or

14 (D) any cigarettes for which there has not been
15 submitted to the Secretary of the U.S. Department of
16 Health and Human Services the list or lists of the
17 ingredients added to tobacco in the manufacture of the
18 cigarettes required by the federal Cigarette Labeling
19 and Advertising Act, 15 U.S.C. 1335a;

20 (2) to alter the package of any cigarettes, prior to
21 sale or distribution to the ultimate consumer, so as to
22 remove, conceal, or obscure:

23 (A) any statement, label, stamp, sticker, or
24 notice described in subdivision (a)(1)(A)(i) of this
25 Section;

26 (B) any health warning that is not specified in, or

1 does not conform with the requirements of, the federal
2 Cigarette Labeling and Advertising Act, 15 U.S.C.
3 1333; or

4 (3) to affix any stamp required pursuant to this Act to
5 the package of any cigarettes described in subdivision
6 (a)(1) of this Section or altered in violation of
7 subdivision (a)(2).

8 (b) Documentation. On the first business day of each month,
9 each person licensed to affix the State tax stamp to cigarettes
10 shall file with the Department, for all cigarettes imported
11 into the United States to which the person has affixed the tax
12 stamp in the preceding month:

13 (1) a copy of:

14 (A) the permit issued pursuant to the Internal
15 Revenue Code, 26 U.S.C. 5713, to the person importing
16 the cigarettes into the United States allowing the
17 person to import the cigarettes; and

18 (B) the customs form containing, with respect to
19 the cigarettes, the internal revenue tax information
20 required by the U.S. Bureau of Alcohol, Tobacco and
21 Firearms;

22 (2) a statement, signed by the person under penalty of
23 perjury, which shall be treated as confidential by the
24 Department and exempt from disclosure under the Freedom of
25 Information Act, identifying the brand and brand styles of
26 all such cigarettes, the quantity of each brand style of

1 such cigarettes, the supplier of such cigarettes, and the
2 person or persons, if any, to whom such cigarettes have
3 been conveyed for resale; and a separate statement, signed
4 by the individual under penalty of perjury, which shall not
5 be treated as confidential or exempt from disclosure,
6 separately identifying the brands and brand styles of such
7 cigarettes; and

8 (3) a statement, signed by an officer of the
9 manufacturer or importer under penalty of perjury,
10 certifying that the manufacturer or importer has complied
11 with:

12 (A) the package health warning and ingredient
13 reporting requirements of the federal Cigarette
14 Labeling and Advertising Act, 15 U.S.C. 1333 and 1335a,
15 with respect to such cigarettes; and

16 (B) the provisions of Exhibit T of the Master
17 Settlement Agreement entered in the case of People of
18 the State of Illinois v. Philip Morris, et al. (Circuit
19 Court of Cook County, No. 96-L13146), including a
20 statement indicating whether the manufacturer is, or
21 is not, a participating tobacco manufacturer within
22 the meaning of Exhibit T.

23 (c) Administrative sanctions.

24 (1) Upon finding that a distributor, secondary
25 distributor, retailer, or a person has committed any of the
26 acts prohibited by subsection (a), knowing or having reason

1 to know that he or she has done so, or upon finding that a
2 distributor or person has failed to comply with any
3 requirement of subsection (b), the Department may revoke or
4 suspend the license or licenses of any distributor,
5 retailer, or secondary distributor pursuant to the
6 procedures set forth in Section 6 and impose on the
7 distributor, secondary distributor, retailer, or person, a
8 civil penalty in an amount not to exceed the greater of
9 500% of the retail value of the cigarettes involved or
10 \$5,000.

11 (2) Cigarettes that are acquired, held, owned,
12 possessed, transported in, imported into, or sold or
13 distributed in this State in violation of this Section
14 shall be deemed contraband under this Act and are subject
15 to seizure and forfeiture as provided in this Act, and all
16 such cigarettes seized and forfeited shall be destroyed or
17 maintained and used in an undercover capacity. Such
18 cigarettes shall be deemed contraband whether the
19 violation of this Section is knowing or otherwise.

20 (d) Unfair trade practices. In addition to any other
21 penalties provided for in this Act, a violation of subsection
22 (a) or subsection (b) of this Section shall constitute an
23 unlawful practice as provided in the Consumer Fraud and
24 Deceptive Business Practices Act.

25 (d-1) Retailers who are licensed under Section 4g of the
26 Cigarette Tax Act and secondary distributors shall not be

1 liable under subsections (c)(1) and (d) of this Section for
2 unknowingly possessing, selling, or distributing to consumers
3 or users cigarettes identified in subsection (a)(1) of this
4 Section if the cigarettes possessed, sold, or distributed by
5 the licensed retailer were obtained from a distributor or
6 secondary distributor licensed under this Act or the Cigarette
7 Tax Act.

8 (d-2) Criminal Penalties. A distributor, secondary
9 distributor, retailer, or person who violates subsection (a),
10 or a distributor, secondary distributor, or person who violates
11 subsection (b) of this Section shall be guilty of a Class 4
12 felony.

13 (e) Unfair cigarette sales. For purposes of the Trademark
14 Registration and Protection Act and the Counterfeit Trademark
15 Act, cigarettes imported or reimported into the United States
16 for sale or distribution under any trade name, trade dress, or
17 trademark that is the same as, or is confusingly similar to,
18 any trade name, trade dress, or trademark used for cigarettes
19 manufactured in the United States for sale or distribution in
20 the United States shall be presumed to have been purchased
21 outside of the ordinary channels of trade.

22 (f) General provisions.

23 (1) This Section shall be enforced by the Department;
24 provided that, at the request of the Director of Revenue or
25 the Director's duly authorized agent, the Illinois State
26 Police ~~police~~ and all local police authorities shall

1 enforce the provisions of this Section. The Attorney
2 General has concurrent power with the State's Attorney of
3 any county to enforce this Section.

4 (2) For the purpose of enforcing this Section, the
5 Director of Revenue and any agency to which the Director
6 has delegated enforcement responsibility pursuant to
7 subdivision (f)(1) may request information from any State
8 or local agency and may share information with and request
9 information from any federal agency and any agency of any
10 other state or any local agency of any other state.

11 (3) In addition to any other remedy provided by law,
12 including enforcement as provided in subdivision (f)(1),
13 any person may bring an action for appropriate injunctive
14 or other equitable relief for a violation of this Section;
15 actual damages, if any, sustained by reason of the
16 violation; and, as determined by the court, interest on the
17 damages from the date of the complaint, taxable costs, and
18 reasonable attorney's fees. If the trier of fact finds that
19 the violation is flagrant, it may increase recovery to an
20 amount not in excess of 3 times the actual damages
21 sustained by reason of the violation.

22 (g) Definitions. As used in this Section:

23 "Importer" means that term as defined in 26 U.S.C. 5702(1).

24 "Package" means that term as defined in 15 U.S.C. 1332(4).

25 (h) Applicability.

26 (1) This Section does not apply to:

1 (A) cigarettes allowed to be imported or brought
2 into the United States for personal use; and

3 (B) cigarettes sold or intended to be sold as
4 duty-free merchandise by a duty-free sales enterprise
5 in accordance with the provisions of 19 U.S.C. 1555(b)
6 and any implementing regulations; except that this
7 Section shall apply to any such cigarettes that are
8 brought back into the customs territory for resale
9 within the customs territory.

10 (2) The penalties provided in this Section are in
11 addition to any other penalties imposed under other
12 provision of law.

13 (Source: P.A. 98-1055, eff. 1-1-16.)

14 Section 380. The Illinois Pension Code is amended by
15 changing Sections 14-103.05, 14-110, 14-123.1, and 14-124 as
16 follows:

17 (40 ILCS 5/14-103.05) (from Ch. 108 1/2, par. 14-103.05)

18 Sec. 14-103.05. Employee.

19 (a) Any person employed by a Department who receives salary
20 for personal services rendered to the Department on a warrant
21 issued pursuant to a payroll voucher certified by a Department
22 and drawn by the State Comptroller upon the State Treasurer,
23 including an elected official described in subparagraph (d) of
24 Section 14-104, shall become an employee for purpose of

1 membership in the Retirement System on the first day of such
2 employment.

3 A person entering service on or after January 1, 1972 and
4 prior to January 1, 1984 shall become a member as a condition
5 of employment and shall begin making contributions as of the
6 first day of employment.

7 A person entering service on or after January 1, 1984
8 shall, upon completion of 6 months of continuous service which
9 is not interrupted by a break of more than 2 months, become a
10 member as a condition of employment. Contributions shall begin
11 the first of the month after completion of the qualifying
12 period.

13 A person employed by the Chicago Metropolitan Agency for
14 Planning on the effective date of this amendatory Act of the
15 95th General Assembly who was a member of this System as an
16 employee of the Chicago Area Transportation Study and makes an
17 election under Section 14-104.13 to participate in this System
18 for his or her employment with the Chicago Metropolitan Agency
19 for Planning.

20 The qualifying period of 6 months of service is not
21 applicable to: (1) a person who has been granted credit for
22 service in a position covered by the State Universities
23 Retirement System, the Teachers' Retirement System of the State
24 of Illinois, the General Assembly Retirement System, or the
25 Judges Retirement System of Illinois unless that service has
26 been forfeited under the laws of those systems; (2) a person

1 entering service on or after July 1, 1991 in a noncovered
2 position; (3) a person to whom Section 14-108.2a or 14-108.2b
3 applies; or (4) a person to whom subsection (a-5) of this
4 Section applies.

5 (a-5) A person entering service on or after December 1,
6 2010 shall become a member as a condition of employment and
7 shall begin making contributions as of the first day of
8 employment. A person serving in the qualifying period on
9 December 1, 2010 will become a member on December 1, 2010 and
10 shall begin making contributions as of December 1, 2010.

11 (b) The term "employee" does not include the following:

12 (1) members of the State Legislature, and persons
13 electing to become members of the General Assembly
14 Retirement System pursuant to Section 2-105;

15 (2) incumbents of offices normally filled by vote of
16 the people;

17 (3) except as otherwise provided in this Section, any
18 person appointed by the Governor with the advice and
19 consent of the Senate unless that person elects to
20 participate in this system;

21 (3.1) any person serving as a commissioner of an ethics
22 commission created under the State Officials and Employees
23 Ethics Act unless that person elects to participate in this
24 system with respect to that service as a commissioner;

25 (3.2) any person serving as a part-time employee in any
26 of the following positions: Legislative Inspector General,

1 Special Legislative Inspector General, employee of the
2 Office of the Legislative Inspector General, Executive
3 Director of the Legislative Ethics Commission, or staff of
4 the Legislative Ethics Commission, regardless of whether
5 he or she is in active service on or after July 8, 2004
6 (the effective date of Public Act 93-685), unless that
7 person elects to participate in this System with respect to
8 that service; in this item (3.2), a "part-time employee" is
9 a person who is not required to work at least 35 hours per
10 week;

11 (3.3) any person who has made an election under Section
12 1-123 and who is serving either as legal counsel in the
13 Office of the Governor or as Chief Deputy Attorney General;

14 (4) except as provided in Section 14-108.2 or
15 14-108.2c, any person who is covered or eligible to be
16 covered by the Teachers' Retirement System of the State of
17 Illinois, the State Universities Retirement System, or the
18 Judges Retirement System of Illinois;

19 (5) an employee of a municipality or any other
20 political subdivision of the State;

21 (6) any person who becomes an employee after June 30,
22 1979 as a public service employment program participant
23 under the Federal Comprehensive Employment and Training
24 Act and whose wages or fringe benefits are paid in whole or
25 in part by funds provided under such Act;

26 (7) enrollees of the Illinois Young Adult Conservation

1 Corps program, administered by the Department of Natural
2 Resources, authorized grantee pursuant to Title VIII of the
3 "Comprehensive Employment and Training Act of 1973", 29 USC
4 993, as now or hereafter amended;

5 (8) enrollees and temporary staff of programs
6 administered by the Department of Natural Resources under
7 the Youth Conservation Corps Act of 1970;

8 (9) any person who is a member of any professional
9 licensing or disciplinary board created under an Act
10 administered by the Department of Professional Regulation
11 or a successor agency or created or re-created after the
12 effective date of this amendatory Act of 1997, and who
13 receives per diem compensation rather than a salary,
14 notwithstanding that such per diem compensation is paid by
15 warrant issued pursuant to a payroll voucher; such persons
16 have never been included in the membership of this System,
17 and this amendatory Act of 1987 (P.A. 84-1472) is not
18 intended to effect any change in the status of such
19 persons;

20 (10) any person who is a member of the Illinois Health
21 Care Cost Containment Council, and receives per diem
22 compensation rather than a salary, notwithstanding that
23 such per diem compensation is paid by warrant issued
24 pursuant to a payroll voucher; such persons have never been
25 included in the membership of this System, and this
26 amendatory Act of 1987 is not intended to effect any change

1 in the status of such persons;

2 (11) any person who is a member of the Oil and Gas
3 Board created by Section 1.2 of the Illinois Oil and Gas
4 Act, and receives per diem compensation rather than a
5 salary, notwithstanding that such per diem compensation is
6 paid by warrant issued pursuant to a payroll voucher;

7 (12) a person employed by the State Board of Higher
8 Education in a position with the Illinois Century Network
9 as of June 30, 2004, who remains continuously employed
10 after that date by the Department of Central Management
11 Services in a position with the Illinois Century Network
12 and participates in the Article 15 system with respect to
13 that employment;

14 (13) any person who first becomes a member of the Civil
15 Service Commission on or after January 1, 2012;

16 (14) any person, other than the Director of Employment
17 Security, who first becomes a member of the Board of Review
18 of the Department of Employment Security on or after
19 January 1, 2012;

20 (15) any person who first becomes a member of the Civil
21 Service Commission on or after January 1, 2012;

22 (16) any person who first becomes a member of the
23 Illinois Liquor Control Commission on or after January 1,
24 2012;

25 (17) any person who first becomes a member of the
26 Secretary of State Merit Commission on or after January 1,

1 2012;

2 (18) any person who first becomes a member of the Human
3 Rights Commission on or after January 1, 2012 unless he or
4 she is eligible to participate in accordance with
5 subsection (d) of this Section;

6 (19) any person who first becomes a member of the State
7 Mining Board on or after January 1, 2012;

8 (20) any person who first becomes a member of the
9 Property Tax Appeal Board on or after January 1, 2012;

10 (21) any person who first becomes a member of the
11 Illinois Racing Board on or after January 1, 2012;

12 (22) any person who first becomes a member of the
13 Illinois Department of State Police Merit Board on or after
14 January 1, 2012;

15 (23) any person who first becomes a member of the
16 Illinois State Toll Highway Authority on or after January
17 1, 2012; or

18 (24) any person who first becomes a member of the
19 Illinois State Board of Elections on or after January 1,
20 2012.

21 (c) An individual who represents or is employed as an
22 officer or employee of a statewide labor organization that
23 represents members of this System may participate in the System
24 and shall be deemed an employee, provided that (1) the
25 individual has previously earned creditable service under this
26 Article, (2) the individual files with the System an

1 irrevocable election to become a participant within 6 months
2 after the effective date of this amendatory Act of the 94th
3 General Assembly, and (3) the individual does not receive
4 credit for that employment under any other provisions of this
5 Code. An employee under this subsection (c) is responsible for
6 paying to the System both (i) employee contributions based on
7 the actual compensation received for service with the labor
8 organization and (ii) employer contributions based on the
9 percentage of payroll certified by the board; all or any part
10 of these contributions may be paid on the employee's behalf or
11 picked up for tax purposes (if authorized under federal law) by
12 the labor organization.

13 A person who is an employee as defined in this subsection
14 (c) may establish service credit for similar employment prior
15 to becoming an employee under this subsection by paying to the
16 System for that employment the contributions specified in this
17 subsection, plus interest at the effective rate from the date
18 of service to the date of payment. However, credit shall not be
19 granted under this subsection (c) for any such prior employment
20 for which the applicant received credit under any other
21 provision of this Code or during which the applicant was on a
22 leave of absence.

23 (d) A person appointed as a member of the Human Rights
24 Commission on or after June 1, 2019 may elect to participate in
25 the System and shall be deemed an employee. Service and
26 contributions shall begin on the first payroll period

1 immediately following the employee's election to participate
2 in the System.

3 A person who is an employee as described in this subsection
4 (d) may establish service credit for employment as a Human
5 Rights Commissioner that occurred on or after June 1, 2019 and
6 before establishing service under this subsection by paying to
7 the System for that employment the contributions specified in
8 paragraph (1) of subsection (a) of Section 14-133, plus regular
9 interest from the date of service to the date of payment.

10 (Source: P.A. 101-10, eff. 6-5-19.)

11 (40 ILCS 5/14-110) (from Ch. 108 1/2, par. 14-110)

12 Sec. 14-110. Alternative retirement annuity.

13 (a) Any member who has withdrawn from service with not less
14 than 20 years of eligible creditable service and has attained
15 age 55, and any member who has withdrawn from service with not
16 less than 25 years of eligible creditable service and has
17 attained age 50, regardless of whether the attainment of either
18 of the specified ages occurs while the member is still in
19 service, shall be entitled to receive at the option of the
20 member, in lieu of the regular or minimum retirement annuity, a
21 retirement annuity computed as follows:

22 (i) for periods of service as a noncovered employee: if
23 retirement occurs on or after January 1, 2001, 3% of final
24 average compensation for each year of creditable service;
25 if retirement occurs before January 1, 2001, 2 1/4% of

1 final average compensation for each of the first 10 years
2 of creditable service, 2 1/2% for each year above 10 years
3 to and including 20 years of creditable service, and 2 3/4%
4 for each year of creditable service above 20 years; and

5 (ii) for periods of eligible creditable service as a
6 covered employee: if retirement occurs on or after January
7 1, 2001, 2.5% of final average compensation for each year
8 of creditable service; if retirement occurs before January
9 1, 2001, 1.67% of final average compensation for each of
10 the first 10 years of such service, 1.90% for each of the
11 next 10 years of such service, 2.10% for each year of such
12 service in excess of 20 but not exceeding 30, and 2.30% for
13 each year in excess of 30.

14 Such annuity shall be subject to a maximum of 75% of final
15 average compensation if retirement occurs before January 1,
16 2001 or to a maximum of 80% of final average compensation if
17 retirement occurs on or after January 1, 2001.

18 These rates shall not be applicable to any service
19 performed by a member as a covered employee which is not
20 eligible creditable service. Service as a covered employee
21 which is not eligible creditable service shall be subject to
22 the rates and provisions of Section 14-108.

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

26 (1) State policeman;

- 1 (2) fire fighter in the fire protection service of a
2 department;
- 3 (3) air pilot;
- 4 (4) special agent;
- 5 (5) investigator for the Secretary of State;
- 6 (6) conservation police officer;
- 7 (7) investigator for the Department of Revenue or the
8 Illinois Gaming Board;
- 9 (8) security employee of the Department of Human
10 Services;
- 11 (9) Central Management Services security police
12 officer;
- 13 (10) security employee of the Department of
14 Corrections or the Department of Juvenile Justice;
- 15 (11) dangerous drugs investigator;
- 16 (12) investigator for the Illinois ~~Department of~~ State
17 Police;
- 18 (13) investigator for the Office of the Attorney
19 General;
- 20 (14) controlled substance inspector;
- 21 (15) investigator for the Office of the State's
22 Attorneys Appellate Prosecutor;
- 23 (16) Commerce Commission police officer;
- 24 (17) arson investigator;
- 25 (18) State highway maintenance worker;
- 26 (19) security employee of the Department of Innovation

1 and Technology; or

2 (20) transferred employee.

3 A person employed in one of the positions specified in this
4 subsection is entitled to eligible creditable service for
5 service credit earned under this Article while undergoing the
6 basic police training course approved by the Illinois Law
7 Enforcement Training Standards Board, if completion of that
8 training is required of persons serving in that position. For
9 the purposes of this Code, service during the required basic
10 police training course shall be deemed performance of the
11 duties of the specified position, even though the person is not
12 a sworn peace officer at the time of the training.

13 A person under paragraph (20) is entitled to eligible
14 creditable service for service credit earned under this Article
15 on and after his or her transfer by Executive Order No.
16 2003-10, Executive Order No. 2004-2, or Executive Order No.
17 2016-1.

18 (c) For the purposes of this Section:

19 (1) The term "State policeman" includes any title or
20 position in the Illinois ~~Department of~~ State Police that is
21 held by an individual employed under the Illinois State
22 Police Act.

23 (2) The term "fire fighter in the fire protection
24 service of a department" includes all officers in such fire
25 protection service including fire chiefs and assistant
26 fire chiefs.

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

11 (4) The term "special agent" means any person who by
12 reason of employment by the Division of Narcotic Control,
13 the Bureau of Investigation or, after July 1, 1977, the
14 Division of Criminal Investigation, the Division of
15 Internal Investigation, the Division of Operations, the
16 Division of Patrol Operations, or any other Division or
17 organizational entity in the Illinois ~~Department of~~ State
18 Police is vested by law with duties to maintain public
19 order, investigate violations of the criminal law of this
20 State, enforce the laws of this State, make arrests and
21 recover property. The term "special agent" includes any
22 title or position in the Illinois ~~Department of~~ State
23 Police that is held by an individual employed under the
24 Illinois State Police Act.

25 (5) The term "investigator for the Secretary of State"
26 means any person employed by the Office of the Secretary of

1 State and vested with such investigative duties as render
2 him ineligible for coverage under the Social Security Act
3 by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and
4 218(1)(1) of that Act.

5 A person who became employed as an investigator for the
6 Secretary of State between January 1, 1967 and December 31,
7 1975, and who has served as such until attainment of age
8 60, either continuously or with a single break in service
9 of not more than 3 years duration, which break terminated
10 before January 1, 1976, shall be entitled to have his
11 retirement annuity calculated in accordance with
12 subsection (a), notwithstanding that he has less than 20
13 years of credit for such service.

14 (6) The term "Conservation Police Officer" means any
15 person employed by the Division of Law Enforcement of the
16 Department of Natural Resources and vested with such law
17 enforcement duties as render him ineligible for coverage
18 under the Social Security Act by reason of Sections
19 218(d)(5)(A), 218(d)(8)(D), and 218(1)(1) of that Act. The
20 term "Conservation Police Officer" includes the positions
21 of Chief Conservation Police Administrator and Assistant
22 Conservation Police Administrator.

23 (7) The term "investigator for the Department of
24 Revenue" means any person employed by the Department of
25 Revenue and vested with such investigative duties as render
26 him ineligible for coverage under the Social Security Act

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

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

9 (8) The term "security employee of the Department of
10 Human Services" means any person employed by the Department
11 of Human Services who (i) is employed at the Chester Mental
12 Health Center and has daily contact with the residents
13 thereof, (ii) is employed within a security unit at a
14 facility operated by the Department and has daily contact
15 with the residents of the security unit, (iii) is employed
16 at a facility operated by the Department that includes a
17 security unit and is regularly scheduled to work at least
18 50% of his or her working hours within that security unit,
19 or (iv) is a mental health police officer. "Mental health
20 police officer" means any person employed by the Department
21 of Human Services in a position pertaining to the
22 Department's mental health and developmental disabilities
23 functions who is vested with such law enforcement duties as
24 render the person ineligible for coverage under the Social
25 Security Act by reason of Sections 218(d)(5)(A),
26 218(d)(8)(D) and 218(1)(1) of that Act. "Security unit"

1 means that portion of a facility that is devoted to the
2 care, containment, and treatment of persons committed to
3 the Department of Human Services as sexually violent
4 persons, persons unfit to stand trial, or persons not
5 guilty by reason of insanity. With respect to past
6 employment, references to the Department of Human Services
7 include its predecessor, the Department of Mental Health
8 and Developmental Disabilities.

9 The changes made to this subdivision (c)(8) by Public
10 Act 92-14 apply to persons who retire on or after January
11 1, 2001, notwithstanding Section 1-103.1.

12 (9) "Central Management Services security police
13 officer" means any person employed by the Department of
14 Central Management Services who is vested with such law
15 enforcement duties as render him ineligible for coverage
16 under the Social Security Act by reason of Sections
17 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.

18 (10) For a member who first became an employee under
19 this Article before July 1, 2005, the term "security
20 employee of the Department of Corrections or the Department
21 of Juvenile Justice" means any employee of the Department
22 of Corrections or the Department of Juvenile Justice or the
23 former Department of Personnel, and any member or employee
24 of the Prisoner Review Board, who has daily contact with
25 inmates or youth by working within a correctional facility
26 or Juvenile facility operated by the Department of Juvenile

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

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

16 (12) The term "investigator for the Illinois
17 ~~Department of State Police~~" means a person employed by the
18 Illinois ~~Department of~~ State Police who is vested under
19 Section 4 of the Narcotic Control Division Abolition Act
20 with such law enforcement powers as render him ineligible
21 for coverage under the Social Security Act by reason of
22 Sections 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that
23 Act.

24 (13) "Investigator for the Office of the Attorney
25 General" means any person who is employed as such by the
26 Office of the Attorney General and is vested with such

1 investigative duties as render him ineligible for coverage
2 under the Social Security Act by reason of Sections
3 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act. For
4 the period before January 1, 1989, the term includes all
5 persons who were employed as investigators by the Office of
6 the Attorney General, without regard to social security
7 status.

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

17 (15) The term "investigator for the Office of the
18 State's Attorneys Appellate Prosecutor" means a person
19 employed in that capacity on a full time basis under the
20 authority of Section 7.06 of the State's Attorneys
21 Appellate Prosecutor's Act.

22 (16) "Commerce Commission police officer" means any
23 person employed by the Illinois Commerce Commission who is
24 vested with such law enforcement duties as render him
25 ineligible for coverage under the Social Security Act by
26 reason of Sections 218(d)(5)(A), 218(d)(8)(D), and

1 218(1)(1) of that Act.

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

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

20 (i) A person employed on a full-time basis by the
21 Illinois Department of Transportation in the position
22 of highway maintainer, highway maintenance lead
23 worker, highway maintenance lead/lead worker, heavy
24 construction equipment operator, power shovel
25 operator, or bridge mechanic; and whose principal
26 responsibility is to perform, on the roadway, the

1 actual maintenance necessary to keep the highways that
2 form a part of the State highway system in serviceable
3 condition for vehicular traffic.

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

17 (19) The term "security employee of the Department of
18 Innovation and Technology" means a person who was a
19 security employee of the Department of Corrections or the
20 Department of Juvenile Justice, was transferred to the
21 Department of Innovation and Technology pursuant to
22 Executive Order 2016-01, and continues to perform similar
23 job functions under that Department.

24 (20) "Transferred employee" means an employee who was
25 transferred to the Department of Central Management
26 Services by Executive Order No. 2003-10 or Executive Order

1 No. 2004-2 or transferred to the Department of Innovation
2 and Technology by Executive Order No. 2016-1, or both, and
3 was entitled to eligible creditable service for services
4 immediately preceding the transfer.

5 (d) A security employee of the Department of Corrections or
6 the Department of Juvenile Justice, a security employee of the
7 Department of Human Services who is not a mental health police
8 officer, and a security employee of the Department of
9 Innovation and Technology shall not be eligible for the
10 alternative retirement annuity provided by this Section unless
11 he or she meets the following minimum age and service
12 requirements at the time of retirement:

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

14 or

15 (ii) beginning January 1, 1987, 25 years of eligible
16 creditable service and age 54, or 24 years of eligible
17 creditable service and age 55; or

18 (iii) beginning January 1, 1988, 25 years of eligible
19 creditable service and age 53, or 23 years of eligible
20 creditable service and age 55; or

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

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

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

4 Persons who have service credit under Article 16 of this
5 Code for service as a security employee of the Department of
6 Corrections or the Department of Juvenile Justice, or the
7 Department of Human Services in a position requiring
8 certification as a teacher may count such service toward
9 establishing their eligibility under the service requirements
10 of this Section; but such service may be used only for
11 establishing such eligibility, and not for the purpose of
12 increasing or calculating any benefit.

13 (e) If a member enters military service while working in a
14 position in which eligible creditable service may be earned,
15 and returns to State service in the same or another such
16 position, and fulfills in all other respects the conditions
17 prescribed in this Article for credit for military service,
18 such military service shall be credited as eligible creditable
19 service for the purposes of the retirement annuity prescribed
20 in this Section.

21 (f) For purposes of calculating retirement annuities under
22 this Section, periods of service rendered after December 31,
23 1968 and before October 1, 1975 as a covered employee in the
24 position of special agent, conservation police officer, mental
25 health police officer, or investigator for the Secretary of
26 State, shall be deemed to have been service as a noncovered

1 employee, provided that the employee pays to the System prior
2 to retirement an amount equal to (1) the difference between the
3 employee contributions that would have been required for such
4 service as a noncovered employee, and the amount of employee
5 contributions actually paid, plus (2) if payment is made after
6 July 31, 1987, regular interest on the amount specified in item
7 (1) from the date of service to the date of payment.

8 For purposes of calculating retirement annuities under
9 this Section, periods of service rendered after December 31,
10 1968 and before January 1, 1982 as a covered employee in the
11 position of investigator for the Department of Revenue shall be
12 deemed to have been service as a noncovered employee, provided
13 that the employee pays to the System prior to retirement an
14 amount equal to (1) the difference between the employee
15 contributions that would have been required for such service as
16 a noncovered employee, and the amount of employee contributions
17 actually paid, plus (2) if payment is made after January 1,
18 1990, regular interest on the amount specified in item (1) from
19 the date of service to the date of payment.

20 (g) A State policeman may elect, not later than January 1,
21 1990, to establish eligible creditable service for up to 10
22 years of his service as a policeman under Article 3, by filing
23 a written election with the Board, accompanied by payment of an
24 amount to be determined by the Board, equal to (i) the
25 difference between the amount of employee and employer
26 contributions transferred to the System under Section 3-110.5,

1 and the amounts that would have been contributed had such
2 contributions been made at the rates applicable to State
3 policemen, plus (ii) interest thereon at the effective rate for
4 each year, compounded annually, from the date of service to the
5 date of payment.

6 Subject to the limitation in subsection (i), a State
7 policeman may elect, not later than July 1, 1993, to establish
8 eligible creditable service for up to 10 years of his service
9 as a member of the County Police Department under Article 9, by
10 filing a written election with the Board, accompanied by
11 payment of an amount to be determined by the Board, equal to
12 (i) the difference between the amount of employee and employer
13 contributions transferred to the System under Section 9-121.10
14 and the amounts that would have been contributed had those
15 contributions been made at the rates applicable to State
16 policemen, plus (ii) interest thereon at the effective rate for
17 each year, compounded annually, from the date of service to the
18 date of payment.

19 (h) Subject to the limitation in subsection (i), a State
20 policeman or investigator for the Secretary of State may elect
21 to establish eligible creditable service for up to 12 years of
22 his service as a policeman under Article 5, by filing a written
23 election with the Board on or before January 31, 1992, and
24 paying to the System by January 31, 1994 an amount to be
25 determined by the Board, equal to (i) the difference between
26 the amount of employee and employer contributions transferred

1 to the System under Section 5-236, and the amounts that would
2 have been contributed had such contributions been made at the
3 rates applicable to State policemen, plus (ii) interest thereon
4 at the effective rate for each year, compounded annually, from
5 the date of service to the date of payment.

6 Subject to the limitation in subsection (i), a State
7 policeman, conservation police officer, or investigator for
8 the Secretary of State may elect to establish eligible
9 creditable service for up to 10 years of service as a sheriff's
10 law enforcement employee under Article 7, by filing a written
11 election with the Board on or before January 31, 1993, and
12 paying to the System by January 31, 1994 an amount to be
13 determined by the Board, equal to (i) the difference between
14 the amount of employee and employer contributions transferred
15 to the System under Section 7-139.7, and the amounts that would
16 have been contributed had such contributions been made at the
17 rates applicable to State policemen, plus (ii) interest thereon
18 at the effective rate for each year, compounded annually, from
19 the date of service to the date of payment.

20 Subject to the limitation in subsection (i), a State
21 policeman, conservation police officer, or investigator for
22 the Secretary of State may elect to establish eligible
23 creditable service for up to 5 years of service as a police
24 officer under Article 3, a policeman under Article 5, a
25 sheriff's law enforcement employee under Article 7, a member of
26 the county police department under Article 9, or a police

1 officer under Article 15 by filing a written election with the
2 Board and paying to the System an amount to be determined by
3 the Board, equal to (i) the difference between the amount of
4 employee and employer contributions transferred to the System
5 under Section 3-110.6, 5-236, 7-139.8, 9-121.10, or 15-134.4
6 and the amounts that would have been contributed had such
7 contributions been made at the rates applicable to State
8 policemen, plus (ii) interest thereon at the effective rate for
9 each year, compounded annually, from the date of service to the
10 date of payment.

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

1 compounded annually, from the date of service to the date of
2 payment.

3 Subject to the limitation in subsection (i), a State
4 policeman, conservation police officer, investigator for the
5 Office of the Attorney General, an investigator for the
6 Department of Revenue, or investigator for the Secretary of
7 State may elect to establish eligible creditable service for up
8 to 5 years of service as a person employed by a participating
9 municipality to perform police duties, or law enforcement
10 officer employed on a full-time basis by a forest preserve
11 district under Article 7, a county corrections officer, or a
12 court services officer under Article 9, by filing a written
13 election with the Board within 6 months after August 25, 2009
14 (the effective date of Public Act 96-745) and paying to the
15 System an amount to be determined by the Board, equal to (i)
16 the difference between the amount of employee and employer
17 contributions transferred to the System under Sections 7-139.8
18 and 9-121.10 and the amounts that would have been contributed
19 had such contributions been made at the rates applicable to
20 State policemen, plus (ii) interest thereon at the actuarially
21 assumed rate for each year, compounded annually, from the date
22 of service to the date of payment.

23 (i) The total amount of eligible creditable service
24 established by any person under subsections (g), (h), (j), (k),
25 (l), (l-5), and (o) of this Section shall not exceed 12 years.

26 (j) Subject to the limitation in subsection (i), an

1 investigator for the Office of the State's Attorneys Appellate
2 Prosecutor or a controlled substance inspector may elect to
3 establish eligible creditable service for up to 10 years of his
4 service as a policeman under Article 3 or a sheriff's law
5 enforcement employee under Article 7, by filing a written
6 election with the Board, accompanied by payment of an amount to
7 be determined by the Board, equal to (1) the difference between
8 the amount of employee and employer contributions transferred
9 to the System under Section 3-110.6 or 7-139.8, and the amounts
10 that would have been contributed had such contributions been
11 made at the rates applicable to State policemen, plus (2)
12 interest thereon at the effective rate for each year,
13 compounded annually, from the date of service to the date of
14 payment.

15 (k) Subject to the limitation in subsection (i) of this
16 Section, an alternative formula employee may elect to establish
17 eligible creditable service for periods spent as a full-time
18 law enforcement officer or full-time corrections officer
19 employed by the federal government or by a state or local
20 government located outside of Illinois, for which credit is not
21 held in any other public employee pension fund or retirement
22 system. To obtain this credit, the applicant must file a
23 written application with the Board by March 31, 1998,
24 accompanied by evidence of eligibility acceptable to the Board
25 and payment of an amount to be determined by the Board, equal
26 to (1) employee contributions for the credit being established,

1 based upon the applicant's salary on the first day as an
2 alternative formula employee after the employment for which
3 credit is being established and the rates then applicable to
4 alternative formula employees, plus (2) an amount determined by
5 the Board to be the employer's normal cost of the benefits
6 accrued for the credit being established, plus (3) regular
7 interest on the amounts in items (1) and (2) from the first day
8 as an alternative formula employee after the employment for
9 which credit is being established to the date of payment.

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

24 (1-5) Subject to the limitation in subsection (i) of this
25 Section, a State policeman may elect to establish eligible
26 creditable service for up to 5 years of service as a full-time

1 law enforcement officer employed by the federal government or
2 by a state or local government located outside of Illinois for
3 which credit is not held in any other public employee pension
4 fund or retirement system. To obtain this credit, the applicant
5 must file a written application with the Board no later than 3
6 years after the effective date of this amendatory Act of the
7 101st General Assembly, accompanied by evidence of eligibility
8 acceptable to the Board and payment of an amount to be
9 determined by the Board, equal to (1) employee contributions
10 for the credit being established, based upon the applicant's
11 salary on the first day as an alternative formula employee
12 after the employment for which credit is being established and
13 the rates then applicable to alternative formula employees,
14 plus (2) an amount determined by the Board to be the employer's
15 normal cost of the benefits accrued for the credit being
16 established, plus (3) regular interest on the amounts in items
17 (1) and (2) from the first day as an alternative formula
18 employee after the employment for which credit is being
19 established to the date of payment.

20 (m) The amendatory changes to this Section made by this
21 amendatory Act of the 94th General Assembly apply only to: (1)
22 security employees of the Department of Juvenile Justice
23 employed by the Department of Corrections before the effective
24 date of this amendatory Act of the 94th General Assembly and
25 transferred to the Department of Juvenile Justice by this
26 amendatory Act of the 94th General Assembly; and (2) persons

1 employed by the Department of Juvenile Justice on or after the
2 effective date of this amendatory Act of the 94th General
3 Assembly who are required by subsection (b) of Section 3-2.5-15
4 of the Unified Code of Corrections to have any bachelor's or
5 advanced degree from an accredited college or university or, in
6 the case of persons who provide vocational training, who are
7 required to have adequate knowledge in the skill for which they
8 are providing the vocational training.

9 (n) A person employed in a position under subsection (b) of
10 this Section who has purchased service credit under subsection
11 (j) of Section 14-104 or subsection (b) of Section 14-105 in
12 any other capacity under this Article may convert up to 5 years
13 of that service credit into service credit covered under this
14 Section by paying to the Fund an amount equal to (1) the
15 additional employee contribution required under Section
16 14-133, plus (2) the additional employer contribution required
17 under Section 14-131, plus (3) interest on items (1) and (2) at
18 the actuarially assumed rate from the date of the service to
19 the date of payment.

20 (o) Subject to the limitation in subsection (i), a
21 conservation police officer, investigator for the Secretary of
22 State, Commerce Commission police officer, investigator for
23 the Department of Revenue or the Illinois Gaming Board, or
24 arson investigator subject to subsection (g) of Section 1-160
25 may elect to convert up to 8 years of service credit
26 established before the effective date of this amendatory Act of

1 the 101st General Assembly as a conservation police officer,
2 investigator for the Secretary of State, Commerce Commission
3 police officer, investigator for the Department of Revenue or
4 the Illinois Gaming Board, or arson investigator under this
5 Article into eligible creditable service by filing a written
6 election with the Board no later than one year after the
7 effective date of this amendatory Act of the 101st General
8 Assembly, accompanied by payment of an amount to be determined
9 by the Board equal to (i) the difference between the amount of
10 the employee contributions actually paid for that service and
11 the amount of the employee contributions that would have been
12 paid had the employee contributions been made as a noncovered
13 employee serving in a position in which eligible creditable
14 service, as defined in this Section, may be earned, plus (ii)
15 interest thereon at the effective rate for each year,
16 compounded annually, from the date of service to the date of
17 payment.

18 (Source: P.A. 100-19, eff. 1-1-18; 100-611, eff. 7-20-18;
19 101-610, eff. 1-1-20.)

20 (40 ILCS 5/14-123.1) (from Ch. 108 1/2, par. 14-123.1)

21 Sec. 14-123.1. Temporary disability benefit.

22 (a) A member who has at least 18 months of creditable
23 service and who becomes physically or mentally incapacitated to
24 perform the duties of his position shall receive a temporary
25 disability benefit, provided that:

1 (1) the agency responsible for determining the
2 liability of the State (i) has formally denied all
3 employer-paid temporary total disability benefits under
4 the Workers' Compensation Act or the Workers' Occupational
5 Diseases Act and an appeal of that denial is pending before
6 the Illinois Workers' Compensation Commission, or (ii) has
7 granted and then terminated for any reason an employer-paid
8 temporary total disability benefit and the member has filed
9 a petition for a hearing under Section 19(b) or Section
10 19(b-1) of the Workers' Compensation Act or Section 19(b)
11 or Section 19(b-1) of the Workers' Occupational Diseases
12 Act;

13 (2) application is made after the date that the
14 disability results in loss of pay, and after the date the
15 agency responsible for determining the liability of the
16 State under the Workers' Compensation Act or Workers'
17 Occupational Diseases Act has formally denied or
18 terminated the employer-paid temporary total disability
19 benefit; and

20 (3) proper proof is received from one or more licensed
21 health care professionals designated by the Board
22 certifying that the member is mentally or physically
23 incapacitated.

24 (b) In the case of a denial of benefits, the temporary
25 disability benefit shall begin to accrue on the 31st day of
26 absence from work on account of disability, but the benefit

1 shall not become actually payable to the member until the
2 expiration of 31 days from the day upon which the member last
3 received or had a right to receive any compensation.

4 In the case of termination of an employer-paid temporary
5 total disability benefit, the temporary disability benefit
6 under this Section shall be calculated from the day following
7 the date of termination of the employer-paid benefit or the
8 31st day of absence from work on account of disability,
9 whichever is later, but shall not become payable to the member
10 until (i) the member's right to an employer-paid temporary
11 total disability benefit is denied as a result of the hearing
12 held under Section 19(b) or Section 19(b-1) of the Workers'
13 Compensation Act or Section 19(b) or Section 19(b-1) of the
14 Workers' Occupational Diseases Act or (ii) the expiration of 30
15 days from the date of termination of the employer-paid benefit,
16 whichever occurs first. If a terminated employer-paid
17 temporary total disability benefit is resumed or replaced with
18 another employer-paid disability benefit and the resumed or
19 replacement benefit is later terminated and the member again
20 files a petition for a hearing under Section 19(b) or Section
21 19(b-1) of the Workers' Compensation Act or Section 19(b) or
22 Section 19(b-1) of the Workers' Occupational Diseases Act, the
23 member may again become eligible to receive a temporary
24 disability benefit under this Section. The waiting period
25 before the temporary disability benefit under this Section
26 becomes payable applies each time that the benefit is

1 reinstated.

2 The benefit shall continue to accrue until the first of the
3 following events occurs:

4 (1) the disability ceases;

5 (2) the member engages in gainful employment;

6 (3) the end of the month in which the member attains
7 age 65, in the case of benefits commencing prior to
8 attainment of age 60;

9 (4) the end of the month following the fifth
10 anniversary of the effective date of the benefit in the
11 case of benefits commencing on or after attainment of age
12 60;

13 (5) the end of the month in which the death of the
14 member occurs;

15 (6) the end of the month in which the aggregate period
16 for which temporary disability payments have been made
17 becomes equal to 1/2 of the member's total period of
18 creditable service, not including the time for which he has
19 received a temporary disability benefit or nonoccupational
20 disability benefit; for purposes of this item (6) only, in
21 the case of a member to whom Section 14-108.2a or 14-108.2b
22 applies and who, at the time disability commences, is
23 performing services for the Illinois Department of Public
24 Health or the Illinois Department of State Police relating
25 to the transferred functions referred to in that Section
26 and has less than 10 years of creditable service under this

1 Article, the member's "total period of creditable service"
2 shall be augmented by an amount equal to (i) one half of
3 the member's period of creditable service in the Fund
4 established under Article 8 (excluding any creditable
5 service over 20 years), minus (ii) the amount of the
6 member's creditable service under this Article;

7 (7) a payment is made on the member's claim pursuant to
8 a determination made by the agency responsible for
9 determining the liability of the State under the Workers'
10 Compensation Act or the Workers' Occupational Diseases
11 Act;

12 (8) a final determination is made on the member's claim
13 by the Illinois Workers' Compensation Commission.

14 (c) The temporary disability benefit shall be 50% of the
15 member's final average compensation at the date of disability.

16 If a covered employee is eligible under the Social Security
17 Act for a disability benefit before attaining the Social
18 Security full retirement age, or a retirement benefit on or
19 after attaining the Social Security full retirement age, then
20 the amount of the member's temporary disability benefit shall
21 be reduced by the amount of primary benefit the member is
22 eligible to receive under the Social Security Act, whether or
23 not such eligibility came about as the result of service as a
24 covered employee under this Article. The Board may make such
25 reduction pending a determination of eligibility if it appears
26 that the employee may be so eligible, and shall make an

1 appropriate adjustment if necessary after such determination
2 has been made. The amount of temporary disability benefit
3 payable under this Article shall not be reduced by reason of
4 any increase in benefits payable under the Social Security Act
5 which occurs after the reduction required by this paragraph has
6 been applied. As used in this subsection, "Social Security full
7 retirement age" means the age at which an individual is
8 eligible to receive full Social Security retirement benefits.

9 (d) The temporary disability benefit provided under this
10 Section is intended as a temporary payment of occupational or
11 nonoccupational disability benefit, whichever is appropriate,
12 in cases in which the occupational or nonoccupational character
13 of the disability has not been finally determined.

14 When an employer-paid disability benefit is paid or
15 resumed, the Board shall calculate the benefit that is payable
16 under Section 14-123 and shall deduct from the benefit payable
17 under Section 14-123 the amounts already paid under this
18 Section; those amounts shall then be treated as if they had
19 been paid under Section 14-123.

20 When a final determination of the character of the
21 disability has been made by the Illinois Workers' Compensation
22 Commission, or by settlement between the parties to the
23 disputed claim, the Board shall calculate the benefit that is
24 payable under Section 14-123 or 14-124, whichever is
25 applicable, and shall deduct from such benefit the amounts
26 already paid under this Section; such amounts shall then be

1 treated as if they had been paid under such Section 14-123 or
2 14-124.

3 (e) Any excess benefits paid under this Section shall be
4 subject to recovery by the System from benefits payable under
5 the Workers' Compensation Act or the Workers' Occupational
6 Diseases Act or from third parties as provided in Section
7 14-129, or from any other benefits payable either to the member
8 or on his behalf under this Article. A member who accepts
9 benefits under this Section acknowledges and authorizes these
10 recovery rights of the System.

11 (f) Service credits under the State Universities
12 Retirement System and the Teachers' Retirement System of the
13 State of Illinois shall be considered for the purposes of
14 determining temporary disability benefit eligibility under
15 this Section, and for determining the total period of time for
16 which such benefits are payable.

17 (g) The Board shall prescribe rules and regulations
18 governing the filing of claims for temporary disability
19 benefits, and the investigation, control and supervision of
20 such claims.

21 (h) References in this Section to employer-paid benefits
22 include benefits paid for by the State, either directly or
23 through a program of insurance or self-insurance, whether paid
24 through the member's own department or through some other
25 department or entity; but the term does not include benefits
26 paid by the System under this Article.

1 (Source: P.A. 101-54, eff. 7-12-19.)

2 (40 ILCS 5/14-124) (from Ch. 108 1/2, par. 14-124)

3 Sec. 14-124. Nonoccupational disability benefit. A member
4 with at least 1 1/2 years of creditable service may be granted
5 a nonoccupational disability benefit, if:

6 (1) application for the benefit is made to the system
7 by the member in writing after the commencement of
8 disability;

9 (2) the member is found upon medical examination to be
10 mentally or physically incapacitated to perform the duties
11 of the member's position;

12 (3) the disability resulted from a cause other than an
13 injury or illness sustained in connection with the member's
14 performance of duty as a State employee;

15 (4) the member has been granted a leave of absence for
16 disability at the time of commencement of disability.
17 Renewal of a disability leave of absence shall not be
18 required for the continued payment of benefits; and

19 (5) the member has used all accumulated sick leave
20 available at the beginning of the leave of absence for
21 disability.

22 The benefit shall begin to accrue on the latest of (i) the
23 31st day of absence from work on account of disability
24 (including any periods of such absence for which sick pay was
25 received); or (ii) the day following the day on which the

1 member last receives or has a right to receive any compensation
2 as an employee, including any sick pay. The benefit shall
3 continue to accrue until the first of the following to occur:

4 (a) the date on which disability ceases;

5 (b) the end of the month in which the member attains
6 age 65 in the case of benefits commencing prior to
7 attainment of age 60;

8 (c) the end of the month following the fifth
9 anniversary of the effective date of the benefit, or of the
10 temporary disability benefit if one was received, in the
11 case of benefits commencing on or after attainment of age
12 60;

13 (d) the end of the month in which the aggregate period
14 for which non-occupational disability and temporary
15 disability benefit payments have been made becomes equal to
16 1/2 of the member's total period of creditable service, not
17 including the time during which he has received a temporary
18 disability benefit or nonoccupational disability benefit;
19 for purposes of this item (d) only, in the case of a member
20 to whom Section 14-108.2a or 14-108.2b applies and who, at
21 the time disability commences, is performing services for
22 the Illinois Department of Public Health or the Illinois
23 ~~Department of~~ State Police relating to the transferred
24 functions referred to in that Section and has less than 10
25 years of creditable service under this Article, the
26 member's "total period of creditable service" shall be

1 augmented by an amount equal to (i) one half of the
2 member's period of creditable service in the Fund
3 established under Article 8 (excluding any creditable
4 service over 20 years), minus (ii) the amount of the
5 member's creditable service under this Article;

6 (e) the date on which the member engages in gainful
7 employment;

8 (f) the end of the month in which the death of the
9 member occurs.

10 If disability has ceased and the member again becomes
11 disabled within 60 days from date of resumption of State
12 employment, and if the disability is due to the same cause for
13 which he received nonoccupational disability benefit
14 immediately preceding such reentry into service, the 30 days
15 waiting period prescribed for the receipt of benefits is waived
16 as to such new period of disability.

17 A member shall be considered disabled only when the board
18 has received:

19 (a) a written certificate by one or more licensed
20 health care professionals designated by the board,
21 certifying that the member is disabled and unable properly
22 to perform the duties of his position at the time of
23 disability; and

24 (b) the employee certifies that he is not and has not
25 been engaged in gainful employment.

26 The board shall prescribe rules and regulations governing

1 the filing of claims for nonoccupational disability benefits,
2 and the investigation, control and supervision of such claims.

3 Service credits under the State Universities Retirement
4 System and the Teachers' Retirement System of the State of
5 Illinois shall be considered for the purposes of
6 nonoccupational disability benefit eligibility under this
7 Article and for the total period of time for which such
8 benefits are payable.

9 (Source: P.A. 101-54, eff. 7-12-19.)

10 Section 385. The State Pension Funds Continuing
11 Appropriation Act is amended by changing Section 1.2 as
12 follows:

13 (40 ILCS 15/1.2)

14 Sec. 1.2. Appropriations for the State Employees'
15 Retirement System.

16 (a) From each fund from which an amount is appropriated for
17 personal services to a department or other employer under
18 Article 14 of the Illinois Pension Code, there is hereby
19 appropriated to that department or other employer, on a
20 continuing annual basis for each State fiscal year, an
21 additional amount equal to the amount, if any, by which (1) an
22 amount equal to the percentage of the personal services line
23 item for that department or employer from that fund for that
24 fiscal year that the Board of Trustees of the State Employees'

1 Retirement System of Illinois has certified under Section
2 14-135.08 of the Illinois Pension Code to be necessary to meet
3 the State's obligation under Section 14-131 of the Illinois
4 Pension Code for that fiscal year, exceeds (2) the amounts
5 otherwise appropriated to that department or employer from that
6 fund for State contributions to the State Employees' Retirement
7 System for that fiscal year.

8 (a-1) (Blank).

9 (a-2) (Blank).

10 (a-3) (Blank).

11 (a-4) If a Prior Fiscal Year Shortfall is certified under
12 subsection (k) of Section 14-131 of the Illinois Pension Code,
13 there is hereby appropriated to the State Employees' Retirement
14 System of Illinois on a continuing basis from the General
15 Revenue Fund an additional aggregate amount equal to the Prior
16 Fiscal Year Shortfall.

17 (b) The continuing appropriations provided for by this
18 Section shall first be available in State fiscal year 1996.

19 (c) Beginning in Fiscal Year 2005, any continuing
20 appropriation under this Section arising out of an
21 appropriation for personal services from the Road Fund to the
22 Illinois Department of State Police or the Secretary of State
23 shall be payable from the General Revenue Fund rather than the
24 Road Fund.

25 (d) (Blank).

26 (e) (Blank).

1 (f) (Blank).

2 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;
3 101-10, eff. 6-5-19.)

4 Section 390. The Illinois Police Training Act is amended by
5 changing Sections 3, 6.1, 9, 10.10, 10.19, and 10.21 as
6 follows:

7 (50 ILCS 705/3) (from Ch. 85, par. 503)

8 Sec. 3. Board - composition - appointments - tenure -
9 vacancies. The Board shall be composed of 18 members selected
10 as follows: The Attorney General of the State of Illinois, the
11 Director of the Illinois State Police, the Director of
12 Corrections, the Superintendent of the Chicago Police
13 Department, the Sheriff of Cook County, the Clerk of the
14 Circuit Court of Cook County, and the following to be appointed
15 by the Governor: 2 mayors or village presidents of Illinois
16 municipalities, 2 Illinois county sheriffs from counties other
17 than Cook County, 2 managers of Illinois municipalities, 2
18 chiefs of municipal police departments in Illinois having no
19 Superintendent of the Police Department on the Board, 2
20 citizens of Illinois who shall be members of an organized
21 enforcement officers' association, one active member of a
22 statewide association representing sheriffs, and one active
23 member of a statewide association representing municipal
24 police chiefs. The appointments of the Governor shall be made

1 on the first Monday of August in 1965 with 3 of the
2 appointments to be for a period of one year, 3 for 2 years, and
3 3 for 3 years. Their successors shall be appointed in like
4 manner for terms to expire the first Monday of August each 3
5 years thereafter. All members shall serve until their
6 respective successors are appointed and qualify. Vacancies
7 shall be filled by the Governor for the unexpired terms.

8 (Source: P.A. 99-651, eff. 7-28-16; 100-995, eff. 8-20-18.)

9 (50 ILCS 705/6.1)

10 Sec. 6.1. Decertification of full-time and part-time
11 police officers.

12 (a) The Board must review police officer conduct and
13 records to ensure that no police officer is certified or
14 provided a valid waiver if that police officer has been
15 convicted of, or entered a plea of guilty to, a felony offense
16 under the laws of this State or any other state which if
17 committed in this State would be punishable as a felony. The
18 Board must also ensure that no police officer is certified or
19 provided a valid waiver if that police officer has been
20 convicted of, or entered a plea of guilty to, on or after the
21 effective date of this amendatory Act of 1999 of any
22 misdemeanor specified in this Section or if committed in any
23 other state would be an offense similar to Section 11-1.50,
24 11-6, 11-9.1, 11-14, 11-17, 11-19, 12-2, 12-15, 16-1, 17-1,
25 17-2, 28-3, 29-1, 31-1, 31-6, 31-7, 32-4a, or 32-7 of the

1 Criminal Code of 1961 or the Criminal Code of 2012, to
2 subdivision (a)(1) or (a)(2)(C) of Section 11-14.3 of the
3 Criminal Code of 1961 or the Criminal Code of 2012, or
4 subsection (a) of Section 17-32 of the Criminal Code of 1961 or
5 the Criminal Code of 2012, or to Section 5 or 5.2 of the
6 Cannabis Control Act. The Board must appoint investigators to
7 enforce the duties conferred upon the Board by this Act.

8 (b) It is the responsibility of the sheriff or the chief
9 executive officer of every local law enforcement agency or
10 department within this State to report to the Board any arrest,
11 conviction, or plea of guilty of any officer for an offense
12 identified in this Section.

13 (c) It is the duty and responsibility of every full-time
14 and part-time police officer in this State to report to the
15 Board within 30 days, and the officer's sheriff or chief
16 executive officer, of his or her arrest, conviction, or plea of
17 guilty for an offense identified in this Section. Any full-time
18 or part-time police officer who knowingly makes, submits,
19 causes to be submitted, or files a false or untruthful report
20 to the Board must have his or her certificate or waiver
21 immediately decertified or revoked.

22 (d) Any person, or a local or State agency, or the Board is
23 immune from liability for submitting, disclosing, or releasing
24 information of arrests, convictions, or pleas of guilty in this
25 Section as long as the information is submitted, disclosed, or
26 released in good faith and without malice. The Board has

1 qualified immunity for the release of the information.

2 (e) Any full-time or part-time police officer with a
3 certificate or waiver issued by the Board who is convicted of,
4 or entered a plea of guilty to, any offense described in this
5 Section immediately becomes decertified or no longer has a
6 valid waiver. The decertification and invalidity of waivers
7 occurs as a matter of law. Failure of a convicted person to
8 report to the Board his or her conviction as described in this
9 Section or any continued law enforcement practice after
10 receiving a conviction is a Class 4 felony.

11 (f) The Board's investigators are peace officers and have
12 all the powers possessed by policemen in cities and by
13 sheriff's, and these investigators may exercise those powers
14 anywhere in the State. An investigator shall not have peace
15 officer status or exercise police powers unless he or she
16 successfully completes the basic police training course
17 mandated and approved by the Board or the Board waives the
18 training requirement by reason of the investigator's prior law
19 enforcement experience, training, or both. The Board shall not
20 waive the training requirement unless the investigator has had
21 a minimum of 5 years experience as a sworn officer of a local,
22 State, or federal law enforcement agency.

23 (g) The Board must request and receive information and
24 assistance from any federal, state, or local governmental
25 agency as part of the authorized criminal background
26 investigation. The Illinois ~~Department of~~ State Police must

1 process, retain, and additionally provide and disseminate
2 information to the Board concerning criminal charges, arrests,
3 convictions, and their disposition, that have been filed
4 before, on, or after the effective date of this amendatory Act
5 of the 91st General Assembly against a basic academy applicant,
6 law enforcement applicant, or law enforcement officer whose
7 fingerprint identification cards are on file or maintained by
8 the Illinois ~~Department of~~ State Police. The Federal Bureau of
9 Investigation must provide the Board any criminal history
10 record information contained in its files pertaining to law
11 enforcement officers or any applicant to a Board certified
12 basic law enforcement academy as described in this Act based on
13 fingerprint identification. The Board must make payment of fees
14 to the Illinois ~~Department of~~ State Police for each fingerprint
15 card submission in conformance with the requirements of
16 paragraph 22 of Section 55a of the Civil Administrative Code of
17 Illinois.

18 (h) A police officer who has been certified or granted a
19 valid waiver shall also be decertified or have his or her
20 waiver revoked upon a determination by the Illinois Labor
21 Relations Board State Panel that he or she, while under oath,
22 has knowingly and willfully made false statements as to a
23 material fact going to an element of the offense of murder. If
24 an appeal is filed, the determination shall be stayed.

25 (1) In the case of an acquittal on a charge of murder,
26 a verified complaint may be filed:

1 (A) by the defendant; or

2 (B) by a police officer with personal knowledge of
3 perjured testimony.

4 The complaint must allege that a police officer, while
5 under oath, knowingly and willfully made false statements
6 as to a material fact going to an element of the offense of
7 murder. The verified complaint must be filed with the
8 Executive Director of the Illinois Law Enforcement
9 Training Standards Board within 2 years of the judgment of
10 acquittal.

11 (2) Within 30 days, the Executive Director of the
12 Illinois Law Enforcement Training Standards Board shall
13 review the verified complaint and determine whether the
14 verified complaint is frivolous and without merit, or
15 whether further investigation is warranted. The Illinois
16 Law Enforcement Training Standards Board shall notify the
17 officer and the Executive Director of the Illinois Labor
18 Relations Board State Panel of the filing of the complaint
19 and any action taken thereon. If the Executive Director of
20 the Illinois Law Enforcement Training Standards Board
21 determines that the verified complaint is frivolous and
22 without merit, it shall be dismissed. The Executive
23 Director of the Illinois Law Enforcement Training
24 Standards Board has sole discretion to make this
25 determination and this decision is not subject to appeal.

26 (i) If the Executive Director of the Illinois Law

1 Enforcement Training Standards Board determines that the
2 verified complaint warrants further investigation, he or she
3 shall refer the matter to a task force of investigators created
4 for this purpose. This task force shall consist of 8 sworn
5 police officers: 2 from the Illinois State Police, 2 from the
6 City of Chicago Police Department, 2 from county police
7 departments, and 2 from municipal police departments. These
8 investigators shall have a minimum of 5 years of experience in
9 conducting criminal investigations. The investigators shall be
10 appointed by the Executive Director of the Illinois Law
11 Enforcement Training Standards Board. Any officer or officers
12 acting in this capacity pursuant to this statutory provision
13 will have statewide police authority while acting in this
14 investigative capacity. Their salaries and expenses for the
15 time spent conducting investigations under this paragraph
16 shall be reimbursed by the Illinois Law Enforcement Training
17 Standards Board.

18 (j) Once the Executive Director of the Illinois Law
19 Enforcement Training Standards Board has determined that an
20 investigation is warranted, the verified complaint shall be
21 assigned to an investigator or investigators. The investigator
22 or investigators shall conduct an investigation of the verified
23 complaint and shall write a report of his or her findings. This
24 report shall be submitted to the Executive Director of the
25 Illinois Labor Relations Board State Panel.

26 Within 30 days, the Executive Director of the Illinois

1 Labor Relations Board State Panel shall review the
2 investigative report and determine whether sufficient evidence
3 exists to conduct an evidentiary hearing on the verified
4 complaint. If the Executive Director of the Illinois Labor
5 Relations Board State Panel determines upon his or her review
6 of the investigatory report that a hearing should not be
7 conducted, the complaint shall be dismissed. This decision is
8 in the Executive Director's sole discretion, and this dismissal
9 may not be appealed.

10 If the Executive Director of the Illinois Labor Relations
11 Board State Panel determines that there is sufficient evidence
12 to warrant a hearing, a hearing shall be ordered on the
13 verified complaint, to be conducted by an administrative law
14 judge employed by the Illinois Labor Relations Board State
15 Panel. The Executive Director of the Illinois Labor Relations
16 Board State Panel shall inform the Executive Director of the
17 Illinois Law Enforcement Training Standards Board and the
18 person who filed the complaint of either the dismissal of the
19 complaint or the issuance of the complaint for hearing. The
20 Executive Director shall assign the complaint to the
21 administrative law judge within 30 days of the decision
22 granting a hearing.

23 (k) In the case of a finding of guilt on the offense of
24 murder, if a new trial is granted on direct appeal, or a state
25 post-conviction evidentiary hearing is ordered, based on a
26 claim that a police officer, under oath, knowingly and

1 willfully made false statements as to a material fact going to
2 an element of the offense of murder, the Illinois Labor
3 Relations Board State Panel shall hold a hearing to determine
4 whether the officer should be decertified if an interested
5 party requests such a hearing within 2 years of the court's
6 decision. The complaint shall be assigned to an administrative
7 law judge within 30 days so that a hearing can be scheduled.

8 At the hearing, the accused officer shall be afforded the
9 opportunity to:

10 (1) Be represented by counsel of his or her own
11 choosing;

12 (2) Be heard in his or her own defense;

13 (3) Produce evidence in his or her defense;

14 (4) Request that the Illinois Labor Relations Board
15 State Panel compel the attendance of witnesses and
16 production of related documents including but not limited
17 to court documents and records.

18 Once a case has been set for hearing, the verified
19 complaint shall be referred to the Department of Professional
20 Regulation. That office shall prosecute the verified complaint
21 at the hearing before the administrative law judge. The
22 Department of Professional Regulation shall have the
23 opportunity to produce evidence to support the verified
24 complaint and to request the Illinois Labor Relations Board
25 State Panel to compel the attendance of witnesses and the
26 production of related documents, including, but not limited to,

1 court documents and records. The Illinois Labor Relations Board
2 State Panel shall have the power to issue subpoenas requiring
3 the attendance of and testimony of witnesses and the production
4 of related documents including, but not limited to, court
5 documents and records and shall have the power to administer
6 oaths.

7 The administrative law judge shall have the responsibility
8 of receiving into evidence relevant testimony and documents,
9 including court records, to support or disprove the allegations
10 made by the person filing the verified complaint and, at the
11 close of the case, hear arguments. If the administrative law
12 judge finds that there is not clear and convincing evidence to
13 support the verified complaint that the police officer has,
14 while under oath, knowingly and willfully made false statements
15 as to a material fact going to an element of the offense of
16 murder, the administrative law judge shall make a written
17 recommendation of dismissal to the Illinois Labor Relations
18 Board State Panel. If the administrative law judge finds that
19 there is clear and convincing evidence that the police officer
20 has, while under oath, knowingly and willfully made false
21 statements as to a material fact that goes to an element of the
22 offense of murder, the administrative law judge shall make a
23 written recommendation so concluding to the Illinois Labor
24 Relations Board State Panel. The hearings shall be transcribed.
25 The Executive Director of the Illinois Law Enforcement Training
26 Standards Board shall be informed of the administrative law

1 judge's recommended findings and decision and the Illinois
2 Labor Relations Board State Panel's subsequent review of the
3 recommendation.

4 (l) An officer named in any complaint filed pursuant to
5 this Act shall be indemnified for his or her reasonable
6 attorney's fees and costs by his or her employer. These fees
7 shall be paid in a regular and timely manner. The State, upon
8 application by the public employer, shall reimburse the public
9 employer for the accused officer's reasonable attorney's fees
10 and costs. At no time and under no circumstances will the
11 accused officer be required to pay his or her own reasonable
12 attorney's fees or costs.

13 (m) The accused officer shall not be placed on unpaid
14 status because of the filing or processing of the verified
15 complaint until there is a final non-appealable order
16 sustaining his or her guilt and his or her certification is
17 revoked. Nothing in this Act, however, restricts the public
18 employer from pursuing discipline against the officer in the
19 normal course and under procedures then in place.

20 (n) The Illinois Labor Relations Board State Panel shall
21 review the administrative law judge's recommended decision and
22 order and determine by a majority vote whether or not there was
23 clear and convincing evidence that the accused officer, while
24 under oath, knowingly and willfully made false statements as to
25 a material fact going to the offense of murder. Within 30 days
26 of service of the administrative law judge's recommended

1 decision and order, the parties may file exceptions to the
2 recommended decision and order and briefs in support of their
3 exceptions with the Illinois Labor Relations Board State Panel.
4 The parties may file responses to the exceptions and briefs in
5 support of the responses no later than 15 days after the
6 service of the exceptions. If exceptions are filed by any of
7 the parties, the Illinois Labor Relations Board State Panel
8 shall review the matter and make a finding to uphold, vacate,
9 or modify the recommended decision and order. If the Illinois
10 Labor Relations Board State Panel concludes that there is clear
11 and convincing evidence that the accused officer, while under
12 oath, knowingly and willfully made false statements as to a
13 material fact going to an element of the offense murder, the
14 Illinois Labor Relations Board State Panel shall inform the
15 Illinois Law Enforcement Training Standards Board and the
16 Illinois Law Enforcement Training Standards Board shall revoke
17 the accused officer's certification. If the accused officer
18 appeals that determination to the Appellate Court, as provided
19 by this Act, he or she may petition the Appellate Court to stay
20 the revocation of his or her certification pending the court's
21 review of the matter.

22 (o) None of the Illinois Labor Relations Board State
23 Panel's findings or determinations shall set any precedent in
24 any of its decisions decided pursuant to the Illinois Public
25 Labor Relations Act by the Illinois Labor Relations Board State
26 Panel or the courts.

1 (p) A party aggrieved by the final order of the Illinois
2 Labor Relations Board State Panel may apply for and obtain
3 judicial review of an order of the Illinois Labor Relations
4 Board State Panel, in accordance with the provisions of the
5 Administrative Review Law, except that such judicial review
6 shall be afforded directly in the Appellate Court for the
7 district in which the accused officer resides. Any direct
8 appeal to the Appellate Court shall be filed within 35 days
9 from the date that a copy of the decision sought to be reviewed
10 was served upon the party affected by the decision.

11 (q) Interested parties. Only interested parties to the
12 criminal prosecution in which the police officer allegedly,
13 while under oath, knowingly and willfully made false statements
14 as to a material fact going to an element of the offense of
15 murder may file a verified complaint pursuant to this Section.
16 For purposes of this Section, "interested parties" shall be
17 limited to the defendant and any police officer who has
18 personal knowledge that the police officer who is the subject
19 of the complaint has, while under oath, knowingly and willfully
20 made false statements as to a material fact going to an element
21 of the offense of murder.

22 (r) Semi-annual reports. The Executive Director of the
23 Illinois Labor Relations Board shall submit semi-annual
24 reports to the Governor, President, and Minority Leader of the
25 Senate, and to the Speaker and Minority Leader of the House of
26 Representatives beginning on June 30, 2004, indicating:

1 (1) the number of verified complaints received since
2 the date of the last report;

3 (2) the number of investigations initiated since the
4 date of the last report;

5 (3) the number of investigations concluded since the
6 date of the last report;

7 (4) the number of investigations pending as of the
8 reporting date;

9 (5) the number of hearings held since the date of the
10 last report; and

11 (6) the number of officers decertified since the date
12 of the last report.

13 (Source: P.A. 101-187, eff. 1-1-20.)

14 (50 ILCS 705/9) (from Ch. 85, par. 509)

15 Sec. 9. A special fund is hereby established in the State
16 Treasury to be known as the Traffic and Criminal Conviction
17 Surcharge Fund. Moneys in this Fund shall be expended as
18 follows:

19 (1) a portion of the total amount deposited in the Fund
20 may be used, as appropriated by the General Assembly, for
21 the ordinary and contingent expenses of the Illinois Law
22 Enforcement Training Standards Board;

23 (2) a portion of the total amount deposited in the Fund
24 shall be appropriated for the reimbursement of local
25 governmental agencies participating in training programs

1 certified by the Board, in an amount equaling 1/2 of the
2 total sum paid by such agencies during the State's previous
3 fiscal year for mandated training for probationary police
4 officers or probationary county corrections officers and
5 for optional advanced and specialized law enforcement or
6 county corrections training; these reimbursements may
7 include the costs for tuition at training schools, the
8 salaries of trainees while in schools, and the necessary
9 travel and room and board expenses for each trainee; if the
10 appropriations under this paragraph (2) are not sufficient
11 to fully reimburse the participating local governmental
12 agencies, the available funds shall be apportioned among
13 such agencies, with priority first given to repayment of
14 the costs of mandatory training given to law enforcement
15 officer or county corrections officer recruits, then to
16 repayment of costs of advanced or specialized training for
17 permanent police officers or permanent county corrections
18 officers;

19 (3) a portion of the total amount deposited in the Fund
20 may be used to fund the Intergovernmental Law Enforcement
21 Officer's In-Service Training Act, veto overridden October
22 29, 1981, as now or hereafter amended, at a rate and method
23 to be determined by the board;

24 (4) a portion of the Fund also may be used by the
25 Illinois ~~Department of~~ State Police for expenses incurred
26 in the training of employees from any State, county or

1 municipal agency whose function includes enforcement of
2 criminal or traffic law;

3 (5) a portion of the Fund may be used by the Board to
4 fund grant-in-aid programs and services for the training of
5 employees from any county or municipal agency whose
6 functions include corrections or the enforcement of
7 criminal or traffic law;

8 (6) for fiscal years 2013 through 2017 only, a portion
9 of the Fund also may be used by the Department of State
10 Police to finance any of its lawful purposes or functions;

11 (7) a portion of the Fund may be used by the Board,
12 subject to appropriation, to administer grants to local law
13 enforcement agencies for the purpose of purchasing
14 bulletproof vests under the Law Enforcement Officer
15 Bulletproof Vest Act; and

16 (8) a portion of the Fund may be used by the Board to
17 create a law enforcement grant program available for units
18 of local government to fund crime prevention programs,
19 training, and interdiction efforts, including enforcement
20 and prevention efforts, relating to the illegal cannabis
21 market and driving under the influence of cannabis.

22 All payments from the Traffic and Criminal Conviction
23 Surcharge Fund shall be made each year from moneys appropriated
24 for the purposes specified in this Section. No more than 50% of
25 any appropriation under this Act shall be spent in any city
26 having a population of more than 500,000. The State Comptroller

1 and the State Treasurer shall from time to time, at the
2 direction of the Governor, transfer from the Traffic and
3 Criminal Conviction Surcharge Fund to the General Revenue Fund
4 in the State Treasury such amounts as the Governor determines
5 are in excess of the amounts required to meet the obligations
6 of the Traffic and Criminal Conviction Surcharge Fund.

7 (Source: P.A. 100-987, eff. 7-1-19; 101-27, eff. 6-25-19.)

8 (50 ILCS 705/10.10)

9 Sec. 10.10. Training in child abduction and missing
10 endangered senior alert system.

11 (a) The Board shall conduct training programs for law
12 enforcement personnel of local governmental agencies in the
13 statewide coordinated child abduction alert system developed
14 under Section 2605-480 of the Illinois ~~Department of~~ State
15 Police Law of the Civil Administrative Code of Illinois and the
16 statewide coordinated missing endangered senior alert system
17 developed under Section 2605-375 of the Illinois ~~Department of~~
18 State Police Law of the Civil Administrative Code of Illinois.

19 (b) The Board shall conduct a training program for law
20 enforcement personnel of local governmental agencies in the
21 statewide Alzheimer's disease, other related dementia, or
22 other dementia-like cognitive impairment coordinated Silver
23 Search Awareness Program and toolkit developed under Section
24 2605-485 of the Illinois ~~Department of~~ State Police Law of the
25 Civil Administrative Code of Illinois. The Board shall adopt

1 written protocols and guidelines for the handling of missing
2 persons cases involving Alzheimer's disease, other related
3 dementia, or other dementia-like cognitive impairment based
4 upon protocols developed by the Silver Search Task Force in
5 conjunction with the Illinois ~~Department of~~ State Police on or
6 before July 1, 2016.

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

8 (50 ILCS 705/10.19)

9 Sec. 10.19. Training; administration of epinephrine.

10 (a) This Section, along with Section 40 of the Illinois
11 State Police Act, may be referred to as the Annie LeGere Law.

12 (b) For purposes of this Section, "epinephrine
13 auto-injector" means a single-use device used for the automatic
14 injection of a pre-measured dose of epinephrine into the human
15 body prescribed in the name of a local governmental agency.

16 (c) The Board shall conduct or approve an optional advanced
17 training program for police officers to recognize and respond
18 to anaphylaxis, including the administration of an epinephrine
19 auto-injector. The training must include, but is not limited
20 to:

21 (1) how to recognize symptoms of an allergic reaction;

22 (2) how to respond to an emergency involving an
23 allergic reaction;

24 (3) how to administer an epinephrine auto-injector;

25 (4) how to respond to an individual with a known

1 allergy as well as an individual with a previously unknown
2 allergy;

3 (5) a test demonstrating competency of the knowledge
4 required to recognize anaphylaxis and administer an
5 epinephrine auto-injector; and

6 (6) other criteria as determined in rules adopted by
7 the Board.

8 (d) A local governmental agency may authorize a police
9 officer who has completed an optional advanced training program
10 under subsection (c) to carry, administer, or assist with the
11 administration of epinephrine auto-injectors provided by the
12 local governmental agency whenever he or she is performing
13 official duties.

14 (e) A local governmental agency that authorizes its
15 officers to carry and administer epinephrine auto-injectors
16 under subsection (d) must establish a policy to control the
17 acquisition, storage, transportation, administration, and
18 disposal of epinephrine auto-injectors and to provide
19 continued training in the administration of epinephrine
20 auto-injectors.

21 (f) A physician, physician's assistant with prescriptive
22 authority, or advanced practice registered nurse with
23 prescriptive authority may provide a standing protocol or
24 prescription for epinephrine auto-injectors in the name of a
25 local governmental agency to be maintained for use when
26 necessary.

1 (g) When a police officer administers an epinephrine
2 auto-injector in good faith, the police officer and local
3 governmental agency, and its employees and agents, including a
4 physician, physician's assistant with prescriptive authority,
5 or advanced practice registered nurse with prescriptive
6 authority who provides a standing order or prescription for an
7 epinephrine auto-injector, incur no civil or professional
8 liability, except for willful and wanton conduct, as a result
9 of any injury or death arising from the use of an epinephrine
10 auto-injector.

11 (Source: P.A. 99-711, eff. 1-1-17; 100-201, eff. 8-18-17;
12 100-648, eff. 7-31-18.)

13 (50 ILCS 705/10.21)

14 Sec. 10.21. Training; sexual assault and sexual abuse.

15 (a) The Illinois Law Enforcement Training Standards Board
16 shall conduct or approve training programs in trauma-informed
17 responses and investigations of sexual assault and sexual
18 abuse, which include, but is not limited to, the following:

19 (1) recognizing the symptoms of trauma;

20 (2) understanding the role trauma has played in a
21 victim's life;

22 (3) responding to the needs and concerns of a victim;

23 (4) delivering services in a compassionate, sensitive,
24 and nonjudgmental manner;

25 (5) interviewing techniques in accordance with the

1 curriculum standards in subsection (f) of this Section;

2 (6) understanding cultural perceptions and common
3 myths of sexual assault and sexual abuse;

4 (7) report writing techniques in accordance with the
5 curriculum standards in subsection (f) of this Section; and

6 (8) recognizing special sensitivities of victims due
7 to: age, including those under the age of 13; gender; or
8 other qualifications.

9 (b) This training must be presented in all full and
10 part-time basic law enforcement academies on or before July 1,
11 2018.

12 (c) Agencies employing law enforcement officers must
13 present this training to all law enforcement officers within 3
14 years after January 1, 2017 (the effective date of Public Act
15 99-801) and must present in-service training on sexual assault
16 and sexual abuse response and report writing training
17 requirements every 3 years.

18 (d) Agencies employing law enforcement officers who
19 conduct sexual assault and sexual abuse investigations must
20 provide specialized training to these officers on sexual
21 assault and sexual abuse investigations within 2 years after
22 January 1, 2017 (the effective date of Public Act 99-801) and
23 must present in-service training on sexual assault and sexual
24 abuse investigations to these officers every 3 years.

25 (e) Instructors providing this training shall have
26 successfully completed training on evidence-based,

1 trauma-informed, victim-centered response to cases of sexual
2 assault and sexual abuse and have experience responding to
3 sexual assault and sexual abuse cases.

4 (f) The Board shall adopt rules, in consultation with the
5 Office of the Illinois Attorney General and the Illinois
6 ~~Department of~~ State Police, to determine the specific training
7 requirements for these courses, including, but not limited to,
8 the following:

9 (1) evidence-based curriculum standards for report
10 writing and immediate response to sexual assault and sexual
11 abuse, including trauma-informed, victim-centered, age
12 sensitive, interview techniques, which have been
13 demonstrated to minimize retraumatization, for
14 probationary police officers and all law enforcement
15 officers; and

16 (2) evidence-based curriculum standards for
17 trauma-informed, victim-centered, age sensitive
18 investigation and interviewing techniques, which have been
19 demonstrated to minimize retraumatization, for cases of
20 sexual assault and sexual abuse for law enforcement
21 officers who conduct sexual assault and sexual abuse
22 investigations.

23 (Source: P.A. 99-801, eff. 1-1-17; 100-201, eff. 8-18-17;
24 100-910, eff. 1-1-19.)

25 Section 395. The Uniform Crime Reporting Act is amended by

1 changing Sections 5-5, 5-10, 5-12, 5-15, 5-20, and 5-30 as
2 follows:

3 (50 ILCS 709/5-5)

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

5 "Arrest-related death" means any death of an individual
6 while the individual's freedom to leave is restricted by a law
7 enforcement officer while the officer is on duty, or otherwise
8 acting within the scope of his or her employment, including any
9 death resulting from a motor vehicle accident, if the law
10 enforcement officer was engaged in direct action against the
11 individual or the individual's vehicle during the process of
12 apprehension. "Arrest-related death" does not include the
13 death of law enforcement personnel.

14 ~~"Department" means the Department of State Police.~~

15 "Domestic crime" means any crime attempted or committed
16 between a victim and offender who have a domestic relationship,
17 both current and past.

18 "Hate crime" has the same meaning as defined under Section
19 12-7.1 of the Criminal Code of 2012.

20 "Law enforcement agency" means an agency of this State or
21 unit of local government which is vested by law or ordinance
22 with the duty to maintain public order and to enforce criminal
23 law or ordinances.

24 "Law enforcement officer" or "officer" means any officer,
25 agent, or employee of this State or a unit of local government

1 authorized by law or by a government agency to engage in or
2 supervise the prevention, detection, or investigation of any
3 violation of criminal law, or authorized by law to supervise
4 accused persons or sentenced criminal offenders.

5 (Source: P.A. 99-352, eff. 1-1-16.)

6 (50 ILCS 709/5-10)

7 Sec. 5-10. Central repository of crime statistics. The
8 Illinois ~~Department of~~ State Police shall be a central
9 repository and custodian of crime statistics for the State and
10 shall have all the power necessary to carry out the purposes of
11 this Act, including the power to demand and receive cooperation
12 in the submission of crime statistics from all law enforcement
13 agencies. All data and information provided to the Illinois
14 State Police ~~Department~~ under this Act must be provided in a
15 manner and form prescribed by the Illinois State Police
16 ~~Department~~. On an annual basis, the Illinois State Police
17 ~~Department~~ shall make available compilations of crime
18 statistics required to be reported by each law enforcement
19 agency.

20 (Source: P.A. 99-352, eff. 1-1-16.)

21 (50 ILCS 709/5-12)

22 Sec. 5-12. Monthly reporting. All law enforcement agencies
23 shall submit to the Illinois ~~Department of~~ State Police on a
24 monthly basis the following:

1 (1) beginning January 1, 2016, a report on any
2 arrest-related death that shall include information
3 regarding the deceased, the officer, any weapon used by the
4 officer or the deceased, and the circumstances of the
5 incident. The Illinois State Police ~~Department~~ shall
6 submit on a quarterly basis all information collected under
7 this paragraph (1) to the Illinois Criminal Justice
8 Information Authority, contingent upon updated federal
9 guidelines regarding the Uniform Crime Reporting Program;

10 (2) beginning January 1, 2017, a report on any instance
11 when a law enforcement officer discharges his or her
12 firearm causing a non-fatal injury to a person, during the
13 performance of his or her official duties or in the line of
14 duty;

15 (3) a report of incident-based information on hate
16 crimes including information describing the offense,
17 location of the offense, type of victim, offender, and bias
18 motivation. If no hate crime incidents occurred during a
19 reporting month, the law enforcement agency must submit a
20 no incident record, as required by the Illinois State
21 Police ~~Department~~;

22 (4) a report on any incident of an alleged commission
23 of a domestic crime, that shall include information
24 regarding the victim, offender, date and time of the
25 incident, any injury inflicted, any weapons involved in the
26 commission of the offense, and the relationship between the

1 victim and the offender;

2 (5) data on an index of offenses selected by the
3 Illinois State Police ~~Department~~ based on the seriousness
4 of the offense, frequency of occurrence of the offense, and
5 likelihood of being reported to law enforcement. The data
6 shall include the number of index crime offenses committed
7 and number of associated arrests; and

8 (6) data on offenses and incidents reported by schools
9 to local law enforcement. The data shall include offenses
10 defined as an attack against school personnel,
11 intimidation offenses, drug incidents, and incidents
12 involving weapons.

13 (Source: P.A. 99-352, eff. 1-1-16.)

14 (50 ILCS 709/5-15)

15 Sec. 5-15. Supplemental homicide reporting. Beginning
16 July 1, 2016, each law enforcement agency shall submit to the
17 Illinois State Police ~~Department~~ incident-based information on
18 any criminal homicide. The data shall be provided quarterly by
19 law enforcement agencies containing information as specified
20 by the Illinois State Police ~~Department~~.

21 (Source: P.A. 99-352, eff. 1-1-16.)

22 (50 ILCS 709/5-20)

23 Sec. 5-20. Reporting compliance. The Illinois ~~Department~~
24 ~~of~~ State Police shall annually report to the Illinois Law

1 Enforcement Training Standards Board any law enforcement
2 agency not in compliance with the reporting requirements under
3 this Act. A law enforcement agency's compliance with the
4 reporting requirements under this Act shall be a factor
5 considered by the Illinois Law Enforcement Training Standards
6 Board in awarding grant funding under the Law Enforcement
7 Camera Grant Act.

8 (Source: P.A. 99-352, eff. 1-1-16.)

9 (50 ILCS 709/5-30)

10 Sec. 5-30. Rulemaking authority. The Illinois State Police
11 ~~Department~~ is vested with the full power to adopt and prescribe
12 reasonable rules for the purpose of administering the
13 provisions of this Act and conditions under which all data is
14 collected.

15 (Source: P.A. 99-352, eff. 1-1-16.)

16 Section 400. The Missing Persons Identification Act is
17 amended by changing Sections 5, 10, 15, and 20 as follows:

18 (50 ILCS 722/5)

19 (Text of Section before amendment by P.A. 101-266)

20 Sec. 5. Missing person reports.

21 (a) Report acceptance. All law enforcement agencies shall
22 accept without delay any report of a missing person. Acceptance
23 of a missing person report filed in person may not be refused

1 on any ground. No law enforcement agency may refuse to accept a
2 missing person report:

3 (1) on the basis that the missing person is an adult;

4 (2) on the basis that the circumstances do not indicate
5 foul play;

6 (3) on the basis that the person has been missing for a
7 short period of time;

8 (4) on the basis that the person has been missing a
9 long period of time;

10 (5) on the basis that there is no indication that the
11 missing person was in the jurisdiction served by the law
12 enforcement agency at the time of the disappearance;

13 (6) on the basis that the circumstances suggest that
14 the disappearance may be voluntary;

15 (7) on the basis that the reporting individual does not
16 have personal knowledge of the facts;

17 (8) on the basis that the reporting individual cannot
18 provide all of the information requested by the law
19 enforcement agency;

20 (9) on the basis that the reporting individual lacks a
21 familial or other relationship with the missing person;

22 (9-5) on the basis of the missing person's mental state
23 or medical condition; or

24 (10) for any other reason.

25 (b) Manner of reporting. All law enforcement agencies shall
26 accept missing person reports in person. Law enforcement

1 agencies are encouraged to accept reports by phone or by
2 electronic or other media to the extent that such reporting is
3 consistent with law enforcement policies or practices.

4 (c) Contents of report. In accepting a report of a missing
5 person, the law enforcement agency shall attempt to gather
6 relevant information relating to the disappearance. The law
7 enforcement agency shall attempt to gather at the time of the
8 report information that shall include, but shall not be limited
9 to, the following:

10 (1) the name of the missing person, including
11 alternative names used;

12 (2) the missing person's date of birth;

13 (3) the missing person's identifying marks, such as
14 birthmarks, moles, tattoos, and scars;

15 (4) the missing person's height and weight;

16 (5) the missing person's gender;

17 (6) the missing person's race;

18 (7) the missing person's current hair color and true or
19 natural hair color;

20 (8) the missing person's eye color;

21 (9) the missing person's prosthetics, surgical
22 implants, or cosmetic implants;

23 (10) the missing person's physical anomalies;

24 (11) the missing person's blood type, if known;

25 (12) the missing person's driver's license number, if
26 known;

1 (13) the missing person's social security number, if
2 known;

3 (14) a photograph of the missing person; recent
4 photographs are preferable and the agency is encouraged to
5 attempt to ascertain the approximate date the photograph
6 was taken;

7 (15) a description of the clothing the missing person
8 was believed to be wearing;

9 (16) a description of items that might be with the
10 missing person, such as jewelry, accessories, and shoes or
11 boots;

12 (17) information on the missing person's electronic
13 communications devices, such as cellular telephone numbers
14 and e-mail addresses;

15 (18) the reasons why the reporting individual believes
16 that the person is missing;

17 (19) the name and location of the missing person's
18 school or employer, if known;

19 (20) the name and location of the missing person's
20 dentist or primary care physician or provider, or both, if
21 known;

22 (21) any circumstances that may indicate that the
23 disappearance was not voluntary;

24 (22) any circumstances that may indicate that the
25 missing person may be at risk of injury or death;

26 (23) a description of the possible means of

1 transportation of the missing person, including make,
2 model, color, license number, and Vehicle Identification
3 Number of a vehicle;

4 (24) any identifying information about a known or
5 possible abductor or person last seen with the missing
6 person, or both, including:

7 (A) name;

8 (B) a physical description;

9 (C) date of birth;

10 (D) identifying marks;

11 (E) the description of possible means of
12 transportation, including make, model, color, license
13 number, and Vehicle Identification Number of a
14 vehicle;

15 (F) known associates;

16 (25) any other information that may aid in locating the
17 missing person; and

18 (26) the date of last contact.

19 (d) Notification and follow up action.

20 (1) Notification. The law enforcement agency shall
21 notify the person making the report, a family member, or
22 other person in a position to assist the law enforcement
23 agency in its efforts to locate the missing person of the
24 following:

25 (A) general information about the handling of the
26 missing person case or about intended efforts in the

1 case to the extent that the law enforcement agency
2 determines that disclosure would not adversely affect
3 its ability to locate or protect the missing person or
4 to apprehend or prosecute any person criminally
5 involved in the disappearance;

6 (B) that the person should promptly contact the law
7 enforcement agency if the missing person remains
8 missing in order to provide additional information and
9 materials that will aid in locating the missing person
10 such as the missing person's credit cards, debit cards,
11 banking information, and cellular telephone records;
12 and

13 (C) that any DNA samples provided for the missing
14 person case are provided on a voluntary basis and will
15 be used solely to help locate or identify the missing
16 person and will not be used for any other purpose.

17 The law enforcement agency, upon acceptance of a
18 missing person report, shall inform the reporting citizen
19 of one of 2 resources, based upon the age of the missing
20 person. If the missing person is under 18 years of age,
21 contact information for the National Center for Missing and
22 Exploited Children shall be given. If the missing person is
23 age 18 or older, contact information for the National
24 Center for Missing Adults shall be given.

25 Agencies handling the remains of a missing person who
26 is deceased must notify the agency handling the missing

1 person's case. Documented efforts must be made to locate
2 family members of the deceased person to inform them of the
3 death and location of the remains of their family member.

4 The law enforcement agency is encouraged to make
5 available informational materials, through publications or
6 electronic or other media, that advise the public about how
7 the information or materials identified in this subsection
8 are used to help locate or identify missing persons.

9 (2) Follow up action. If the person identified in the
10 missing person report remains missing after 30 days, and
11 the additional information and materials specified below
12 have not been received, the law enforcement agency shall
13 attempt to obtain:

14 (A) DNA samples from family members or from the
15 missing person along with any needed documentation, or
16 both, including any consent forms, required for the use
17 of State or federal DNA databases, including, but not
18 limited to, the Local DNA Index System (LDIS), State
19 DNA Index System (SDIS), and National DNA Index System
20 (NDIS);

21 (B) an authorization to release dental or skeletal
22 x-rays of the missing person;

23 (C) any additional photographs of the missing
24 person that may aid the investigation or an
25 identification; the law enforcement agency is not
26 required to obtain written authorization before it

1 releases publicly any photograph that would aid in the
2 investigation or identification of the missing person;

3 (D) dental information and x-rays; and

4 (E) fingerprints.

5 (3) All DNA samples obtained in missing person cases
6 shall be immediately forwarded to the Illinois ~~Department~~
7 ~~of~~ State Police for analysis. The Illinois ~~Department of~~
8 State Police shall establish procedures for determining
9 how to prioritize analysis of the samples relating to
10 missing person cases.

11 (4) This subsection shall not be interpreted to
12 preclude a law enforcement agency from attempting to obtain
13 the materials identified in this subsection before the
14 expiration of the 30-day period.

15 (Source: P.A. 99-244, eff. 1-1-16; 99-581, eff. 1-1-17.)

16 (Text of Section after amendment by P.A. 101-266)

17 Sec. 5. Missing person reports.

18 (a) Report acceptance. All law enforcement agencies shall
19 accept without delay any report of a missing person and may
20 attempt to obtain a DNA sample from the missing person or a DNA
21 reference sample created from family members' DNA samples for
22 submission under paragraph (1) of subsection (c) of Section 10.
23 Acceptance of a missing person report filed in person may not
24 be refused on any ground. No law enforcement agency may refuse
25 to accept a missing person report:

- 1 (1) on the basis that the missing person is an adult;
- 2 (2) on the basis that the circumstances do not indicate
- 3 foul play;
- 4 (3) on the basis that the person has been missing for a
- 5 short period of time;
- 6 (4) on the basis that the person has been missing a
- 7 long period of time;
- 8 (5) on the basis that there is no indication that the
- 9 missing person was in the jurisdiction served by the law
- 10 enforcement agency at the time of the disappearance;
- 11 (6) on the basis that the circumstances suggest that
- 12 the disappearance may be voluntary;
- 13 (7) on the basis that the reporting individual does not
- 14 have personal knowledge of the facts;
- 15 (8) on the basis that the reporting individual cannot
- 16 provide all of the information requested by the law
- 17 enforcement agency;
- 18 (9) on the basis that the reporting individual lacks a
- 19 familial or other relationship with the missing person;
- 20 (9-5) on the basis of the missing person's mental state
- 21 or medical condition; or
- 22 (10) for any other reason.

23 (b) Manner of reporting. All law enforcement agencies shall
24 accept missing person reports in person. Law enforcement
25 agencies are encouraged to accept reports by phone or by
26 electronic or other media to the extent that such reporting is

1 consistent with law enforcement policies or practices.

2 (c) Contents of report. In accepting a report of a missing
3 person, the law enforcement agency shall attempt to gather
4 relevant information relating to the disappearance. The law
5 enforcement agency shall attempt to gather at the time of the
6 report information that shall include, but shall not be limited
7 to, the following:

8 (1) the name of the missing person, including
9 alternative names used;

10 (2) the missing person's date of birth;

11 (3) the missing person's identifying marks, such as
12 birthmarks, moles, tattoos, and scars;

13 (4) the missing person's height and weight;

14 (5) the missing person's gender;

15 (6) the missing person's race;

16 (7) the missing person's current hair color and true or
17 natural hair color;

18 (8) the missing person's eye color;

19 (9) the missing person's prosthetics, surgical
20 implants, or cosmetic implants;

21 (10) the missing person's physical anomalies;

22 (11) the missing person's blood type, if known;

23 (12) the missing person's driver's license number, if
24 known;

25 (13) the missing person's social security number, if
26 known;

1 (14) a photograph of the missing person; recent
2 photographs are preferable and the agency is encouraged to
3 attempt to ascertain the approximate date the photograph
4 was taken;

5 (15) a description of the clothing the missing person
6 was believed to be wearing;

7 (16) a description of items that might be with the
8 missing person, such as jewelry, accessories, and shoes or
9 boots;

10 (17) information on the missing person's electronic
11 communications devices, such as cellular telephone numbers
12 and e-mail addresses;

13 (18) the reasons why the reporting individual believes
14 that the person is missing;

15 (19) the name and location of the missing person's
16 school or employer, if known;

17 (20) the name and location of the missing person's
18 dentist or primary care physician or provider, or both, if
19 known;

20 (21) any circumstances that may indicate that the
21 disappearance was not voluntary;

22 (22) any circumstances that may indicate that the
23 missing person may be at risk of injury or death;

24 (23) a description of the possible means of
25 transportation of the missing person, including make,
26 model, color, license number, and Vehicle Identification

1 Number of a vehicle;

2 (24) any identifying information about a known or
3 possible abductor or person last seen with the missing
4 person, or both, including:

5 (A) name;

6 (B) a physical description;

7 (C) date of birth;

8 (D) identifying marks;

9 (E) the description of possible means of
10 transportation, including make, model, color, license
11 number, and Vehicle Identification Number of a
12 vehicle;

13 (F) known associates;

14 (25) any other information that may aid in locating the
15 missing person; and

16 (26) the date of last contact.

17 (d) Notification and follow up action.

18 (1) Notification. The law enforcement agency shall
19 notify the person making the report, a family member, or
20 other person in a position to assist the law enforcement
21 agency in its efforts to locate the missing person of the
22 following:

23 (A) general information about the handling of the
24 missing person case or about intended efforts in the
25 case to the extent that the law enforcement agency
26 determines that disclosure would not adversely affect

1 its ability to locate or protect the missing person or
2 to apprehend or prosecute any person criminally
3 involved in the disappearance;

4 (B) that the person should promptly contact the law
5 enforcement agency if the missing person remains
6 missing in order to provide additional information and
7 materials that will aid in locating the missing person
8 such as the missing person's credit cards, debit cards,
9 banking information, and cellular telephone records;
10 and

11 (C) that any DNA samples provided for the missing
12 person case are provided on a voluntary basis and will
13 be used solely to help locate or identify the missing
14 person and will not be used for any other purpose.

15 The law enforcement agency, upon acceptance of a
16 missing person report, shall inform the reporting citizen
17 of one of 2 resources, based upon the age of the missing
18 person. If the missing person is under 18 years of age,
19 contact information for the National Center for Missing and
20 Exploited Children shall be given. If the missing person is
21 age 18 or older, contact information for the National
22 Missing and Unidentified Persons System (NamUs)
23 organization shall be given.

24 The law enforcement agency is encouraged to make
25 available informational materials, through publications or
26 electronic or other media, that advise the public about how

1 the information or materials identified in this subsection
2 are used to help locate or identify missing persons.

3 (2) Follow up action. If the person identified in the
4 missing person report remains missing after 30 days, but
5 not more than 60 days, the law enforcement agency may
6 generate a report of the missing person within the National
7 Missing and Unidentified Persons System (NamUs), and the
8 law enforcement agency may attempt to obtain the additional
9 information and materials that have not been received,
10 specified below:

11 (A) DNA samples from family members or from the
12 missing person along with any needed documentation, or
13 both, including any consent forms, required for the use
14 of State or federal DNA databases, including, but not
15 limited to, the Local DNA Index System (LDIS), State
16 DNA Index System (SDIS), National DNA Index System
17 (NDIS), and National Missing and Unidentified Persons
18 System (NamUs) partner laboratories;

19 (B) an authorization to release dental or skeletal
20 x-rays of the missing person;

21 (C) any additional photographs of the missing
22 person that may aid the investigation or an
23 identification; the law enforcement agency is not
24 required to obtain written authorization before it
25 releases publicly any photograph that would aid in the
26 investigation or identification of the missing person;

1 (D) dental information and x-rays; and

2 (E) fingerprints.

3 (3) Samples collected for DNA analysis may be submitted
4 to a National Missing and Unidentified Persons System
5 (NamUs) partner laboratory or other resource where DNA
6 profiles are entered into local, State, and national DNA
7 Index Systems within 60 days. The Illinois ~~Department of~~
8 State Police shall establish procedures for determining
9 how to prioritize analysis of the samples relating to
10 missing person cases. All DNA samples obtained in missing
11 person cases from family members of the missing person may
12 not be retained after the location or identification of the
13 remains of the missing person unless there is a search
14 warrant signed by a court of competent jurisdiction.

15 (4) This subsection shall not be interpreted to
16 preclude a law enforcement agency from attempting to obtain
17 the materials identified in this subsection before the
18 expiration of the 30-day period. The responsible law
19 enforcement agency may make a National Missing and
20 Unidentified Persons System (NamUs) report on the missing
21 person within 60 days after the report of the disappearance
22 of the missing person.

23 (5) Law enforcement agencies are encouraged to
24 establish written protocols for the handling of missing
25 person cases to accomplish the purposes of this Act.

26 (Source: P.A. 101-266, eff. 1-1-21.)

1 (50 ILCS 722/10)

2 (Text of Section before amendment by P.A. 101-266)

3 Sec. 10. Law enforcement analysis and reporting of missing
4 person information.

5 (a) Prompt determination of high-risk missing person.

6 (1) Definition. "High-risk missing person" means a
7 person whose whereabouts are not currently known and whose
8 circumstances indicate that the person may be at risk of
9 injury or death. The circumstances that indicate that a
10 person is a high-risk missing person include, but are not
11 limited to, any of the following:

12 (A) the person is missing as a result of a stranger
13 abduction;

14 (B) the person is missing under suspicious
15 circumstances;

16 (C) the person is missing under unknown
17 circumstances;

18 (D) the person is missing under known dangerous
19 circumstances;

20 (E) the person is missing more than 30 days;

21 (F) the person has already been designated as a
22 high-risk missing person by another law enforcement
23 agency;

24 (G) there is evidence that the person is at risk
25 because:

1 (i) the person is in need of medical attention,
2 including but not limited to persons with
3 dementia-like symptoms, or prescription
4 medication;

5 (ii) the person does not have a pattern of
6 running away or disappearing;

7 (iii) the person may have been abducted by a
8 non-custodial parent;

9 (iv) the person is mentally impaired,
10 including, but not limited to, a person having a
11 developmental disability, as defined in Section
12 1-106 of the Mental Health and Developmental
13 Disabilities Code, or a person having an
14 intellectual disability, as defined in Section
15 1-116 of the Mental Health and Developmental
16 Disabilities Code;

17 (v) the person is under the age of 21;

18 (vi) the person has been the subject of past
19 threats or acts of violence;

20 (vii) the person has eloped from a nursing
21 home;

22 (G-5) the person is a veteran or active duty member
23 of the United States Armed Forces, the National Guard,
24 or any reserve component of the United States Armed
25 Forces who is believed to have a physical or mental
26 health condition that is related to his or her service;

1 or

2 (H) any other factor that may, in the judgment of
3 the law enforcement official, indicate that the
4 missing person may be at risk.

5 (2) Law enforcement risk assessment.

6 (A) Upon initial receipt of a missing person
7 report, the law enforcement agency shall immediately
8 determine whether there is a basis to determine that
9 the missing person is a high-risk missing person.

10 (B) If a law enforcement agency has previously
11 determined that a missing person is not a high-risk
12 missing person, but obtains new information, it shall
13 immediately determine whether the information
14 indicates that the missing person is a high-risk
15 missing person.

16 (C) Law enforcement agencies are encouraged to
17 establish written protocols for the handling of
18 missing person cases to accomplish the purposes of this
19 Act.

20 (3) Law enforcement agency reports.

21 (A) The responding local law enforcement agency
22 shall immediately enter all collected information
23 relating to the missing person case in the Law
24 Enforcement Agencies Data System (LEADS) and the
25 National Crime Information Center (NCIC) databases.
26 The information shall be provided in accordance with

1 applicable guidelines relating to the databases. The
2 information shall be entered as follows:

3 (i) All appropriate DNA profiles, as
4 determined by the Illinois ~~Department of~~ State
5 Police, shall be uploaded into the missing person
6 databases of the State DNA Index System (SDIS) and
7 National DNA Index System (NDIS) after completion
8 of the DNA analysis and other procedures required
9 for database entry.

10 (ii) Information relevant to the Federal
11 Bureau of Investigation's Violent Criminal
12 Apprehension Program shall be entered as soon as
13 possible.

14 (iii) The Illinois ~~Department of~~ State Police
15 shall ensure that persons entering data relating
16 to medical or dental records in State or federal
17 databases are specifically trained to understand
18 and correctly enter the information sought by
19 these databases. The Illinois ~~Department of~~ State
20 Police shall either use a person with specific
21 expertise in medical or dental records for this
22 purpose or consult with a chief medical examiner,
23 forensic anthropologist, or odontologist to ensure
24 the accuracy and completeness of information
25 entered into the State and federal databases.

26 (B) The Illinois ~~Department of~~ State Police shall

1 immediately notify all law enforcement agencies within
2 this State and the surrounding region of the
3 information that will aid in the prompt location and
4 safe return of the high-risk missing person.

5 (C) The local law enforcement agencies that
6 receive the notification from the Illinois Department
7 ~~of~~ State Police shall notify officers to be on the
8 lookout for the missing person or a suspected abductor.

9 (D) Pursuant to any applicable State criteria,
10 local law enforcement agencies shall also provide for
11 the prompt use of an Amber Alert in cases involving
12 abducted children; or use of the Endangered Missing
13 Person Advisory in appropriate high risk cases.

14 (Source: P.A. 100-631, eff. 1-1-19; 100-662, eff. 1-1-19;
15 100-835, eff. 1-1-19; 101-81, eff. 7-12-19.)

16 (Text of Section after amendment by P.A. 101-266)

17 Sec. 10. Law enforcement analysis and reporting of missing
18 person information.

19 (a) Prompt determination and definition of a high-risk
20 missing person.

21 (1) Definition. "High-risk missing person" means a
22 person whose whereabouts are not currently known and whose
23 circumstances indicate that the person may be at risk of
24 injury or death. The circumstances that indicate that a
25 person is a high-risk missing person include, but are not

1 limited to, any of the following:

2 (A) the person is missing as a result of a stranger
3 abduction;

4 (B) the person is missing under suspicious
5 circumstances;

6 (C) the person is missing under unknown
7 circumstances;

8 (D) the person is missing under known dangerous
9 circumstances;

10 (E) the person is missing more than 30 days;

11 (F) the person has already been designated as a
12 high-risk missing person by another law enforcement
13 agency;

14 (G) there is evidence that the person is at risk
15 because:

16 (i) the person is in need of medical attention,
17 including but not limited to persons with
18 dementia-like symptoms, or prescription
19 medication;

20 (ii) the person does not have a pattern of
21 running away or disappearing;

22 (iii) the person may have been abducted by a
23 non-custodial parent;

24 (iv) the person is mentally impaired,
25 including, but not limited to, a person having a
26 developmental disability, as defined in Section

1 1-106 of the Mental Health and Developmental
2 Disabilities Code, or a person having an
3 intellectual disability, as defined in Section
4 1-116 of the Mental Health and Developmental
5 Disabilities Code;

6 (v) the person is under the age of 21;

7 (vi) the person has been the subject of past
8 threats or acts of violence;

9 (vii) the person has eloped from a nursing
10 home;

11 (G-5) the person is a veteran or active duty member
12 of the United States Armed Forces, the National Guard,
13 or any reserve component of the United States Armed
14 Forces who is believed to have a physical or mental
15 health condition that is related to his or her service;
16 or

17 (H) any other factor that may, in the judgment of
18 the law enforcement official, indicate that the
19 missing person may be at risk.

20 (b) Law enforcement risk assessment.

21 (1) Upon initial receipt of a missing person report,
22 the law enforcement agency shall immediately determine
23 whether there is a basis to determine that the missing
24 person is a high-risk missing person.

25 (2) If a law enforcement agency has previously
26 determined that a missing person is not a high-risk missing

1 person, but obtains new information, it shall immediately
2 determine whether the information indicates that the
3 missing person is a high-risk missing person.

4 (3) Law enforcement agencies are encouraged to
5 establish written protocols for the handling of missing
6 person cases to accomplish the purposes of this Act.

7 (c) Law enforcement reporting.

8 (1) The responding local law enforcement agency shall
9 immediately enter all collected information relating to
10 the missing person case in the Law Enforcement Agencies
11 Data System (LEADS) and the National Crime Information
12 Center (NCIC) databases and the National Missing and
13 Unidentified Persons System (NamUs) within 45 days after
14 the receipt of the report, or in the case of a high risk
15 missing person, within 30 days after the receipt of the
16 report. If the DNA sample submission is to a National
17 Missing and Unidentified Persons System (NamUs) partner
18 laboratory, the DNA profile may be uploaded by the partner
19 laboratory to the National DNA Index System (NDIS). A
20 packet submission of all relevant reports and DNA samples
21 may be sent to the National Missing and Unidentified
22 Persons System (NamUs) within 30 days for any high-risk
23 missing person cases. The information shall be provided in
24 accordance with applicable guidelines relating to the
25 databases. The information shall be entered as follows:

26 (A) If Illinois ~~Department~~ of State Police

1 laboratories are utilized in lieu of National Missing
2 and Unidentified Persons System (NamUs) partner
3 laboratories, all appropriate DNA profiles, as
4 determined by the Illinois ~~Department of~~ State Police,
5 shall be uploaded into the missing person databases of
6 the State DNA Index System (SDIS) and National DNA
7 Index System (NDIS) after completion of the DNA
8 analysis and other procedures required for database
9 entry. The responding local law enforcement agency may
10 submit any DNA samples voluntarily obtained from
11 family members to a National Missing and Unidentified
12 Persons System (NamUs) partner laboratory for DNA
13 analysis within 30 days. A notation of DNA submission
14 may be made within the National Missing and
15 Unidentified Persons System (NamUs) record.

16 (B) Information relevant to the Federal Bureau of
17 Investigation's Violent Criminal Apprehension Program
18 shall be entered as soon as possible.

19 (C) The Illinois ~~Department of~~ State Police shall
20 ensure that persons entering data relating to medical
21 or dental records in State or federal databases are
22 specifically trained to understand and correctly enter
23 the information sought by these databases. The
24 Illinois ~~Department of~~ State Police shall either use a
25 person with specific expertise in medical or dental
26 records for this purpose or consult with a chief

1 medical examiner, forensic anthropologist, or
2 odontologist to ensure the accuracy and completeness
3 of information entered into the State and federal
4 databases.

5 (2) The Illinois ~~Department of~~ State Police shall
6 immediately notify all law enforcement agencies within
7 this State and the surrounding region of the information
8 that will aid in the prompt location and safe return of the
9 high-risk missing person.

10 (3) The local law enforcement agencies that receive the
11 notification from the Illinois ~~Department of~~ State Police
12 shall notify officers to be on the lookout for the missing
13 person or a suspected abductor.

14 (4) Pursuant to any applicable State criteria, local
15 law enforcement agencies shall also provide for the prompt
16 use of an Amber Alert in cases involving abducted children;
17 or use of the Endangered Missing Person Advisory in
18 appropriate high risk cases.

19 (Source: P.A. 100-631, eff. 1-1-19; 100-662, eff. 1-1-19;
20 100-835, eff. 1-1-19; 101-81, eff. 7-12-19; 101-266, eff.
21 1-1-21.)

22 (50 ILCS 722/15)

23 Sec. 15. Reporting of unidentified persons and human
24 remains.

25 (a) Handling of death scene investigations.

1 (1) The Illinois ~~Department of~~ State Police shall
2 provide information to local law enforcement agencies
3 about best practices for handling death scene
4 investigations.

5 (2) The Illinois ~~Department of~~ State Police shall
6 identify any publications or training opportunities that
7 may be available to local law enforcement agencies or law
8 enforcement officers and coroners and medical examiners
9 concerning the handling of death scene investigations.

10 (b) Law enforcement reports.

11 (1) Before performing any death scene investigation
12 deemed appropriate under the circumstances, the official
13 with custody of the human remains shall ensure that the
14 coroner or medical examiner of the county in which the
15 deceased was found has been notified.

16 (2) Any coroner or medical examiner with custody of
17 human remains that are not identified within 24 hours of
18 discovery shall promptly notify the Illinois ~~Department of~~
19 State Police of the location of those remains.

20 (3) If the coroner or medical examiner with custody of
21 remains cannot determine whether or not the remains found
22 are human, the coroner or medical examiner shall notify the
23 Illinois ~~Department of~~ State Police of the existence of
24 possible human remains.

25 (Source: P.A. 95-192, eff. 8-16-07.)

1 (50 ILCS 722/20)

2 Sec. 20. Unidentified persons or human remains
3 identification responsibilities.

4 (a) In this Section, "assisting law enforcement agency"
5 means a law enforcement agency with jurisdiction acting under
6 the request and direction of the medical examiner or coroner to
7 assist with human remains identification.

8 (a-5) If the official with custody of the human remains is
9 not a coroner or medical examiner, the official shall
10 immediately notify the coroner or medical examiner of the
11 county in which the remains were found. The coroner or medical
12 examiner shall go to the scene and take charge of the remains.

13 (b) Notwithstanding any other action deemed appropriate
14 for the handling of the human remains, the assisting law
15 enforcement agency, medical examiner, or coroner shall make
16 reasonable attempts to promptly identify human remains. This
17 does not include historic or prehistoric skeletal remains.
18 These actions shall include, but are not limited to, obtaining
19 the following when possible:

20 (1) photographs of the human remains (prior to an
21 autopsy);

22 (2) dental and skeletal X-rays;

23 (3) photographs of items found on or with the human
24 remains;

25 (4) fingerprints from the remains;

26 (5) tissue samples suitable for DNA analysis;

1 (6) (blank); and

2 (7) any other information that may support
3 identification efforts.

4 (c) No medical examiner or coroner or any other person
5 shall dispose of, or engage in actions that will materially
6 affect the unidentified human remains before the assisting law
7 enforcement agency, medical examiner, or coroner obtains items
8 essential for human identification efforts listed in
9 subsection (b) of this Section.

10 (d) Cremation of unidentified human remains is prohibited.

11 (e) (Blank).

12 (f) The assisting law enforcement agency, medical
13 examiner, or coroner shall seek support from appropriate State
14 and federal agencies, including National Missing and
15 Unidentified Persons System resources to facilitate prompt
16 identification of human remains. This support may include, but
17 is not limited to, fingerprint comparison; forensic
18 odontology; nuclear or mitochondrial DNA analysis, or both; and
19 forensic anthropology.

20 (f-5) Fingerprints from the unidentified remains,
21 including partial prints, shall be submitted to the Illinois
22 ~~Department of~~ State Police or other resource for the purpose of
23 attempting to identify the deceased. The coroner or medical
24 examiner shall cause a dental examination to be performed by a
25 forensic odontologist for the purpose of dental charting,
26 comparison to missing person records, or both. Tissue samples

1 collected for DNA analysis shall be submitted within 30 days of
2 the recovery of the remains to a National Missing and
3 Unidentified Persons System partner laboratory or other
4 resource where DNA profiles are entered into the National DNA
5 Index System upon completion of testing. Forensic
6 anthropological analysis of the remains shall also be
7 considered.

8 (g) (Blank).

9 (g-2) The medical examiner or coroner shall report the
10 unidentified human remains and the location where the remains
11 were found to the Illinois ~~Department of~~ State Police within 24
12 hours of discovery as mandated by Section 15 of this Act. The
13 assisting law enforcement agency, medical examiner, or coroner
14 shall contact the Illinois ~~Department of~~ State Police to
15 request the creation of a National Crime Information Center
16 Unidentified Person record within 5 days of the discovery of
17 the remains. The assisting law enforcement agency, medical
18 examiner, or coroner shall provide the Illinois ~~Department of~~
19 State Police all information required for National Crime
20 Information Center entry. Upon notification, the Illinois
21 ~~Department of~~ State Police shall create the Unidentified Person
22 record without unnecessary delay.

23 (g-5) The assisting law enforcement agency, medical
24 examiner, or coroner shall obtain a National Crime Information
25 Center number from the Illinois ~~Department of~~ State Police to
26 verify entry and maintain this number within the unidentified

1 human remains case file. A National Crime Information Center
2 Unidentified Person record shall remain on file indefinitely or
3 until action is taken by the originating agency to clear or
4 cancel the record. The assisting law enforcement agency,
5 medical examiner, or coroner shall notify the Illinois
6 ~~Department of~~ State Police of necessary record modifications or
7 cancellation if identification is made.

8 (h) (Blank).

9 (h-5) The assisting law enforcement agency, medical
10 examiner, or coroner shall create an unidentified person record
11 in the National Missing and Unidentified Persons System prior
12 to the submission of samples or within 30 days of the discovery
13 of the remains, if no identification has been made. The entry
14 shall include all available case information including
15 fingerprint data and dental charts. Samples shall be submitted
16 to a National Missing and Unidentified Persons System partner
17 laboratory for DNA analysis within 30 Days. A notation of DNA
18 submission shall be made within the National Missing and
19 Unidentified Persons System Unidentified Person record.

20 (i) Nothing in this Act shall be interpreted to preclude
21 any assisting law enforcement agency, medical examiner,
22 coroner, or the Illinois ~~Department of~~ State Police from
23 pursuing other efforts to identify human remains including
24 efforts to publicize information, descriptions, or photographs
25 related to the investigation.

26 (j) For historic or prehistoric human skeletal remains

1 determined by an anthropologist to be older than 100 years,
2 jurisdiction shall be transferred to the Department of Natural
3 Resources for further investigation under the Archaeological
4 and Paleontological Resources Protection Act.

5 (Source: P.A. 100-901, eff. 1-1-19; 101-81, eff. 7-12-19.)

6 Section 410. The Police and Community Relations
7 Improvement Act is amended by changing Section 1-10 as follows:

8 (50 ILCS 727/1-10)

9 Sec. 1-10. Investigation of officer-involved deaths;
10 requirements.

11 (a) Each law enforcement agency shall have a written policy
12 regarding the investigation of officer-involved deaths that
13 involve a law enforcement officer employed by that law
14 enforcement agency.

15 (b) Each officer-involved death investigation shall be
16 conducted by at least 2 investigators, or an entity or agency
17 comprised of at least 2 investigators, one of whom is the lead
18 investigator. The lead investigator shall be a person certified
19 by the Illinois Law Enforcement Training Standards Board as a
20 Lead Homicide Investigator, or similar training approved by the
21 Illinois Law Enforcement Training Standards Board or the
22 Illinois ~~Department of~~ State Police, or similar training
23 provided at an Illinois Law Enforcement Training Standards
24 Board certified school. No investigator involved in the

1 investigation may be employed by the law enforcement agency
2 that employs the officer involved in the officer-involved
3 death, unless the investigator is employed by the Illinois
4 ~~Department of~~ State Police and is not assigned to the same
5 division or unit as the officer involved in the death.

6 (c) In addition to the requirements of subsection (b) of
7 this Section, if the officer-involved death being investigated
8 involves a motor vehicle accident, at least one investigator
9 shall be certified by the Illinois Law Enforcement Training
10 Standards Board as a Crash Reconstruction Specialist, or
11 similar training approved by the Illinois Law Enforcement
12 Training Standards Board or the Illinois ~~Department of~~ State
13 Police, or similar training provided at an Illinois Law
14 Enforcement Training Standards Board certified school.
15 Notwithstanding the requirements of subsection (b) of this
16 Section, the policy for a law enforcement agency, when the
17 officer-involved death being investigated involves a motor
18 vehicle collision, may allow the use of an investigator who is
19 employed by that law enforcement agency and who is certified by
20 the Illinois Law Enforcement Training Standards Board as a
21 Crash Reconstruction Specialist, or similar training approved
22 by the Illinois Law Enforcement Training and Standards Board,
23 or similar certified training approved by the Illinois
24 ~~Department of~~ State Police, or similar training provided at an
25 Illinois Law Enforcement Training and Standards Board
26 certified school.

1 (d) The investigators conducting the investigation shall,
2 in an expeditious manner, provide a complete report to the
3 State's Attorney of the county in which the officer-involved
4 death occurred.

5 (e) If the State's Attorney, or a designated special
6 prosecutor, determines there is no basis to prosecute the law
7 enforcement officer involved in the officer-involved death, or
8 if the law enforcement officer is not otherwise charged or
9 indicted, the investigators shall publicly release a report.
10 (Source: P.A. 99-352, eff. 1-1-16.)

11 Section 415. The Emergency Telephone System Act is amended
12 by changing Sections 2, 7, 8, 10, 12, 15.1, 15.4b, 15.5, 15.6,
13 15.6a, 15.6b, 17.5, 19, 20, 30, 40, 50, 55, 75, and 80 as
14 follows:

15 (50 ILCS 750/2) (from Ch. 134, par. 32)

16 (Section scheduled to be repealed on December 31, 2020)

17 Sec. 2. Definitions. As used in this Act, unless the
18 context otherwise requires:

19 "9-1-1 network" means the network used for the delivery of
20 9-1-1 calls and messages over dedicated and redundant
21 facilities to a primary or backup 9-1-1 PSAP that meets P.01
22 grade of service standards for basic 9-1-1 and enhanced 9-1-1
23 services or meets national I3 industry call delivery standards
24 for Next Generation 9-1-1 services.

1 "9-1-1 system" means the geographic area that has been
2 granted an order of authority by the Commission or the
3 Statewide 9-1-1 Administrator to use "9-1-1" as the primary
4 emergency telephone number.

5 "9-1-1 Authority" includes an Emergency Telephone System
6 Board, Joint Emergency Telephone System Board, and a qualified
7 governmental entity. "9-1-1 Authority" includes the Illinois
8 ~~Department of~~ State Police only to the extent it provides 9-1-1
9 services under this Act.

10 "Administrator" means the Statewide 9-1-1 Administrator.

11 "Advanced service" means any telecommunications service
12 with or without dynamic bandwidth allocation, including, but
13 not limited to, ISDN Primary Rate Interface (PRI), that,
14 through the use of a DS-1, T-1, or other un-channelized or
15 multi-channel transmission facility, is capable of
16 transporting either the subscriber's inter-premises voice
17 telecommunications services to the public switched network or
18 the subscriber's 9-1-1 calls to the public agency.

19 "ALI" or "automatic location identification" means, in an
20 E9-1-1 system, the automatic display at the public safety
21 answering point of the caller's telephone number, the address
22 or location of the telephone, and supplementary emergency
23 services information.

24 "ANI" or "automatic number identification" means the
25 automatic display of the 9-1-1 calling party's number on the
26 PSAP monitor.

1 "Automatic alarm" and "automatic alerting device" mean any
2 device that will access the 9-1-1 system for emergency services
3 upon activation.

4 "Backup PSAP" means a public safety answering point that
5 serves as an alternate to the PSAP for enhanced systems and is
6 at a different location and operates independently from the
7 PSAP. A backup PSAP may accept overflow calls from the PSAP or
8 be activated if the primary PSAP is disabled.

9 "Board" means an Emergency Telephone System Board or a
10 Joint Emergency Telephone System Board created pursuant to
11 Section 15.4.

12 "Carrier" includes a telecommunications carrier and a
13 wireless carrier.

14 "Commission" means the Illinois Commerce Commission.

15 "Computer aided dispatch" or "CAD" means a computer-based
16 system that aids PSAP telecommunicators by automating selected
17 dispatching and recordkeeping activities.

18 "Direct dispatch method" means a 9-1-1 service that
19 provides for the direct dispatch by a PSAP telecommunicator of
20 the appropriate unit upon receipt of an emergency call and the
21 decision as to the proper action to be taken.

22 ~~"Department" means the Department of State Police.~~

23 "DS-1, T-1, or similar un-channelized or multi-channel
24 transmission facility" means a facility that can transmit and
25 receive a bit rate of at least 1.544 megabits per second
26 (Mbps).

1 "Dynamic bandwidth allocation" means the ability of the
2 facility or customer to drop and add channels, or adjust
3 bandwidth, when needed in real time for voice or data purposes.

4 "Enhanced 9-1-1" or "E9-1-1" means a telephone system that
5 includes network switching, database and PSAP premise elements
6 capable of providing automatic location identification data,
7 selective routing, selective transfer, fixed transfer, and a
8 call back number, including any enhanced 9-1-1 service so
9 designated by the Federal Communications Commission in its
10 report and order in WC Dockets Nos. 04-36 and 05-196, or any
11 successor proceeding.

12 "ETSB" means an emergency telephone system board appointed
13 by the corporate authorities of any county or municipality that
14 provides for the management and operation of a 9-1-1 system.

15 "Hearing-impaired individual" means a person with a
16 permanent hearing loss who can regularly and routinely
17 communicate by telephone only through the aid of devices which
18 can send and receive written messages over the telephone
19 network.

20 "Hosted supplemental 9-1-1 service" means a database
21 service that:

22 (1) electronically provides information to 9-1-1 call
23 takers when a call is placed to 9-1-1;

24 (2) allows telephone subscribers to provide
25 information to 9-1-1 to be used in emergency scenarios;

26 (3) collects a variety of formatted data relevant to

1 9-1-1 and first responder needs, which may include, but is
2 not limited to, photographs of the telephone subscribers,
3 physical descriptions, medical information, household
4 data, and emergency contacts;

5 (4) allows for information to be entered by telephone
6 subscribers through a secure website where they can elect
7 to provide as little or as much information as they choose;

8 (5) automatically displays data provided by telephone
9 subscribers to 9-1-1 call takers for all types of
10 telephones when a call is placed to 9-1-1 from a registered
11 and confirmed phone number;

12 (6) supports the delivery of telephone subscriber
13 information through a secure internet connection to all
14 emergency telephone system boards;

15 (7) works across all 9-1-1 call taking equipment and
16 allows for the easy transfer of information into a computer
17 aided dispatch system; and

18 (8) may be used to collect information pursuant to an
19 Illinois Premise Alert Program as defined in the Illinois
20 Premise Alert Program (PAP) Act.

21 "Interconnected voice over Internet protocol provider" or
22 "Interconnected VoIP provider" has the meaning given to that
23 term under Section 13-235 of the Public Utilities Act.

24 "Joint ETSB" means a Joint Emergency Telephone System Board
25 established by intergovernmental agreement of two or more
26 municipalities or counties, or a combination thereof, to

1 provide for the management and operation of a 9-1-1 system.

2 "Local public agency" means any unit of local government or
3 special purpose district located in whole or in part within
4 this State that provides or has authority to provide
5 firefighting, police, ambulance, medical, or other emergency
6 services.

7 "Mechanical dialer" means any device that either manually
8 or remotely triggers a dialing device to access the 9-1-1
9 system.

10 "Master Street Address Guide" or "MSAG" is a database of
11 street names and house ranges within their associated
12 communities defining emergency service zones (ESZs) and their
13 associated emergency service numbers (ESNs) to enable proper
14 routing of 9-1-1 calls.

15 "Mobile telephone number" or "MTN" means the telephone
16 number assigned to a wireless telephone at the time of initial
17 activation.

18 "Network connections" means the number of voice grade
19 communications channels directly between a subscriber and a
20 telecommunications carrier's public switched network, without
21 the intervention of any other telecommunications carrier's
22 switched network, which would be required to carry the
23 subscriber's inter-premises traffic and which connection
24 either (1) is capable of providing access through the public
25 switched network to a 9-1-1 Emergency Telephone System, if one
26 exists, or (2) if no system exists at the time a surcharge is

1 imposed under Section 15.3, that would be capable of providing
2 access through the public switched network to the local 9-1-1
3 Emergency Telephone System if one existed. Where multiple voice
4 grade communications channels are connected to a
5 telecommunications carrier's public switched network through a
6 private branch exchange (PBX) service, there shall be
7 determined to be one network connection for each trunk line
8 capable of transporting either the subscriber's inter-premises
9 traffic to the public switched network or the subscriber's
10 9-1-1 calls to the public agency. Where multiple voice grade
11 communications channels are connected to a telecommunications
12 carrier's public switched network through centrex type
13 service, the number of network connections shall be equal to
14 the number of PBX trunk equivalents for the subscriber's
15 service or other multiple voice grade communication channels
16 facility, as determined by reference to any generally
17 applicable exchange access service tariff filed by the
18 subscriber's telecommunications carrier with the Commission.

19 "Network costs" means those recurring costs that directly
20 relate to the operation of the 9-1-1 network as determined by
21 the Statewide 9-1-1 Administrator with the advice of the
22 Statewide 9-1-1 Advisory Board, which may include, but need not
23 be limited to, some or all of the following: costs for
24 interoffice trunks, selective routing charges, transfer lines
25 and toll charges for 9-1-1 services, Automatic Location
26 Information (ALI) database charges, independent local exchange

1 carrier charges and non-system provider charges, carrier
2 charges for third party database for on-site customer premises
3 equipment, back-up PSAP trunks for non-system providers,
4 periodic database updates as provided by carrier (also known as
5 "ALI data dump"), regional ALI storage charges, circuits for
6 call delivery (fiber or circuit connection), NG9-1-1 costs, and
7 all associated fees, taxes, and surcharges on each invoice.
8 "Network costs" shall not include radio circuits or toll
9 charges that are other than for 9-1-1 services.

10 "Next generation 9-1-1" or "NG9-1-1" means an Internet
11 Protocol-based (IP-based) system comprised of managed ESInets,
12 functional elements and applications, and databases that
13 replicate traditional E9-1-1 features and functions and
14 provide additional capabilities. "NG9-1-1" systems are
15 designed to provide access to emergency services from all
16 connected communications sources, and provide multimedia data
17 capabilities for PSAPs and other emergency services
18 organizations.

19 "NG9-1-1 costs" means those recurring costs that directly
20 relate to the Next Generation 9-1-1 service as determined by
21 the Statewide 9-1-1 Advisory Board, including, but not limited
22 to, costs for Emergency System Routing Proxy (ESRP), Emergency
23 Call Routing Function/Location Validation Function (ECRF/LVF),
24 Spatial Information Function (SIF), the Border Control
25 Function (BCF), and the Emergency Services Internet Protocol
26 networks (ESInets), legacy network gateways, and all

1 associated fees, taxes, and surcharges on each invoice.

2 "Private branch exchange" or "PBX" means a private
3 telephone system and associated equipment located on the user's
4 property that provides communications between internal
5 stations and external networks.

6 "Private business switch service" means network and
7 premises based systems including a VoIP, Centrex type service,
8 or PBX service, even though key telephone systems or equivalent
9 telephone systems registered with the Federal Communications
10 Commission under 47 C.F.R. Part 68 are directly connected to
11 Centrex type and PBX systems. "Private business switch service"
12 does not include key telephone systems or equivalent telephone
13 systems registered with the Federal Communications Commission
14 under 47 C.F.R. Part 68 when not used in conjunction with a
15 VoIP, Centrex type, or PBX systems. "Private business switch
16 service" typically includes, but is not limited to, private
17 businesses, corporations, and industries where the
18 telecommunications service is primarily for conducting
19 business.

20 "Private residential switch service" means network and
21 premise based systems including a VoIP, Centrex type service,
22 or PBX service or key telephone systems or equivalent telephone
23 systems registered with the Federal Communications Commission
24 under 47 C.F.R. Part 68 that are directly connected to a VoIP,
25 Centrex type service, or PBX systems equipped for switched
26 local network connections or 9-1-1 system access to residential

1 end users through a private telephone switch. "Private
2 residential switch service" does not include key telephone
3 systems or equivalent telephone systems registered with the
4 Federal Communications Commission under 47 C.F.R. Part 68 when
5 not used in conjunction with a VoIP, Centrex type, or PBX
6 systems. "Private residential switch service" typically
7 includes, but is not limited to, apartment complexes,
8 condominiums, and campus or university environments where
9 shared tenant service is provided and where the usage of the
10 telecommunications service is primarily residential.

11 "Public agency" means the State, and any unit of local
12 government or special purpose district located in whole or in
13 part within this State, that provides or has authority to
14 provide firefighting, police, ambulance, medical, or other
15 emergency services.

16 "Public safety agency" means a functional division of a
17 public agency that provides firefighting, police, medical, or
18 other emergency services to respond to and manage emergency
19 incidents. For the purpose of providing wireless service to
20 users of 9-1-1 emergency services, as expressly provided for in
21 this Act, the Illinois ~~Department of~~ State Police may be
22 considered a public safety agency.

23 "Public safety answering point" or "PSAP" is a set of
24 call-takers authorized by a governing body and operating under
25 common management that receive 9-1-1 calls and asynchronous
26 event notifications for a defined geographic area and processes

1 those calls and events according to a specified operational
2 policy.

3 "Qualified governmental entity" means a unit of local
4 government authorized to provide 9-1-1 services pursuant to
5 this Act where no emergency telephone system board exists.

6 "Referral method" means a 9-1-1 service in which the PSAP
7 telecommunicator provides the calling party with the telephone
8 number of the appropriate public safety agency or other
9 provider of emergency services.

10 "Regular service" means any telecommunications service,
11 other than advanced service, that is capable of transporting
12 either the subscriber's inter-premises voice
13 telecommunications services to the public switched network or
14 the subscriber's 9-1-1 calls to the public agency.

15 "Relay method" means a 9-1-1 service in which the PSAP
16 telecommunicator takes the pertinent information from a caller
17 and relays that information to the appropriate public safety
18 agency or other provider of emergency services.

19 "Remit period" means the billing period, one month in
20 duration, for which a wireless carrier remits a surcharge and
21 provides subscriber information by zip code to the Illinois
22 State Police Department, in accordance with Section 20 of this
23 Act.

24 "Secondary Answering Point" or "SAP" means a location,
25 other than a PSAP, that is able to receive the voice, data, and
26 call back number of E9-1-1 or NG9-1-1 emergency calls

1 transferred from a PSAP and completes the call taking process
2 by dispatching police, medical, fire, or other emergency
3 responders.

4 "Statewide wireless emergency 9-1-1 system" means all
5 areas of the State where an emergency telephone system board
6 or, in the absence of an emergency telephone system board, a
7 qualified governmental entity, has not declared its intention
8 for one or more of its public safety answering points to serve
9 as a primary wireless 9-1-1 public safety answering point for
10 its jurisdiction. The operator of the statewide wireless
11 emergency 9-1-1 system shall be the Illinois ~~Department of~~
12 State Police.

13 "System" means the communications equipment and related
14 software applications required to produce a response by the
15 appropriate emergency public safety agency or other provider of
16 emergency services as a result of an emergency call being
17 placed to 9-1-1.

18 "System provider" means the contracted entity providing
19 9-1-1 network and database services.

20 "Telecommunications carrier" means those entities included
21 within the definition specified in Section 13-202 of the Public
22 Utilities Act, and includes those carriers acting as resellers
23 of telecommunications services. "Telecommunications carrier"
24 includes telephone systems operating as mutual concerns.
25 "Telecommunications carrier" does not include a wireless
26 carrier.

1 "Telecommunications technology" means equipment that can
2 send and receive written messages over the telephone network.

3 "Transfer method" means a 9-1-1 service in which the PSAP
4 telecommunicator receiving a call transfers that call to the
5 appropriate public safety agency or other provider of emergency
6 services.

7 "Transmitting messages" shall have the meaning given to
8 that term under Section 8-11-2 of the Illinois Municipal Code.

9 "Trunk line" means a transmission path, or group of
10 transmission paths, connecting a subscriber's PBX to a
11 telecommunications carrier's public switched network. In the
12 case of regular service, each voice grade communications
13 channel or equivalent amount of bandwidth capable of
14 transporting either the subscriber's inter-premises voice
15 telecommunications services to the public switched network or
16 the subscriber's 9-1-1 calls to the public agency shall be
17 considered a trunk line, even if it is bundled with other
18 channels or additional bandwidth. In the case of advanced
19 service, each DS-1, T-1, or other un-channelized or
20 multi-channel transmission facility that is capable of
21 transporting either the subscriber's inter-premises voice
22 telecommunications services to the public switched network or
23 the subscriber's 9-1-1 calls to the public agency shall be
24 considered a single trunk line, even if it contains multiple
25 voice grade communications channels or otherwise supports 2 or
26 more voice grade calls at a time; provided, however, that each

1 additional increment of up to 24 voice grade channels of
2 transmission capacity that is capable of transporting either
3 the subscriber's inter-premises voice telecommunications
4 services to the public switched network or the subscriber's
5 9-1-1 calls to the public agency shall be considered an
6 additional trunk line.

7 "Unmanned backup PSAP" means a public safety answering
8 point that serves as an alternate to the PSAP at an alternate
9 location and is typically unmanned but can be activated if the
10 primary PSAP is disabled.

11 "Virtual answering point" or "VAP" means a temporary or
12 nonpermanent location that is capable of receiving an emergency
13 call, contains a fully functional worksite that is not bound to
14 a specific location, but rather is portable and scalable,
15 connecting emergency call takers or dispatchers to the work
16 process, and is capable of completing the call dispatching
17 process.

18 "Voice-impaired individual" means a person with a
19 permanent speech disability which precludes oral
20 communication, who can regularly and routinely communicate by
21 telephone only through the aid of devices which can send and
22 receive written messages over the telephone network.

23 "Wireless carrier" means a provider of two-way cellular,
24 broadband PCS, geographic area 800 MHZ and 900 MHZ Commercial
25 Mobile Radio Service (CMRS), Wireless Communications Service
26 (WCS), or other Commercial Mobile Radio Service (CMRS), as

1 defined by the Federal Communications Commission, offering
2 radio communications that may provide fixed, mobile, radio
3 location, or satellite communication services to individuals
4 or businesses within its assigned spectrum block and
5 geographical area or that offers real-time, two-way voice
6 service that is interconnected with the public switched
7 network, including a reseller of such service.

8 "Wireless enhanced 9-1-1" means the ability to relay the
9 telephone number of the originator of a 9-1-1 call and location
10 information from any mobile handset or text telephone device
11 accessing the wireless system to the designated wireless public
12 safety answering point as set forth in the order of the Federal
13 Communications Commission, FCC Docket No. 94-102, adopted June
14 12, 1996, with an effective date of October 1, 1996, and any
15 subsequent amendment thereto.

16 "Wireless public safety answering point" means the
17 functional division of a 9-1-1 authority accepting wireless
18 9-1-1 calls.

19 "Wireless subscriber" means an individual or entity to whom
20 a wireless service account or number has been assigned by a
21 wireless carrier, other than an account or number associated
22 with prepaid wireless telecommunication service.

23 (Source: P.A. 99-6, eff. 1-1-16; 100-20, eff. 7-1-17.)

24 (50 ILCS 750/7) (from Ch. 134, par. 37)

25 (Section scheduled to be repealed on December 31, 2020)

1 Sec. 7. The General Assembly finds that, because of
2 overlapping jurisdiction of public agencies, public safety
3 agencies and telephone service areas, the Administrator, with
4 the advice and recommendation of the Statewide 9-1-1 Advisory
5 Board, shall establish a general overview or plan to effectuate
6 the purposes of this Act within the time frame provided in this
7 Act. In order to insure that proper preparation and
8 implementation of emergency telephone systems are accomplished
9 by all public agencies as required under this Act, the Illinois
10 State Police Department, with the advice and assistance of the
11 Attorney General, shall secure compliance by public agencies as
12 provided in this Act.

13 (Source: P.A. 99-6, eff. 1-1-16; 100-20, eff. 7-1-17.)

14 (50 ILCS 750/8) (from Ch. 134, par. 38)

15 (Section scheduled to be repealed on December 31, 2020)

16 Sec. 8. The Administrator, with the advice and
17 recommendation of the Statewide 9-1-1 Advisory Board, shall
18 coordinate the implementation of systems established under
19 this Act. To assist with this coordination, all systems
20 authorized to operate under this Act shall register with the
21 Administrator information regarding its composition and
22 organization, including, but not limited to, identification of
23 all PSAPs, SAPs, VAPs, Backup PSAPs, and Unmanned Backup PSAPs.
24 The Illinois State Police Department may adopt rules for the
25 administration of this Section.

1 (Source: P.A. 99-6, eff. 1-1-16; 100-20, eff. 7-1-17.)

2 (50 ILCS 750/10) (from Ch. 134, par. 40)

3 (Section scheduled to be repealed on December 31, 2020)

4 Sec. 10. (a) The Administrator, with the advice and
5 recommendation of the Statewide 9-1-1 Advisory Board, shall
6 establish uniform technical and operational standards for all
7 9-1-1 systems in Illinois. All findings, orders, decisions,
8 rules, and regulations issued or promulgated by the Commission
9 under this Act or any other Act establishing or conferring
10 power on the Commission with respect to emergency
11 telecommunications services, shall continue in force.
12 Notwithstanding the provisions of this Section, where
13 applicable, the Administrator shall, with the advice and
14 recommendation of the Statewide 9-1-1 Advisory Board, amend the
15 Commission's findings, orders, decisions, rules, and
16 regulations to conform to the specific provisions of this Act
17 as soon as practicable after the effective date of this
18 amendatory Act of the 99th General Assembly.

19 (b) The Illinois State Police ~~Department~~ may adopt
20 emergency rules necessary to implement the provisions of this
21 amendatory Act of the 99th General Assembly under subsection
22 (t) of Section 5-45 of the Illinois Administrative Procedure
23 Act.

24 (c) Nothing in this Act shall deprive the Commission of any
25 authority to regulate the provision by telecommunication

1 carriers or 9-1-1 system service providers of
2 telecommunication or other services under the Public Utilities
3 Act.

4 (d) For rules that implicate both the regulation of 9-1-1
5 authorities under this Act and the regulation of
6 telecommunication carriers and 9-1-1 system service providers
7 under the Public Utilities Act, the Illinois State Police
8 ~~Department~~ and the Commission may adopt joint rules necessary
9 for implementation.

10 (e) Any findings, orders, or decisions of the Administrator
11 under this Section shall be deemed a final administrative
12 decision and shall be subject to judicial review under the
13 Administrative Review Law.

14 (Source: P.A. 99-6, eff. 1-1-16; 100-20, eff. 7-1-17.)

15 (50 ILCS 750/12) (from Ch. 134, par. 42)

16 (Section scheduled to be repealed on December 31, 2020)

17 Sec. 12. The Attorney General may, on behalf of the
18 Illinois State Police ~~Department~~ or on his own initiative,
19 commence judicial proceedings to enforce compliance by any
20 public agency or public utility providing telephone service
21 with this Act.

22 (Source: P.A. 99-6, eff. 1-1-16; 100-20, eff. 7-1-17.)

23 (50 ILCS 750/15.1) (from Ch. 134, par. 45.1)

24 (Section scheduled to be repealed on December 31, 2020)

1 Sec. 15.1. Public body; exemption from civil liability for
2 developing or operating emergency telephone system.

3 (a) In no event shall a public agency, the Commission, the
4 Statewide 9-1-1 Advisory Board, the Administrator, the
5 Illinois ~~Department of~~ State Police, public safety agency,
6 public safety answering point, emergency telephone system
7 board, or unit of local government assuming the duties of an
8 emergency telephone system board, or carrier, or its officers,
9 employees, assigns, or agents be liable for any civil damages
10 or criminal liability that directly or indirectly results from,
11 or is caused by, any act or omission in the development,
12 design, installation, operation, maintenance, performance, or
13 provision of 9-1-1 service required by this Act, unless the act
14 or omission constitutes gross negligence, recklessness, or
15 intentional misconduct.

16 A unit of local government, the Commission, the Statewide
17 9-1-1 Advisory Board, the Administrator, the Illinois
18 ~~Department of~~ State Police, public safety agency, public safety
19 answering point, emergency telephone system board, or carrier,
20 or its officers, employees, assigns, or agents, shall not be
21 liable for any form of civil damages or criminal liability that
22 directly or indirectly results from, or is caused by, the
23 release of subscriber information to any governmental entity as
24 required under the provisions of this Act, unless the release
25 constitutes gross negligence, recklessness, or intentional
26 misconduct.

1 (b) Exemption from civil liability for emergency
2 instructions is as provided in the Good Samaritan Act.

3 (c) This Section may not be offered as a defense in any
4 judicial proceeding brought by the Attorney General under
5 Section 12 to compel compliance with this Act.

6 (Source: P.A. 99-6, eff. 1-1-16; 100-20, eff. 7-1-17.)

7 (50 ILCS 750/15.4b)

8 (Section scheduled to be repealed on December 31, 2020)

9 Sec. 15.4b. Consolidation grants.

10 (a) The Administrator, with the advice and recommendation
11 of the Statewide 9-1-1 Advisory Board, shall administer a 9-1-1
12 System Consolidation Grant Program to defray costs associated
13 with 9-1-1 system consolidation of systems outside of a
14 municipality with a population in excess of 500,000. The
15 awarded grants will be used to offset non-recurring costs
16 associated with the consolidation of 9-1-1 systems and shall
17 not be used for ongoing operating costs associated with the
18 consolidated system. The Illinois State Police Department, in
19 consultation with the Administrator and the Statewide 9-1-1
20 Advisory Board, shall adopt rules defining the grant process
21 and criteria for issuing the grants. The grants should be
22 awarded based on criteria that include, but are not limited to:

23 (1) reducing the number of transfers of a 9-1-1 call;

24 (2) reducing the infrastructure required to adequately
25 provide 9-1-1 network services;

1 (3) promoting cost savings from resource sharing among
2 9-1-1 systems;

3 (4) facilitating interoperability and resiliency for
4 the receipt of 9-1-1 calls;

5 (5) reducing the number of 9-1-1 systems or reducing
6 the number of PSAPs within a 9-1-1 system;

7 (6) cost saving resulting from 9-1-1 system
8 consolidation; and

9 (7) expanding E9-1-1 service coverage as a result of
10 9-1-1 system consolidation including to areas without
11 E9-1-1 service.

12 Priority shall be given first to counties not providing
13 9-1-1 service as of January 1, 2016, and next to other entities
14 consolidating as required under Section 15.4a of this Act.

15 (b) The 9-1-1 System Consolidation Grant application, as
16 defined by Illinois State Police Department ~~Department~~ rules, shall be
17 submitted electronically to the Administrator starting January
18 2, 2016, and every January 2 thereafter. The application shall
19 include a modified 9-1-1 system plan as required by this Act in
20 support of the consolidation plan. The Administrator shall have
21 until June 30, 2016 and every June 30 thereafter to approve
22 9-1-1 System Consolidation grants and modified 9-1-1 system
23 plans. Payment under the approved 9-1-1 System Consolidation
24 grants shall be contingent upon the final approval of a
25 modified 9-1-1 system plan.

26 (c) Existing and previously completed consolidation

1 projects shall be eligible to apply for reimbursement of costs
2 related to the consolidation incurred between 2010 and the
3 State fiscal year of the application.

4 (d) The 9-1-1 systems that receive grants under this
5 Section shall provide a report detailing grant fund usage to
6 the Administrator pursuant to Section 40 of this Act.

7 (Source: P.A. 99-6, eff. 1-1-16; 100-20, eff. 7-1-17.)

8 (50 ILCS 750/15.5)

9 (Section scheduled to be repealed on December 31, 2020)

10 Sec. 15.5. Private residential switch service 9-1-1
11 service.

12 (a) After June 30, 1995, an entity that provides or
13 operates private residential switch service and provides
14 telecommunications facilities or services to residents shall
15 provide to those residential end users the same level of 9-1-1
16 service as the public agency and the telecommunications carrier
17 are providing to other residential end users of the local 9-1-1
18 system. This service shall include, but not be limited to, the
19 capability to identify the telephone number, extension number,
20 and the physical location that is the source of the call to the
21 number designated as the emergency telephone number.

22 (b) The private residential switch operator is responsible
23 for forwarding end user automatic location identification
24 record information to the 9-1-1 system provider according to
25 the format, frequency, and procedures established by that

1 system provider.

2 (c) This Act does not apply to any PBX telephone extension
3 that uses radio transmissions to convey electrical signals
4 directly between the telephone extension and the serving PBX.

5 (d) An entity that violates this Section is guilty of a
6 business offense and shall be fined not less than \$1,000 and
7 not more than \$5,000.

8 (e) Nothing in this Section shall be construed to preclude
9 the Attorney General on behalf of the Illinois State Police
10 ~~Department~~ or on his or her own initiative, or any other
11 interested person, from seeking judicial relief, by mandamus,
12 injunction, or otherwise, to compel compliance with this
13 Section.

14 (Source: P.A. 99-6, eff. 1-1-16; 100-20, eff. 7-1-17.)

15 (50 ILCS 750/15.6)

16 (Section scheduled to be repealed on December 31, 2020)

17 Sec. 15.6. Enhanced 9-1-1 service; business service.

18 (a) After June 30, 2000, or within 18 months after enhanced
19 9-1-1 service becomes available, any entity that installs or
20 operates a private business switch service and provides
21 telecommunications facilities or services to businesses shall
22 assure that the system is connected to the public switched
23 network in a manner that calls to 9-1-1 result in automatic
24 number and location identification. For buildings having their
25 own street address and containing workspace of 40,000 square

1 feet or less, location identification shall include the
2 building's street address. For buildings having their own
3 street address and containing workspace of more than 40,000
4 square feet, location identification shall include the
5 building's street address and one distinct location
6 identification per 40,000 square feet of workspace. Separate
7 buildings containing workspace of 40,000 square feet or less
8 having a common public street address shall have a distinct
9 location identification for each building in addition to the
10 street address.

11 (b) Exemptions. Buildings containing workspace of more
12 than 40,000 square feet are exempt from the multiple location
13 identification requirements of subsection (a) if the building
14 maintains, at all times, alternative and adequate means of
15 signaling and responding to emergencies. Those means shall
16 include, but not be limited to, a telephone system that
17 provides the physical location of 9-1-1 calls coming from
18 within the building. Health care facilities are presumed to
19 meet the requirements of this paragraph if the facilities are
20 staffed with medical or nursing personnel 24 hours per day and
21 if an alternative means of providing information about the
22 source of an emergency call exists. Buildings under this
23 exemption must provide 9-1-1 service that provides the
24 building's street address.

25 Buildings containing workspace of more than 40,000 square
26 feet are exempt from subsection (a) if the building maintains,

1 at all times, alternative and adequate means of signaling and
2 responding to emergencies, including a telephone system that
3 provides the location of a 9-1-1 call coming from within the
4 building, and the building is serviced by its own medical, fire
5 and security personnel. Buildings under this exemption are
6 subject to emergency phone system certification by the
7 Administrator.

8 Buildings in communities not serviced by enhanced 9-1-1
9 service are exempt from subsection (a).

10 Correctional institutions and facilities, as defined in
11 subsection (d) of Section 3-1-2 of the Unified Code of
12 Corrections, are exempt from subsection (a).

13 (c) This Act does not apply to any PBX telephone extension
14 that uses radio transmissions to convey electrical signals
15 directly between the telephone extension and the serving PBX.

16 (d) An entity that violates this Section is guilty of a
17 business offense and shall be fined not less than \$1,000 and
18 not more than \$5,000.

19 (e) Nothing in this Section shall be construed to preclude
20 the Attorney General on behalf of the Illinois State Police
21 ~~Department~~ or on his or her own initiative, or any other
22 interested person, from seeking judicial relief, by mandamus,
23 injunction, or otherwise, to compel compliance with this
24 Section.

25 (f) The Illinois State Police ~~Department~~ may promulgate
26 rules for the administration of this Section.

1 (Source: P.A. 99-6, eff. 1-1-16; 100-20, eff. 7-1-17.)

2 (50 ILCS 750/15.6a)

3 (Section scheduled to be repealed on December 31, 2020)

4 Sec. 15.6a. Wireless emergency 9-1-1 service.

5 (a) The digits "9-1-1" shall be the designated emergency
6 telephone number within the wireless system.

7 (b) The Illinois State Police ~~Department~~ may set
8 non-discriminatory and uniform technical and operational
9 standards consistent with the rules of the Federal
10 Communications Commission for directing calls to authorized
11 public safety answering points. These standards shall not in
12 any way prescribe the technology or manner a wireless carrier
13 shall use to deliver wireless 9-1-1 or wireless E9-1-1 calls,
14 and these standards shall not exceed the requirements set by
15 the Federal Communications Commission; however, standards for
16 directing calls to the authorized public safety answering point
17 shall be included. The authority given to the Illinois State
18 Police ~~Department~~ in this Section is limited to setting
19 standards as set forth herein and does not constitute authority
20 to regulate wireless carriers.

21 (c) For the purpose of providing wireless 9-1-1 emergency
22 services, an emergency telephone system board or, in the
23 absence of an emergency telephone system board, a qualified
24 governmental entity, may declare its intention for one or more
25 of its public safety answering points to serve as a primary

1 wireless 9-1-1 public safety answering point for its
2 jurisdiction by notifying the Administrator in writing within 6
3 months after receiving its authority to operate a 9-1-1 system
4 under this Act. In addition, 2 or more emergency telephone
5 system boards or qualified governmental entities may, by virtue
6 of an intergovernmental agreement, provide wireless 9-1-1
7 service. Until the jurisdiction comes into compliance with
8 Section 15.4a of this Act, the Illinois Department of State
9 Police shall be the primary wireless 9-1-1 public safety
10 answering point for any jurisdiction that did not provide
11 notice to the Illinois Commerce Commission and the Illinois
12 State Police Department prior to January 1, 2016.

13 (d) The Administrator, upon a request from a qualified
14 governmental entity or an emergency telephone system board and
15 with the advice and recommendation of the Statewide 9-1-1
16 Advisory Board, may grant authority to the emergency telephone
17 system board or a qualified governmental entity to provide
18 wireless 9-1-1 service in areas for which the Illinois State
19 Police Department has accepted wireless 9-1-1 responsibility.
20 The Administrator shall maintain a current list of all 9-1-1
21 systems and qualified governmental entities providing wireless
22 9-1-1 service under this Act.

23 (Source: P.A. 99-6, eff. 1-1-16; 100-20, eff. 7-1-17.)

24 (50 ILCS 750/15.6b)

25 (Section scheduled to be repealed on December 31, 2020)

1 Sec. 15.6b. Next Generation 9-1-1 service.

2 (a) The Administrator, with the advice and recommendation
3 of the Statewide 9-1-1 Advisory Board, shall develop and
4 implement a plan for a statewide Next Generation 9-1-1 network.
5 The Next Generation 9-1-1 network must be an Internet
6 protocol-based platform that at a minimum provides:

7 (1) improved 9-1-1 call delivery;

8 (2) enhanced interoperability;

9 (3) increased ease of communication between 9-1-1
10 service providers, allowing immediate transfer of 9-1-1
11 calls, caller information, photos, and other data
12 statewide;

13 (4) a hosted solution with redundancy built in; and

14 (5) compliance with NENA Standards i3 Solution 08-003.

15 (b) By July 1, 2016, the Administrator, with the advice and
16 recommendation of the Statewide 9-1-1 Advisory Board, shall
17 design and issue a competitive request for a proposal to secure
18 the services of a consultant to complete a feasibility study on
19 the implementation of a statewide Next Generation 9-1-1 network
20 in Illinois. By July 1, 2017, the consultant shall complete the
21 feasibility study and make recommendations as to the
22 appropriate procurement approach for developing a statewide
23 Next Generation 9-1-1 network.

24 (c) Within 12 months of the final report from the
25 consultant under subsection (b) of this Section, the Illinois
26 State Police ~~Department~~ shall procure and finalize a contract

1 with a vendor certified under Section 13-900 of the Public
2 Utilities Act to establish a statewide Next Generation 9-1-1
3 network. By July 1, 2020, the vendor shall implement a Next
4 Generation 9-1-1 network that allows 9-1-1 systems providing
5 9-1-1 service to Illinois residents to access the system
6 utilizing their current infrastructure if it meets the
7 standards adopted by the Illinois State Police ~~Department~~.

8 (Source: P.A. 99-6, eff. 1-1-16; 100-20, eff. 7-1-17.)

9 (50 ILCS 750/17.5)

10 (Section scheduled to be repealed on December 31, 2020)

11 Sec. 17.5. 9-1-1 call transfer, forward, or relay.

12 (a) The General Assembly finds the following:

13 (1) Some 9-1-1 systems throughout this State do not
14 have a procedure in place to manually transfer, forward, or
15 relay 9-1-1 calls originating within one 9-1-1 system's
16 jurisdiction, but which should properly be answered and
17 dispatched by another 9-1-1 system, to the appropriate
18 9-1-1 system for answering and dispatch of first
19 responders.

20 (2) On January 1, 2016, the General Assembly gave
21 oversight authority of 9-1-1 systems to the Illinois
22 ~~Department of State Police~~.

23 (3) Since that date, the Illinois ~~Department of State~~
24 Police has authorized individual 9-1-1 systems in counties
25 and municipalities to implement and upgrade enhanced 9-1-1

1 systems throughout the State.

2 (b) The Illinois State Police ~~Department~~ shall prepare a
3 directory of all authorized 9-1-1 systems in the State. The
4 directory shall include an emergency 24/7 10-digit telephone
5 number for all primary public safety answering points located
6 in each 9-1-1 system to which 9-1-1 calls from another
7 jurisdiction can be transferred. This directory shall be made
8 available to each 9-1-1 authority for its use in establishing
9 standard operating procedures regarding calls outside its
10 9-1-1 jurisdiction.

11 (c) Each 9-1-1 system shall provide the Illinois State
12 Police ~~Department~~ with the following information:

13 (1) The name of the PSAP, a list of every participating
14 agency, and the county the PSAP is in, including college
15 and university public safety entities.

16 (2) The 24/7 10-digit emergency telephone number and
17 email address for the dispatch agency to which 9-1-1 calls
18 originating in another 9-1-1 jurisdiction can be
19 transferred or by which the PSAP can be contacted via email
20 to exchange information. Each 9-1-1 system shall provide
21 the Illinois State Police ~~Department~~ with any changes to
22 the participating agencies and this number and email
23 address immediately upon the change occurring. Each 9-1-1
24 system shall provide the PSAP information, the 24/7
25 10-digit emergency telephone number and email address to
26 the Manager of the Illinois State Police's ~~Department's~~

1 9-1-1 Program within 30 days of the effective date of this
2 amendatory Act of the 100th General Assembly.

3 (3) The standard operating procedure describing the
4 manner in which the 9-1-1 system will transfer, forward, or
5 relay 9-1-1 calls originating within its jurisdiction, but
6 which should properly be answered and dispatched by another
7 9-1-1 system, to the appropriate 9-1-1 system. Each 9-1-1
8 system shall provide the standard operating procedures to
9 the Manager of the Illinois State Police's ~~Department's~~
10 9-1-1 Program within 180 days after the effective date of
11 this amendatory Act of the 100th General Assembly.

12 (Source: P.A. 100-20, eff. 7-1-17.)

13 (50 ILCS 750/19)

14 (Section scheduled to be repealed on December 31, 2020)

15 Sec. 19. Statewide 9-1-1 Advisory Board.

16 (a) Beginning July 1, 2015, there is created the Statewide
17 9-1-1 Advisory Board within the Illinois ~~Department of~~ State
18 Police. The Board shall consist of the following 11 voting
19 members:

20 (1) The Director of the Illinois State Police, or his
21 or her designee, who shall serve as chairman.

22 (2) The Executive Director of the Commission, or his or
23 her designee.

24 (3) Nine members appointed by the Governor as follows:

25 (A) one member representing the Illinois chapter

1 of the National Emergency Number Association, or his or
2 her designee;

3 (B) one member representing the Illinois chapter
4 of the Association of Public-Safety Communications
5 Officials, or his or her designee;

6 (C) one member representing a county 9-1-1 system
7 from a county with a population of less than 50,000;

8 (D) one member representing a county 9-1-1 system
9 from a county with a population between 50,000 and
10 250,000;

11 (E) one member representing a county 9-1-1 system
12 from a county with a population of more than 250,000;

13 (F) one member representing a municipality with a
14 population of less than 500,000 in a county with a
15 population in excess of 2,000,000;

16 (G) one member representing the Illinois
17 Association of Chiefs of Police;

18 (H) one member representing the Illinois Sheriffs'
19 Association; and

20 (I) one member representing the Illinois Fire
21 Chiefs Association.

22 The Governor shall appoint the following non-voting
23 members: (i) one member representing an incumbent local
24 exchange 9-1-1 system provider; (ii) one member representing a
25 non-incumbent local exchange 9-1-1 system provider; (iii) one
26 member representing a large wireless carrier; (iv) one member

1 representing an incumbent local exchange carrier; (v) one
2 member representing the Illinois Telecommunications
3 Association; (vi) one member representing the Cable Television
4 and Communication Association of Illinois; and (vii) one member
5 representing the Illinois State Ambulance Association. The
6 Speaker of the House of Representatives, the Minority Leader of
7 the House of Representatives, the President of the Senate, and
8 the Minority Leader of the Senate may each appoint a member of
9 the General Assembly to temporarily serve as a non-voting
10 member of the Board during the 12 months prior to the repeal
11 date of this Act to discuss legislative initiatives of the
12 Board.

13 (b) The Governor shall make initial appointments to the
14 Statewide 9-1-1 Advisory Board by August 31, 2015. Six of the
15 voting members appointed by the Governor shall serve an initial
16 term of 2 years, and the remaining voting members appointed by
17 the Governor shall serve an initial term of 3 years.
18 Thereafter, each appointment by the Governor shall be for a
19 term of 3 years. Non-voting members shall serve for a term of 3
20 years. Vacancies shall be filled in the same manner as the
21 original appointment. Persons appointed to fill a vacancy shall
22 serve for the balance of the unexpired term.

23 Members of the Statewide 9-1-1 Advisory Board shall serve
24 without compensation.

25 (c) The 9-1-1 Services Advisory Board, as constituted on
26 June 1, 2015 without the legislative members, shall serve in

1 the role of the Statewide 9-1-1 Advisory Board until all
2 appointments of voting members have been made by the Governor
3 under subsection (a) of this Section.

4 (d) The Statewide 9-1-1 Advisory Board shall:

5 (1) advise the Illinois ~~Department of~~ State Police and
6 the Statewide 9-1-1 Administrator on the oversight of 9-1-1
7 systems and the development and implementation of a uniform
8 statewide 9-1-1 system;

9 (2) make recommendations to the Governor and the
10 General Assembly regarding improvements to 9-1-1 services
11 throughout the State; and

12 (3) exercise all other powers and duties provided in
13 this Act.

14 (e) The Statewide 9-1-1 Advisory Board shall submit to the
15 General Assembly a report by March 1 of each year providing an
16 update on the transition to a statewide 9-1-1 system and
17 recommending any legislative action.

18 (f) The Illinois ~~Department of~~ State Police shall provide
19 administrative support to the Statewide 9-1-1 Advisory Board.

20 (Source: P.A. 99-6, eff. 6-29-15; 100-20, eff. 7-1-17.)

21 (50 ILCS 750/20)

22 (Section scheduled to be repealed on December 31, 2020)

23 Sec. 20. Statewide surcharge.

24 (a) On and after January 1, 2016, and except with respect
25 to those customers who are subject to surcharges as provided in

1 Sections 15.3 and 15.3a of this Act, a monthly surcharge shall
2 be imposed on all customers of telecommunications carriers and
3 wireless carriers as follows:

4 (1) Each telecommunications carrier shall impose a
5 monthly surcharge per network connection; provided,
6 however, the monthly surcharge shall not apply to a network
7 connection provided for use with pay telephone services.
8 Where multiple voice grade communications channels are
9 connected between the subscriber's premises and a public
10 switched network through private branch exchange (PBX),
11 centrex type service, or other multiple voice grade
12 communication channels facility, there shall be imposed 5
13 such surcharges per network connection for both regular
14 service and advanced service provisioned trunk lines.
15 Until December 31, 2017, the surcharge shall be \$0.87 per
16 network connection and on and after January 1, 2018, the
17 surcharge shall be \$1.50 per network connection.

18 (2) Each wireless carrier shall impose and collect a
19 monthly surcharge per CMRS connection that either has a
20 telephone number within an area code assigned to Illinois
21 by the North American Numbering Plan Administrator or has a
22 billing address in this State. Until December 31, 2017, the
23 surcharge shall be \$0.87 per connection and on and after
24 January 1, 2018, the surcharge shall be \$1.50 per
25 connection.

26 (b) State and local taxes shall not apply to the surcharges

1 imposed under this Section.

2 (c) The surcharges imposed by this Section shall be stated
3 as a separately stated item on subscriber bills.

4 (d) The telecommunications carrier collecting the
5 surcharge may deduct and retain an amount not to exceed 3% of
6 the gross amount of surcharge collected to reimburse the
7 telecommunications carrier for the expense of accounting and
8 collecting the surcharge. On and after July 1, 2022, the
9 wireless carrier collecting a surcharge under this Section may
10 deduct and retain an amount not to exceed 3% of the gross
11 amount of the surcharge collected to reimburse the wireless
12 carrier for the expense of accounting and collecting the
13 surcharge.

14 (e) Surcharges imposed under this Section shall be
15 collected by the carriers and shall be remitted to the Illinois
16 State Police Department, either by check or electronic funds
17 transfer, by the end of the next calendar month after the
18 calendar month in which it was collected for deposit into the
19 Statewide 9-1-1 Fund. Carriers are not required to remit
20 surcharge moneys that are billed to subscribers but not yet
21 collected.

22 The first remittance by wireless carriers shall include the
23 number of subscribers by zip code, and the 9-digit zip code if
24 currently being used or later implemented by the carrier, that
25 shall be the means by which the Illinois State Police
26 ~~Department~~ shall determine distributions from the Statewide

1 9-1-1 Fund. This information shall be updated at least once
2 each year. Any carrier that fails to provide the zip code
3 information required under this subsection (e) shall be subject
4 to the penalty set forth in subsection (g) of this Section.

5 (f) If, within 8 calendar days after it is due under
6 subsection (e) of this Section, a carrier does not remit the
7 surcharge or any portion thereof required under this Section,
8 then the surcharge or portion thereof shall be deemed
9 delinquent until paid in full, and the Illinois State Police
10 ~~Department~~ may impose a penalty against the carrier in an
11 amount equal to the greater of:

12 (1) \$25 for each month or portion of a month from the
13 time an amount becomes delinquent until the amount is paid
14 in full; or

15 (2) an amount equal to the product of 1% and the sum of
16 all delinquent amounts for each month or portion of a month
17 that the delinquent amounts remain unpaid.

18 A penalty imposed in accordance with this subsection (f)
19 for a portion of a month during which the carrier pays the
20 delinquent amount in full shall be prorated for each day of
21 that month that the delinquent amount was paid in full. Any
22 penalty imposed under this subsection (f) is in addition to the
23 amount of the delinquency and is in addition to any other
24 penalty imposed under this Section.

25 (g) If, within 8 calendar days after it is due, a wireless
26 carrier does not provide the number of subscribers by zip code

1 as required under subsection (e) of this Section, then the
2 report is deemed delinquent and the Illinois State Police
3 ~~Department~~ may impose a penalty against the carrier in an
4 amount equal to the greater of:

5 (1) \$25 for each month or portion of a month that the
6 report is delinquent; or

7 (2) an amount equal to the product of \$0.01 and the
8 number of subscribers served by the carrier for each month
9 or portion of a month that the delinquent report is not
10 provided.

11 A penalty imposed in accordance with this subsection (g)
12 for a portion of a month during which the carrier provides the
13 number of subscribers by zip code as required under subsection
14 (e) of this Section shall be prorated for each day of that
15 month during which the carrier had not provided the number of
16 subscribers by zip code as required under subsection (e) of
17 this Section. Any penalty imposed under this subsection (g) is
18 in addition to any other penalty imposed under this Section.

19 (h) A penalty imposed and collected in accordance with
20 subsection (f) or (g) of this Section shall be deposited into
21 the Statewide 9-1-1 Fund for distribution according to Section
22 30 of this Act.

23 (i) The Illinois State Police ~~Department~~ may enforce the
24 collection of any delinquent amount and any penalty due and
25 unpaid under this Section by legal action or in any other
26 manner by which the collection of debts due the State of

1 Illinois may be enforced under the laws of this State. The
2 Illinois State Police Department may excuse the payment of any
3 penalty imposed under this Section if the Administrator
4 determines that the enforcement of this penalty is unjust.

5 (j) Notwithstanding any provision of law to the contrary,
6 nothing shall impair the right of wireless carriers to recover
7 compliance costs for all emergency communications services
8 that are not reimbursed out of the Wireless Carrier
9 Reimbursement Fund directly from their wireless subscribers by
10 line-item charges on the wireless subscriber's bill. Those
11 compliance costs include all costs incurred by wireless
12 carriers in complying with local, State, and federal regulatory
13 or legislative mandates that require the transmission and
14 receipt of emergency communications to and from the general
15 public, including, but not limited to, E9-1-1.

16 (Source: P.A. 99-6, eff. 1-1-16; 100-20, eff. 7-1-17.)

17 (50 ILCS 750/30)

18 (Section scheduled to be repealed on December 31, 2020)

19 Sec. 30. Statewide 9-1-1 Fund; surcharge disbursement.

20 (a) A special fund in the State treasury known as the
21 Wireless Service Emergency Fund shall be renamed the Statewide
22 9-1-1 Fund. Any appropriations made from the Wireless Service
23 Emergency Fund shall be payable from the Statewide 9-1-1 Fund.
24 The Fund shall consist of the following:

25 (1) 9-1-1 wireless surcharges assessed under the

1 Wireless Emergency Telephone Safety Act.

2 (2) 9-1-1 surcharges assessed under Section 20 of this
3 Act.

4 (3) Prepaid wireless 9-1-1 surcharges assessed under
5 Section 15 of the Prepaid Wireless 9-1-1 Surcharge Act.

6 (4) Any appropriations, grants, or gifts made to the
7 Fund.

8 (5) Any income from interest, premiums, gains, or other
9 earnings on moneys in the Fund.

10 (6) Money from any other source that is deposited in or
11 transferred to the Fund.

12 (b) Subject to appropriation and availability of funds, the
13 Illinois State Police Department shall distribute the 9-1-1
14 surcharges monthly as follows:

15 (1) From each surcharge collected and remitted under
16 Section 20 of this Act:

17 (A) \$0.013 shall be distributed monthly in equal
18 amounts to each County Emergency Telephone System
19 Board or qualified governmental entity in counties
20 with a population under 100,000 according to the most
21 recent census data which is authorized to serve as a
22 primary wireless 9-1-1 public safety answering point
23 for the county and to provide wireless 9-1-1 service as
24 prescribed by subsection (b) of Section 15.6a of this
25 Act, and which does provide such service.

26 (B) \$0.033 shall be transferred by the Comptroller

1 at the direction of the Illinois State Police
2 ~~Department~~ to the Wireless Carrier Reimbursement Fund
3 until June 30, 2017; from July 1, 2017 through June 30,
4 2018, \$0.026 shall be transferred; from July 1, 2018
5 through June 30, 2019, \$0.020 shall be transferred;
6 from July 1, 2019, through June 30, 2020, \$0.013 shall
7 be transferred; from July 1, 2020 through June 30,
8 2021, \$0.007 will be transferred; and after June 30,
9 2021, no transfer shall be made to the Wireless Carrier
10 Reimbursement Fund.

11 (C) Until December 31, 2017, \$0.007 and on and
12 after January 1, 2018, \$0.017 shall be used to cover
13 the Illinois State Police's ~~Department's~~
14 administrative costs.

15 (D) Beginning January 1, 2018, until June 30, 2020,
16 \$0.12, and on and after July 1, 2020, \$0.04 shall be
17 used to make monthly proportional grants to the
18 appropriate 9-1-1 Authority currently taking wireless
19 9-1-1 based upon the United States Postal Zip Code of
20 the billing addresses of subscribers wireless
21 carriers.

22 (E) Until June 30, 2020, \$0.05 shall be used by the
23 Illinois State Police ~~Department~~ for grants for
24 NG9-1-1 expenses, with priority given to 9-1-1
25 Authorities that provide 9-1-1 service within the
26 territory of a Large Electing Provider as defined in

1 Section 13-406.1 of the Public Utilities Act.

2 (F) On and after July 1, 2020, \$0.13 shall be used
3 for the implementation of and continuing expenses for
4 the Statewide NG9-1-1 system.

5 (2) After disbursements under paragraph (1) of this
6 subsection (b), all remaining funds in the Statewide 9-1-1
7 Fund shall be disbursed in the following priority order:

8 (A) The Fund shall pay monthly to:

9 (i) the 9-1-1 Authorities that imposed
10 surcharges under Section 15.3 of this Act and were
11 required to report to the Illinois Commerce
12 Commission under Section 27 of the Wireless
13 Emergency Telephone Safety Act on October 1, 2014,
14 except a 9-1-1 Authority in a municipality with a
15 population in excess of 500,000, an amount equal to
16 the average monthly wireline and VoIP surcharge
17 revenue attributable to the most recent 12-month
18 period reported to the Illinois State Police
19 ~~Department~~ under that Section for the October 1,
20 2014 filing, subject to the power of the Illinois
21 State Police ~~Department~~ to investigate the amount
22 reported and adjust the number by order under
23 Article X of the Public Utilities Act, so that the
24 monthly amount paid under this item accurately
25 reflects one-twelfth of the aggregate wireline and
26 VoIP surcharge revenue properly attributable to

1 the most recent 12-month period reported to the
2 Commission; or

3 (ii) county qualified governmental entities
4 that did not impose a surcharge under Section 15.3
5 as of December 31, 2015, and counties that did not
6 impose a surcharge as of June 30, 2015, an amount
7 equivalent to their population multiplied by .37
8 multiplied by the rate of \$0.69; counties that are
9 not county qualified governmental entities and
10 that did not impose a surcharge as of December 31,
11 2015, shall not begin to receive the payment
12 provided for in this subsection until E9-1-1 and
13 wireless E9-1-1 services are provided within their
14 counties; or

15 (iii) counties without 9-1-1 service that had
16 a surcharge in place by December 31, 2015, an
17 amount equivalent to their population multiplied
18 by .37 multiplied by their surcharge rate as
19 established by the referendum.

20 (B) All 9-1-1 network costs for systems outside of
21 municipalities with a population of at least 500,000
22 shall be paid by the Illinois State Police ~~Department~~
23 directly to the vendors.

24 (C) All expenses incurred by the Administrator and
25 the Statewide 9-1-1 Advisory Board and costs
26 associated with procurement under Section 15.6b

1 including requests for information and requests for
2 proposals.

3 (D) Funds may be held in reserve by the Statewide
4 9-1-1 Advisory Board and disbursed by the Illinois
5 State Police Department for grants under Section 15.4b
6 of this Act and for NG9-1-1 expenses up to \$12.5
7 million per year in State fiscal years 2016 and 2017;
8 up to \$20 million in State fiscal year 2018; up to
9 \$20.9 million in State fiscal year 2019; up to \$15.3
10 million in State fiscal year 2020; up to \$16.2 million
11 in State fiscal year 2021; up to \$23.1 million in State
12 fiscal year 2022; and up to \$17.0 million per year for
13 State fiscal year 2023 and each year thereafter. The
14 amount held in reserve in State fiscal years 2018 and
15 2019 shall not be less than \$6.5 million. Disbursements
16 under this subparagraph (D) shall be prioritized as
17 follows: (i) consolidation grants prioritized under
18 subsection (a) of Section 15.4b of this Act; (ii)
19 NG9-1-1 expenses; and (iii) consolidation grants under
20 Section 15.4b of this Act for consolidation expenses
21 incurred between January 1, 2010, and January 1, 2016.

22 (E) All remaining funds per remit month shall be
23 used to make monthly proportional grants to the
24 appropriate 9-1-1 Authority currently taking wireless
25 9-1-1 based upon the United States Postal Zip Code of
26 the billing addresses of subscribers of wireless

1 carriers.

2 (c) The moneys deposited into the Statewide 9-1-1 Fund
3 under this Section shall not be subject to administrative
4 charges or chargebacks unless otherwise authorized by this Act.

5 (d) Whenever two or more 9-1-1 Authorities consolidate, the
6 resulting Joint Emergency Telephone System Board shall be
7 entitled to the monthly payments that had theretofore been made
8 to each consolidating 9-1-1 Authority. Any reserves held by any
9 consolidating 9-1-1 Authority shall be transferred to the
10 resulting Joint Emergency Telephone System Board. Whenever a
11 county that has no 9-1-1 service as of January 1, 2016 enters
12 into an agreement to consolidate to create or join a Joint
13 Emergency Telephone System Board, the Joint Emergency
14 Telephone System Board shall be entitled to the monthly
15 payments that would have otherwise been paid to the county if
16 it had provided 9-1-1 service.

17 (Source: P.A. 99-6, eff. 1-1-16; 100-20, eff. 7-1-17.)

18 (50 ILCS 750/40)

19 (Section scheduled to be repealed on December 31, 2020)

20 Sec. 40. Financial reports.

21 (a) The Illinois State Police ~~Department~~ shall create
22 uniform accounting procedures, with such modification as may be
23 required to give effect to statutory provisions applicable only
24 to municipalities with a population in excess of 500,000, that
25 any emergency telephone system board, qualified governmental

1 entity, or unit of local government receiving surcharge money
2 pursuant to Section 15.3, 15.3a, or 30 of this Act must follow.

3 (b) By January 31, 2018, and every January 31 thereafter,
4 each emergency telephone system board, qualified governmental
5 entity, or unit of local government receiving surcharge money
6 pursuant to Section 15.3, 15.3a, or 30 shall report to the
7 Illinois State Police Department audited financial statements
8 showing total revenue and expenditures for the period beginning
9 with the end of the period covered by the last submitted report
10 through the end of the previous calendar year in a form and
11 manner as prescribed by the Illinois State Police Department.
12 Such financial information shall include:

13 (1) a detailed summary of revenue from all sources
14 including, but not limited to, local, State, federal, and
15 private revenues, and any other funds received;

16 (2) all expenditures made during the reporting period
17 from distributions under this Act;

18 (3) call data and statistics, when available, from the
19 reporting period, as specified by the Illinois State Police
20 ~~Department~~ and collected in accordance with any reporting
21 method established or required by the Illinois State Police
22 ~~Department~~;

23 (4) all costs associated with dispatching appropriate
24 public safety agencies to respond to 9-1-1 calls received
25 by the PSAP; and

26 (5) all funding sources and amounts of funding used for

1 costs described in paragraph (4) of this subsection (b).

2 The emergency telephone system board, qualified
3 governmental entity, or unit of local government is responsible
4 for any costs associated with auditing such financial
5 statements. The Illinois State Police Department shall post the
6 audited financial statements on the Illinois State Police's
7 ~~Department's~~ website.

8 (c) Along with its audited financial statement, each
9 emergency telephone system board, qualified governmental
10 entity, or unit of local government receiving a grant under
11 Section 15.4b of this Act shall include a report of the amount
12 of grant moneys received and how the grant moneys were used. In
13 case of a conflict between this requirement and the Grant
14 Accountability and Transparency Act, or with the rules of the
15 Governor's Office of Management and Budget adopted thereunder,
16 that Act and those rules shall control.

17 (d) If an emergency telephone system board or qualified
18 governmental entity that receives funds from the Statewide
19 9-1-1 Fund fails to file the 9-1-1 system financial reports as
20 required under this Section, the Illinois State Police
21 ~~Department~~ shall suspend and withhold monthly disbursements
22 otherwise due to the emergency telephone system board or
23 qualified governmental entity under Section 30 of this Act
24 until the report is filed.

25 Any monthly disbursements that have been withheld for 12
26 months or more shall be forfeited by the emergency telephone

1 system board or qualified governmental entity and shall be
2 distributed proportionally by the Illinois State Police
3 ~~Department~~ to compliant emergency telephone system boards and
4 qualified governmental entities that receive funds from the
5 Statewide 9-1-1 Fund.

6 Any emergency telephone system board or qualified
7 governmental entity not in compliance with this Section shall
8 be ineligible to receive any consolidation grant or
9 infrastructure grant issued under this Act.

10 (e) The Illinois State Police ~~Department~~ may adopt
11 emergency rules necessary to implement the provisions of this
12 Section.

13 (f) Any findings or decisions of the Illinois State Police
14 ~~Department~~ under this Section shall be deemed a final
15 administrative decision and shall be subject to judicial review
16 under the Administrative Review Law.

17 (g) Beginning October 1, 2017, the Illinois State Police
18 ~~Department~~ shall provide a quarterly report to the Board of its
19 expenditures from the Statewide 9-1-1 Fund for the prior fiscal
20 quarter.

21 (Source: P.A. 99-6, eff. 1-1-16; 100-20, eff. 7-1-17.)

22 (50 ILCS 750/50)

23 (Section scheduled to be repealed on December 31, 2020)

24 Sec. 50. Fund audits. The Auditor General shall conduct as
25 a part of its bi-annual audit, an audit of the Statewide 9-1-1

1 Fund and the Wireless Carrier Reimbursement Fund for compliance
2 with the requirements of this Act. The audit shall include, but
3 not be limited to, the following determinations:

4 (1) Whether detailed records of all receipts and
5 disbursements from the Statewide 9-1-1 Fund and the
6 Wireless Carrier Reimbursement Fund are being maintained.

7 (2) Whether administrative costs charged to the funds
8 are adequately documented and are reasonable.

9 (3) Whether the procedures for making disbursements
10 and grants and providing reimbursements in accordance with
11 the Act are adequate.

12 (4) The status of the implementation of statewide 9-1-1
13 service and Next Generation 9-1-1 service in Illinois.

14 The Illinois Commerce Commission, the Illinois Department
15 ~~of State Police~~, and any other entity or person that may have
16 information relevant to the audit shall cooperate fully and
17 promptly with the Office of the Auditor General in conducting
18 the audit. The Auditor General shall commence the audit as soon
19 as possible and distribute the report upon completion in
20 accordance with Section 3-14 of the Illinois State Auditing
21 Act.

22 (Source: P.A. 99-6, eff. 1-1-16; 100-20, eff. 7-1-17.)

23 (50 ILCS 750/55)

24 (Section scheduled to be repealed on December 31, 2020)

25 Sec. 55. Public disclosure. Because of the highly

1 competitive nature of the telephone industry, public
2 disclosure of information about surcharge moneys paid by
3 carriers could have the effect of stifling competition to the
4 detriment of the public and the delivery of 9-1-1 services.
5 Therefore, the Illinois Commerce Commission, the Illinois
6 ~~Department~~ of State Police, governmental agencies, and
7 individuals with access to that information shall take
8 appropriate steps to prevent public disclosure of this
9 information. Information and data supporting the amount and
10 distribution of surcharge moneys collected and remitted by an
11 individual carrier shall be deemed exempt information for
12 purposes of the Freedom of Information Act and shall not be
13 publicly disclosed. The gross amount paid by all carriers shall
14 not be deemed exempt and may be publicly disclosed.

15 (Source: P.A. 99-6, eff. 1-1-16; 100-20, eff. 7-1-17.)

16 (50 ILCS 750/75)

17 (Section scheduled to be repealed on December 31, 2020)

18 Sec. 75. Transfer of rights, functions, powers, duties, and
19 property to Illinois ~~Department~~ of State Police; rules and
20 standards; savings provisions.

21 (a) On January 1, 2016, the rights, functions, powers, and
22 duties of the Illinois Commerce Commission as set forth in this
23 Act and the Wireless Emergency Telephone Safety Act existing
24 prior to January 1, 2016, are transferred to and shall be
25 exercised by the Illinois ~~Department~~ of State Police. On or

1 before January 1, 2016, the Commission shall transfer and
2 deliver to the Illinois State Police ~~Department~~ all books,
3 records, documents, property (real and personal), unexpended
4 appropriations, and pending business pertaining to the rights,
5 powers, duties, and functions transferred to the Illinois State
6 Police ~~Department~~ under Public Act 99-6.

7 (b) The rules and standards of the Commission that are in
8 effect on January 1, 2016 and that pertain to the rights,
9 powers, duties, and functions transferred to the Illinois State
10 Police ~~Department~~ under Public Act 99-6 shall become the rules
11 and standards of the Illinois State Police ~~Department~~ on
12 January 1, 2016, and shall continue in effect until amended or
13 repealed by the Illinois State Police ~~Department~~.

14 Any rules pertaining to the rights, powers, duties, and
15 functions transferred to the Illinois State Police ~~Department~~
16 under Public Act 99-6 that have been proposed by the Commission
17 but have not taken effect or been finally adopted by January 1,
18 2016, shall become proposed rules of the Illinois State Police
19 ~~Department~~ on January 1, 2016, and any rulemaking procedures
20 that have already been completed by the Commission for those
21 proposed rules need not be repealed.

22 As soon as it is practical after January 1, 2016, the
23 Illinois State Police ~~Department~~ shall revise and clarify the
24 rules transferred to it under Public Act 99-6 to reflect the
25 transfer of rights, powers, duties, and functions effected by
26 Public Act 99-6 using the procedures for recodification of

1 rules available under the Illinois Administrative Procedure
2 Act, except that existing title, part, and section numbering
3 for the affected rules may be retained. The Illinois State
4 Police Department may propose and adopt under the Illinois
5 Administrative Procedure Act any other rules necessary to
6 consolidate and clarify those rules.

7 (c) The rights, powers, duties, and functions transferred
8 to the Illinois State Police Department by Public Act 99-6
9 shall be vested in and exercised by the Illinois State Police
10 Department subject to the provisions of this Act and the
11 Wireless Emergency Telephone Safety Act. An act done by the
12 Illinois State Police Department or an officer, employee, or
13 agent of the Illinois State Police Department in the exercise
14 of the transferred rights, powers, duties, and functions shall
15 have the same legal effect as if done by the Commission or an
16 officer, employee, or agent of the Commission.

17 The transfer of rights, powers, duties, and functions to
18 the Illinois State Police Department under Public Act 99-6 does
19 not invalidate any previous action taken by or in respect to
20 the Commission, its officers, employees, or agents. References
21 to the Commission or its officers, employees, or agents in any
22 document, contract, agreement, or law shall, in appropriate
23 contexts, be deemed to refer to the Illinois State Police
24 Department or its officers, employees, or agents.

25 The transfer of rights, powers, duties, and functions to
26 the Illinois State Police Department under Public Act 99-6 does

1 not affect any person's rights, obligations, or duties,
2 including any civil or criminal penalties applicable thereto,
3 arising out of those transferred rights, powers, duties, and
4 functions.

5 Public Act 99-6 does not affect any act done, ratified, or
6 cancelled, any right occurring or established, or any action or
7 proceeding commenced in an administrative, civil, or criminal
8 case before January 1, 2016. Any such action or proceeding that
9 pertains to a right, power, duty, or function transferred to
10 the Illinois State Police Department under Public Act 99-6 that
11 is pending on that date may be prosecuted, defended, or
12 continued by the Commission.

13 For the purposes of Section 9b of the State Finance Act,
14 the Illinois State Police Department is the successor to the
15 Commission with respect to the rights, duties, powers, and
16 functions transferred by Public Act 99-6.

17 (d) The Illinois State Police Department is authorized to
18 enter into an intergovernmental agreement with the Commission
19 for the purpose of having the Commission assist the Illinois
20 State Police Department and the Statewide 9-1-1 Administrator
21 in carrying out their duties and functions under this Act. The
22 agreement may provide for funding for the Commission for its
23 assistance to the Illinois State Police Department and the
24 Statewide 9-1-1 Administrator.

25 (Source: P.A. 99-6, eff. 6-29-15; 99-642, eff. 7-28-16; 100-20,
26 eff. 7-1-17.)

1 (50 ILCS 750/80)

2 (Section scheduled to be repealed on December 31, 2020)

3 Sec. 80. Continuation of Act; validation.

4 (a) The General Assembly finds and declares that this
5 amendatory Act of the 100th General Assembly manifests the
6 intention of the General Assembly to extend the repeal of this
7 Act and have this Act continue in effect until December 31,
8 2020.

9 (b) This Section shall be deemed to have been in continuous
10 effect since July 1, 2017 and it shall continue to be in effect
11 henceforward until it is otherwise lawfully repealed. All
12 previously enacted amendments to this Act taking effect on or
13 after July 1, 2017, are hereby validated. All actions taken in
14 reliance on or under this Act by the Illinois ~~Department of~~
15 State Police or any other person or entity are hereby
16 validated.

17 (c) In order to ensure the continuing effectiveness of this
18 Act, it is set forth in full and reenacted by this amendatory
19 Act of the 100th General Assembly. Striking and underscoring
20 are used only to show changes being made to the base text. This
21 reenactment is intended as a continuation of this Act. It is
22 not intended to supersede any amendment to this Act that is
23 enacted by the 100th General Assembly.

24 (Source: P.A. 100-20, eff. 7-1-17.)

1 Section 425. The Prepaid Wireless 9-1-1 Surcharge Act is
2 amended by changing Section 20 as follows:

3 (50 ILCS 753/20)

4 Sec. 20. Administration of prepaid wireless 9-1-1
5 surcharge.

6 (a) In the administration and enforcement of this Act, the
7 provisions of Sections 2a, 2b, 2c, 3, 4, 5, 5a, 5b, 5c, 5d, 5e,
8 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, and 12 of the
9 Retailers' Occupation Tax Act that are not inconsistent with
10 this Act, and Section 3-7 of the Uniform Penalty and Interest
11 Act shall apply, as far as practicable, to the subject matter
12 of this Act to the same extent as if those provisions were
13 included in this Act. References to "taxes" in these
14 incorporated Sections shall be construed to apply to the
15 administration, payment, and remittance of all surcharges
16 under this Act. The Department shall establish registration and
17 payment procedures that substantially coincide with the
18 registration and payment procedures that apply to the
19 Retailers' Occupation Tax Act.

20 (b) A seller shall be permitted to deduct and retain 3% of
21 prepaid wireless 9-1-1 surcharges that are collected by the
22 seller from consumers and that are remitted and timely filed
23 with the Department. Beginning January 1, 2018, the seller is
24 allowed to deduct and retain a portion of the prepaid wireless
25 9-1-1 surcharges as authorized by this subsection only if the

1 return is filed electronically as provided in Section 3 of the
2 Retailers' Occupation Tax Act. Sellers who demonstrate that
3 they do not have access to the Internet or demonstrate hardship
4 in filing electronically may petition the Department to waive
5 the electronic filing requirement.

6 (c) Other than the amounts for deposit into the Municipal
7 Wireless Service Emergency Fund, the Department shall pay to
8 the State Treasurer all prepaid wireless E911 charges,
9 penalties, and interest collected under this Act for deposit
10 into the Statewide 9-1-1 Fund. On or before the 25th day of
11 each calendar month, the Department shall prepare and certify
12 to the Comptroller the amount available to the Illinois
13 ~~Department of~~ State Police for distribution out of the
14 Statewide 9-1-1 Fund. The amount certified shall be the amount
15 (not including credit memoranda) collected during the second
16 preceding calendar month by the Department plus an amount the
17 Department determines is necessary to offset any amounts which
18 were erroneously paid to a different taxing body. The amount
19 paid to the Statewide 9-1-1 Fund shall not include any amount
20 equal to the amount of refunds made during the second preceding
21 calendar month by the Department of Revenue to retailers under
22 this Act or any amount that the Department determines is
23 necessary to offset any amounts which were payable to a
24 different taxing body but were erroneously paid to the
25 Statewide 9-1-1 Fund. The Illinois ~~Department of~~ State Police
26 shall distribute the funds in accordance with Section 30 of the

1 Emergency Telephone Safety Act. The Department may deduct an
2 amount, not to exceed 2% of remitted charges, to be transferred
3 into the Tax Compliance and Administration Fund to reimburse
4 the Department for its direct costs of administering the
5 collection and remittance of prepaid wireless 9-1-1
6 surcharges.

7 (d) The Department shall administer the collection of all
8 9-1-1 surcharges and may adopt and enforce reasonable rules
9 relating to the administration and enforcement of the
10 provisions of this Act as may be deemed expedient. The
11 Department shall require all surcharges collected under this
12 Act to be reported on existing forms or combined forms,
13 including, but not limited to, Form ST-1. Any overpayments
14 received by the Department for liabilities reported on existing
15 or combined returns shall be applied as an overpayment of
16 retailers' occupation tax, use tax, service occupation tax, or
17 service use tax liability.

18 (e) If a home rule municipality having a population in
19 excess of 500,000 as of the effective date of this amendatory
20 Act of the 97th General Assembly imposes an E911 surcharge
21 under subsection (a-5) of Section 15 of this Act, then the
22 Department shall pay to the State Treasurer all prepaid
23 wireless E911 charges, penalties, and interest collected for
24 deposit into the Municipal Wireless Service Emergency Fund. All
25 deposits into the Municipal Wireless Service Emergency Fund
26 shall be held by the State Treasurer as ex officio custodian

1 apart from all public moneys or funds of this State. Any
2 interest attributable to moneys in the Fund must be deposited
3 into the Fund. Moneys in the Municipal Wireless Service
4 Emergency Fund are not subject to appropriation. On or before
5 the 25th day of each calendar month, the Department shall
6 prepare and certify to the Comptroller the amount available for
7 disbursement to the home rule municipality out of the Municipal
8 Wireless Service Emergency Fund. The amount to be paid to the
9 Municipal Wireless Service Emergency Fund shall be the amount
10 (not including credit memoranda) collected during the second
11 preceding calendar month by the Department plus an amount the
12 Department determines is necessary to offset any amounts which
13 were erroneously paid to a different taxing body. The amount
14 paid to the Municipal Wireless Service Emergency Fund shall not
15 include any amount equal to the amount of refunds made during
16 the second preceding calendar month by the Department to
17 retailers under this Act or any amount that the Department
18 determines is necessary to offset any amounts which were
19 payable to a different taxing body but were erroneously paid to
20 the Municipal Wireless Service Emergency Fund. Within 10 days
21 after receipt by the Comptroller of the certification provided
22 for in this subsection, the Comptroller shall cause the orders
23 to be drawn for the respective amounts in accordance with the
24 directions in the certification. The Department may deduct an
25 amount, not to exceed 2% of remitted charges, to be transferred
26 into the Tax Compliance and Administration Fund to reimburse

1 the Department for its direct costs of administering the
2 collection and remittance of prepaid wireless 9-1-1
3 surcharges.

4 (Source: P.A. 99-6, eff. 1-1-16; 100-303, eff. 8-24-17.)

5 Section 430. The Counties Code is amended by changing
6 Section 3-3013 as follows:

7 (55 ILCS 5/3-3013) (from Ch. 34, par. 3-3013)

8 Sec. 3-3013. Preliminary investigations; blood and urine
9 analysis; summoning jury; reports. Every coroner, whenever, as
10 soon as he knows or is informed that the dead body of any
11 person is found, or lying within his county, whose death is
12 suspected of being:

13 (a) A sudden or violent death, whether apparently
14 suicidal, homicidal or accidental, including but not
15 limited to deaths apparently caused or contributed to by
16 thermal, traumatic, chemical, electrical or radiational
17 injury, or a complication of any of them, or by drowning or
18 suffocation, or as a result of domestic violence as defined
19 in the Illinois Domestic Violence Act of 1986;

20 (b) A death due to a sex crime;

21 (c) A death where the circumstances are suspicious,
22 obscure, mysterious or otherwise unexplained or where, in
23 the written opinion of the attending physician, the cause
24 of death is not determined;

1 (d) A death where addiction to alcohol or to any drug
2 may have been a contributory cause; or

3 (e) A death where the decedent was not attended by a
4 licensed physician;

5 shall go to the place where the dead body is, and take charge
6 of the same and shall make a preliminary investigation into the
7 circumstances of the death. In the case of death without
8 attendance by a licensed physician the body may be moved with
9 the coroner's consent from the place of death to a mortuary in
10 the same county. Coroners in their discretion shall notify such
11 physician as is designated in accordance with Section 3-3014 to
12 attempt to ascertain the cause of death, either by autopsy or
13 otherwise.

14 In cases of accidental death involving a motor vehicle in
15 which the decedent was (1) the operator or a suspected operator
16 of a motor vehicle, or (2) a pedestrian 16 years of age or
17 older, the coroner shall require that a blood specimen of at
18 least 30 cc., and if medically possible a urine specimen of at
19 least 30 cc. or as much as possible up to 30 cc., be withdrawn
20 from the body of the decedent in a timely fashion after the
21 accident causing his death, by such physician as has been
22 designated in accordance with Section 3-3014, or by the coroner
23 or deputy coroner or a qualified person designated by such
24 physician, coroner, or deputy coroner. If the county does not
25 maintain laboratory facilities for making such analysis, the
26 blood and urine so drawn shall be sent to the Illinois

1 ~~Department of~~ State Police or any other accredited or
2 State-certified laboratory for analysis of the alcohol, carbon
3 monoxide, and dangerous or narcotic drug content of such blood
4 and urine specimens. Each specimen submitted shall be
5 accompanied by pertinent information concerning the decedent
6 upon a form prescribed by such laboratory. Any person drawing
7 blood and urine and any person making any examination of the
8 blood and urine under the terms of this Division shall be
9 immune from all liability, civil or criminal, that might
10 otherwise be incurred or imposed.

11 In all other cases coming within the jurisdiction of the
12 coroner and referred to in subparagraphs (a) through (e) above,
13 blood, and whenever possible, urine samples shall be analyzed
14 for the presence of alcohol and other drugs. When the coroner
15 suspects that drugs may have been involved in the death, either
16 directly or indirectly, a toxicological examination shall be
17 performed which may include analyses of blood, urine, bile,
18 gastric contents and other tissues. When the coroner suspects a
19 death is due to toxic substances, other than drugs, the coroner
20 shall consult with the toxicologist prior to collection of
21 samples. Information submitted to the toxicologist shall
22 include information as to height, weight, age, sex and race of
23 the decedent as well as medical history, medications used by
24 and the manner of death of decedent.

25 When the coroner or medical examiner finds that the cause
26 of death is due to homicidal means, the coroner or medical

1 examiner shall cause blood and buccal specimens (tissue may be
2 submitted if no uncontaminated blood or buccal specimen can be
3 obtained), whenever possible, to be withdrawn from the body of
4 the decedent in a timely fashion. For proper preservation of
5 the specimens, collected blood and buccal specimens shall be
6 dried and tissue specimens shall be frozen if available
7 equipment exists. As soon as possible, but no later than 30
8 days after the collection of the specimens, the coroner or
9 medical examiner shall release those specimens to the police
10 agency responsible for investigating the death. As soon as
11 possible, but no later than 30 days after the receipt from the
12 coroner or medical examiner, the police agency shall submit the
13 specimens using the agency case number to a National DNA Index
14 System (NDIS) participating laboratory within this State, such
15 as the Illinois ~~Department of~~ State Police, Division of
16 Forensic Services, for analysis and categorizing into genetic
17 marker groupings. The results of the analysis and categorizing
18 into genetic marker groupings shall be provided to the Illinois
19 ~~Department of~~ State Police and shall be maintained by the
20 Illinois ~~Department of~~ State Police in the State central
21 repository in the same manner, and subject to the same
22 conditions, as provided in Section 5-4-3 of the Unified Code of
23 Corrections. The requirements of this paragraph are in addition
24 to any other findings, specimens, or information that the
25 coroner or medical examiner is required to provide during the
26 conduct of a criminal investigation.

1 In all counties, in cases of apparent suicide, homicide, or
2 accidental death or in other cases, within the discretion of
3 the coroner, the coroner may summon 8 persons of lawful age
4 from those persons drawn for petit jurors in the county. The
5 summons shall command these persons to present themselves
6 personally at such a place and time as the coroner shall
7 determine, and may be in any form which the coroner shall
8 determine and may incorporate any reasonable form of request
9 for acknowledgment ~~acknowledgement~~ which the coroner deems
10 practical and provides a reliable proof of service. The summons
11 may be served by first class mail. From the 8 persons so
12 summoned, the coroner shall select 6 to serve as the jury for
13 the inquest. Inquests may be continued from time to time, as
14 the coroner may deem necessary. The 6 jurors selected in a
15 given case may view the body of the deceased. If at any
16 continuation of an inquest one or more of the original jurors
17 shall be unable to continue to serve, the coroner shall fill
18 the vacancy or vacancies. A juror serving pursuant to this
19 paragraph shall receive compensation from the county at the
20 same rate as the rate of compensation that is paid to petit or
21 grand jurors in the county. The coroner shall furnish to each
22 juror without fee at the time of his discharge a certificate of
23 the number of days in attendance at an inquest, and, upon being
24 presented with such certificate, the county treasurer shall pay
25 to the juror the sum provided for his services.

26 In counties which have a jury commission, in cases of

1 apparent suicide or homicide or of accidental death, the
2 coroner may conduct an inquest. The jury commission shall
3 provide at least 8 jurors to the coroner, from whom the coroner
4 shall select any 6 to serve as the jury for the inquest.
5 Inquests may be continued from time to time as the coroner may
6 deem necessary. The 6 jurors originally chosen in a given case
7 may view the body of the deceased. If at any continuation of an
8 inquest one or more of the 6 jurors originally chosen shall be
9 unable to continue to serve, the coroner shall fill the vacancy
10 or vacancies. At the coroner's discretion, additional jurors to
11 fill such vacancies shall be supplied by the jury commission. A
12 juror serving pursuant to this paragraph in such county shall
13 receive compensation from the county at the same rate as the
14 rate of compensation that is paid to petit or grand jurors in
15 the county.

16 In every case in which a fire is determined to be a
17 contributing factor in a death, the coroner shall report the
18 death to the Office of the State Fire Marshal. The coroner
19 shall provide a copy of the death certificate (i) within 30
20 days after filing the permanent death certificate and (ii) in a
21 manner that is agreed upon by the coroner and the State Fire
22 Marshal.

23 In every case in which a drug overdose is determined to be
24 the cause or a contributing factor in the death, the coroner or
25 medical examiner shall report the death to the Department of
26 Public Health. The Department of Public Health shall adopt

1 rules regarding specific information that must be reported in
2 the event of such a death. If possible, the coroner shall
3 report the cause of the overdose. As used in this Section,
4 "overdose" has the same meaning as it does in Section 414 of
5 the Illinois Controlled Substances Act. The Department of
6 Public Health shall issue a semiannual report to the General
7 Assembly summarizing the reports received. The Department
8 shall also provide on its website a monthly report of overdose
9 death figures organized by location, age, and any other
10 factors, the Department deems appropriate.

11 In addition, in every case in which domestic violence is
12 determined to be a contributing factor in a death, the coroner
13 shall report the death to the Illinois ~~Department of~~ State
14 Police.

15 All deaths in State institutions and all deaths of wards of
16 the State or youth in care as defined in Section 4d of the
17 Children and Family Services Act in private care facilities or
18 in programs funded by the Department of Human Services under
19 its powers relating to mental health and developmental
20 disabilities or alcoholism and substance abuse or funded by the
21 Department of Children and Family Services shall be reported to
22 the coroner of the county in which the facility is located. If
23 the coroner has reason to believe that an investigation is
24 needed to determine whether the death was caused by
25 maltreatment or negligent care of the ward of the State or
26 youth in care as defined in Section 4d of the Children and

1 Family Services Act, the coroner may conduct a preliminary
2 investigation of the circumstances of such death as in cases of
3 death under circumstances set forth in paragraphs (a) through
4 (e) of this Section.

5 (Source: P.A. 100-159, eff. 8-18-17; 101-13, eff. 6-12-19.)

6 Section 435. The Illinois Municipal Code is amended by
7 changing Sections 10-1-7.1, 10-2.1-6, 10-2.1-6.1, 10-2.1-6.2,
8 10-2.1-6.3, and 11-32-1 as follows:

9 (65 ILCS 5/10-1-7.1)

10 Sec. 10-1-7.1. Original appointments; full-time fire
11 department.

12 (a) Applicability. Unless a commission elects to follow the
13 provisions of Section 10-1-7.2, this Section shall apply to all
14 original appointments to an affected full-time fire
15 department. Existing registers of eligibles shall continue to
16 be valid until their expiration dates, or up to a maximum of 2
17 years after August 4, 2011 (the effective date of Public Act
18 97-251) ~~this amendatory Act of the 97th General Assembly.~~

19 Notwithstanding any statute, ordinance, rule, or other law
20 to the contrary, all original appointments to an affected
21 department to which this Section applies shall be administered
22 in the manner provided for in this Section. Provisions of the
23 Illinois Municipal Code, municipal ordinances, and rules
24 adopted pursuant to such authority and other laws relating to

1 initial hiring of firefighters in affected departments shall
2 continue to apply to the extent they are compatible with this
3 Section, but in the event of a conflict between this Section
4 and any other law, this Section shall control.

5 A home rule or non-home rule municipality may not
6 administer its fire department process for original
7 appointments in a manner that is less stringent than this
8 Section. This Section is a limitation under subsection (i) of
9 Section 6 of Article VII of the Illinois Constitution on the
10 concurrent exercise by home rule units of the powers and
11 functions exercised by the State.

12 A municipality that is operating under a court order or
13 consent decree regarding original appointments to a full-time
14 fire department before August 4, 2011 (the effective date of
15 Public Act 97-251) ~~this amendatory Act of the 97th General~~
16 ~~Assembly~~ is exempt from the requirements of this Section for
17 the duration of the court order or consent decree.

18 Notwithstanding any other provision of this subsection
19 (a), this Section does not apply to a municipality with more
20 than 1,000,000 inhabitants.

21 (b) Original appointments. All original appointments made
22 to an affected fire department shall be made from a register of
23 eligibles established in accordance with the processes
24 established by this Section. Only persons who meet or exceed
25 the performance standards required by this Section shall be
26 placed on a register of eligibles for original appointment to

1 an affected fire department.

2 Whenever an appointing authority authorizes action to hire
3 a person to perform the duties of a firefighter or to hire a
4 firefighter-paramedic to fill a position that is a new position
5 or vacancy due to resignation, discharge, promotion, death, the
6 granting of a disability or retirement pension, or any other
7 cause, the appointing authority shall appoint to that position
8 the person with the highest ranking on the final eligibility
9 list. If the appointing authority has reason to conclude that
10 the highest ranked person fails to meet the minimum standards
11 for the position or if the appointing authority believes an
12 alternate candidate would better serve the needs of the
13 department, then the appointing authority has the right to pass
14 over the highest ranked person and appoint either: (i) any
15 person who has a ranking in the top 5% of the register of
16 eligibles or (ii) any person who is among the top 5 highest
17 ranked persons on the list of eligibles if the number of people
18 who have a ranking in the top 5% of the register of eligibles
19 is less than 5 people.

20 Any candidate may pass on an appointment once without
21 losing his or her position on the register of eligibles. Any
22 candidate who passes a second time may be removed from the list
23 by the appointing authority provided that such action shall not
24 prejudice a person's opportunities to participate in future
25 examinations, including an examination held during the time a
26 candidate is already on the municipality's register of

1 eligibles.

2 The sole authority to issue certificates of appointment
3 shall be vested in the Civil Service Commission. All
4 certificates of appointment issued to any officer or member of
5 an affected department shall be signed by the chairperson and
6 secretary, respectively, of the commission upon appointment of
7 such officer or member to the affected department by the
8 commission. After being selected from the register of eligibles
9 to fill a vacancy in the affected department, each appointee
10 shall be presented with his or her certificate of appointment
11 on the day on which he or she is sworn in as a classified member
12 of the affected department. Firefighters who were not issued a
13 certificate of appointment when originally appointed shall be
14 provided with a certificate within 10 days after making a
15 written request to the chairperson of the Civil Service
16 Commission. Each person who accepts a certificate of
17 appointment and successfully completes his or her probationary
18 period shall be enrolled as a firefighter and as a regular
19 member of the fire department.

20 For the purposes of this Section, "firefighter" means any
21 person who has been prior to, on, or after August 4, 2011 (the
22 effective date of Public Act 97-251) ~~this amendatory Act of the~~
23 ~~97th General Assembly~~ appointed to a fire department or fire
24 protection district or employed by a State university and sworn
25 or commissioned to perform firefighter duties or paramedic
26 duties, or both, except that the following persons are not

1 included: part-time firefighters; auxiliary, reserve, or
2 voluntary firefighters, including paid-on-call firefighters;
3 clerks and dispatchers or other civilian employees of a fire
4 department or fire protection district who are not routinely
5 expected to perform firefighter duties; and elected officials.

6 (c) Qualification for placement on register of eligibles.
7 The purpose of establishing a register of eligibles is to
8 identify applicants who possess and demonstrate the mental
9 aptitude and physical ability to perform the duties required of
10 members of the fire department in order to provide the highest
11 quality of service to the public. To this end, all applicants
12 for original appointment to an affected fire department shall
13 be subject to examination and testing which shall be public,
14 competitive, and open to all applicants unless the municipality
15 shall by ordinance limit applicants to residents of the
16 municipality, county or counties in which the municipality is
17 located, State, or nation. Any examination and testing
18 procedure utilized under subsection (e) of this Section shall
19 be supported by appropriate validation evidence and shall
20 comply with all applicable State and federal laws.
21 Municipalities may establish educational, emergency medical
22 service licensure, and other prerequisites ~~prerequisites~~ for
23 participation in an examination or for hire as a firefighter.
24 Any municipality may charge a fee to cover the costs of the
25 application process.

26 Residency requirements in effect at the time an individual

1 enters the fire service of a municipality cannot be made more
2 restrictive for that individual during his or her period of
3 service for that municipality, or be made a condition of
4 promotion, except for the rank or position of fire chief and
5 for no more than 2 positions that rank immediately below that
6 of the chief rank which are appointed positions pursuant to the
7 Fire Department Promotion Act.

8 No person who is 35 years of age or older shall be eligible
9 to take an examination for a position as a firefighter unless
10 the person has had previous employment status as a firefighter
11 in the regularly constituted fire department of the
12 municipality, except as provided in this Section. The age
13 limitation does not apply to:

14 (1) any person previously employed as a full-time
15 firefighter in a regularly constituted fire department of
16 (i) any municipality or fire protection district located in
17 Illinois, (ii) a fire protection district whose
18 obligations were assumed by a municipality under Section 21
19 of the Fire Protection District Act, or (iii) a
20 municipality whose obligations were taken over by a fire
21 protection district,

22 (2) any person who has served a municipality as a
23 regularly enrolled volunteer, paid-on-call, or part-time
24 firefighter for the 5 years immediately preceding the time
25 that the municipality begins to use full-time firefighters
26 to provide all or part of its fire protection service, or

1 (3) any person who turned 35 while serving as a member
2 of the active or reserve components of any of the branches
3 of the Armed Forces of the United States or the National
4 Guard of any state, whose service was characterized as
5 honorable or under honorable, if separated from the
6 military, and is currently under the age of 40.

7 No person who is under 21 years of age shall be eligible
8 for employment as a firefighter.

9 No applicant shall be examined concerning his or her
10 political or religious opinions or affiliations. The
11 examinations shall be conducted by the commissioners of the
12 municipality or their designees and agents.

13 No municipality shall require that any firefighter
14 appointed to the lowest rank serve a probationary employment
15 period of longer than one year of actual active employment,
16 which may exclude periods of training, or injury or illness
17 leaves, including duty related leave, in excess of 30 calendar
18 days. Notwithstanding anything to the contrary in this Section,
19 the probationary employment period limitation may be extended
20 for a firefighter who is required, as a condition of
21 employment, to be a licensed paramedic, during which time the
22 sole reason that a firefighter may be discharged without a
23 hearing is for failing to meet the requirements for paramedic
24 licensure.

25 In the event that any applicant who has been found eligible
26 for appointment and whose name has been placed upon the final

1 eligibility register provided for in this Division 1 has not
2 been appointed to a firefighter position within one year after
3 the date of his or her physical ability examination, the
4 commission may cause a second examination to be made of that
5 applicant's physical ability prior to his or her appointment.
6 If, after the second examination, the physical ability of the
7 applicant shall be found to be less than the minimum standard
8 fixed by the rules of the commission, the applicant shall not
9 be appointed. The applicant's name may be retained upon the
10 register of candidates eligible for appointment and when next
11 reached for certification and appointment that applicant may be
12 again examined as provided in this Section, and if the physical
13 ability of that applicant is found to be less than the minimum
14 standard fixed by the rules of the commission, the applicant
15 shall not be appointed, and the name of the applicant shall be
16 removed from the register.

17 (d) Notice, examination, and testing components. Notice of
18 the time, place, general scope, merit criteria for any
19 subjective component, and fee of every examination shall be
20 given by the commission, by a publication at least 2 weeks
21 preceding the examination: (i) in one or more newspapers
22 published in the municipality, or if no newspaper is published
23 therein, then in one or more newspapers with a general
24 circulation within the municipality, or (ii) on the
25 municipality's Internet website. Additional notice of the
26 examination may be given as the commission shall prescribe.

1 The examination and qualifying standards for employment of
2 firefighters shall be based on: mental aptitude, physical
3 ability, preferences, moral character, and health. The mental
4 aptitude, physical ability, and preference components shall
5 determine an applicant's qualification for and placement on the
6 final register of eligibles. The examination may also include a
7 subjective component based on merit criteria as determined by
8 the commission. Scores from the examination must be made
9 available to the public.

10 (e) Mental aptitude. No person who does not possess at
11 least a high school diploma or an equivalent high school
12 education shall be placed on a register of eligibles.
13 Examination of an applicant's mental aptitude shall be based
14 upon a written examination. The examination shall be practical
15 in character and relate to those matters that fairly test the
16 capacity of the persons examined to discharge the duties
17 performed by members of a fire department. Written examinations
18 shall be administered in a manner that ensures the security and
19 accuracy of the scores achieved.

20 (f) Physical ability. All candidates shall be required to
21 undergo an examination of their physical ability to perform the
22 essential functions included in the duties they may be called
23 upon to perform as a member of a fire department. For the
24 purposes of this Section, essential functions of the job are
25 functions associated with duties that a firefighter may be
26 called upon to perform in response to emergency calls. The

1 frequency of the occurrence of those duties as part of the fire
2 department's regular routine shall not be a controlling factor
3 in the design of examination criteria or evolutions selected
4 for testing. These physical examinations shall be open,
5 competitive, and based on industry standards designed to test
6 each applicant's physical abilities in the following
7 dimensions:

8 (1) Muscular strength to perform tasks and evolutions
9 that may be required in the performance of duties including
10 grip strength, leg strength, and arm strength. Tests shall
11 be conducted under anaerobic as well as aerobic conditions
12 to test both the candidate's speed and endurance in
13 performing tasks and evolutions. Tasks tested may be based
14 on standards developed, or approved, by the local
15 appointing authority.

16 (2) The ability to climb ladders, operate from heights,
17 walk or crawl in the dark along narrow and uneven surfaces,
18 and operate in proximity to hazardous environments.

19 (3) The ability to carry out critical, time-sensitive,
20 and complex problem solving during physical exertion in
21 stressful and hazardous environments. The testing
22 environment may be hot and dark with tightly enclosed
23 spaces, flashing lights, sirens, and other distractions.

24 The tests utilized to measure each applicant's
25 capabilities in each of these dimensions may be tests based on
26 industry standards currently in use or equivalent tests

1 approved by the Joint Labor-Management Committee of the Office
2 of the State Fire Marshal.

3 Physical ability examinations administered under this
4 Section shall be conducted with a reasonable number of proctors
5 and monitors, open to the public, and subject to reasonable
6 regulations of the commission.

7 (g) Scoring of examination components. Appointing
8 authorities may create a preliminary eligibility register. A
9 person shall be placed on the list based upon his or her
10 passage of the written examination or the passage of the
11 written examination and the physical ability component.
12 Passage of the written examination means attaining the minimum
13 score set by the commission. Minimum scores should be set by
14 the commission so as to demonstrate a candidate's ability to
15 perform the essential functions of the job. The minimum score
16 set by the commission shall be supported by appropriate
17 validation evidence and shall comply with all applicable State
18 and federal laws. The appointing authority may conduct the
19 physical ability component and any subjective components
20 subsequent to the posting of the preliminary eligibility
21 register.

22 The examination components for an initial eligibility
23 register shall be graded on a 100-point scale. A person's
24 position on the list shall be determined by the following: (i)
25 the person's score on the written examination, (ii) the person
26 successfully passing the physical ability component, and (iii)

1 the person's results on any subjective component as described
2 in subsection (d).

3 In order to qualify for placement on the final eligibility
4 register, an applicant's score on the written examination,
5 before any applicable preference points or subjective points
6 are applied, shall be at or above the minimum score set by the
7 commission. The local appointing authority may prescribe the
8 score to qualify for placement on the final eligibility
9 register, but the score shall not be less than the minimum
10 score set by the commission.

11 The commission shall prepare and keep a register of persons
12 whose total score is not less than the minimum score for
13 passage and who have passed the physical ability examination.
14 These persons shall take rank upon the register as candidates
15 in the order of their relative excellence based on the highest
16 to the lowest total points scored on the mental aptitude,
17 subjective component, and preference components of the test
18 administered in accordance with this Section. No more than 60
19 days after each examination, an initial eligibility list shall
20 be posted by the commission. The list shall include the final
21 grades of the candidates without reference to priority of the
22 time of examination and subject to claim for preference credit.

23 Commissions may conduct additional examinations, including
24 without limitation a polygraph test, after a final eligibility
25 register is established and before it expires with the
26 candidates ranked by total score without regard to date of

1 examination. No more than 60 days after each examination, an
2 initial eligibility list shall be posted by the commission
3 showing the final grades of the candidates without reference to
4 priority of time of examination and subject to claim for
5 preference credit.

6 (h) Preferences. The following are preferences:

7 (1) Veteran preference. Persons who were engaged in the
8 military service of the United States for a period of at
9 least one year of active duty and who were honorably
10 discharged therefrom, or who are now or have been members
11 on inactive or reserve duty in such military or naval
12 service, shall be preferred for appointment to and
13 employment with the fire department of an affected
14 department.

15 (2) Fire cadet preference. Persons who have
16 successfully completed 2 years of study in fire techniques
17 or cadet training within a cadet program established under
18 the rules of the Joint Labor and Management Committee
19 (JLMC), as defined in Section 50 of the Fire Department
20 Promotion Act, may be preferred for appointment to and
21 employment with the fire department.

22 (3) Educational preference. Persons who have
23 successfully obtained an associate's degree in the field of
24 fire service or emergency medical services, or a bachelor's
25 degree from an accredited college or university may be
26 preferred for appointment to and employment with the fire

1 department.

2 (4) Paramedic preference. Persons who have obtained a
3 license as a paramedic may be preferred for appointment to
4 and employment with the fire department of an affected
5 department providing emergency medical services.

6 (5) Experience preference. All persons employed by a
7 municipality who have been paid-on-call or part-time
8 certified Firefighter II, certified Firefighter III, State
9 of Illinois or nationally licensed EMT, EMT-I, A-EMT, or
10 paramedic, or any combination of those capacities may be
11 awarded up to a maximum of 5 points. However, the applicant
12 may not be awarded more than 0.5 points for each complete
13 year of paid-on-call or part-time service. Applicants from
14 outside the municipality who were employed as full-time
15 firefighters or firefighter-paramedics by a fire
16 protection district or another municipality may be awarded
17 up to 5 experience preference points. However, the
18 applicant may not be awarded more than one point for each
19 complete year of full-time service.

20 Upon request by the commission, the governing body of
21 the municipality or in the case of applicants from outside
22 the municipality the governing body of any fire protection
23 district or any other municipality shall certify to the
24 commission, within 10 days after the request, the number of
25 years of successful paid-on-call, part-time, or full-time
26 service of any person. A candidate may not receive the full

1 amount of preference points under this subsection if the
2 amount of points awarded would place the candidate before a
3 veteran on the eligibility list. If more than one candidate
4 receiving experience preference points is prevented from
5 receiving all of their points due to not being allowed to
6 pass a veteran, the candidates shall be placed on the list
7 below the veteran in rank order based on the totals
8 received if all points under this subsection were to be
9 awarded. Any remaining ties on the list shall be determined
10 by lot.

11 (6) Residency preference. Applicants whose principal
12 residence is located within the fire department's
13 jurisdiction may be preferred for appointment to and
14 employment with the fire department.

15 (7) Additional preferences. Up to 5 additional
16 preference points may be awarded for unique categories
17 based on an applicant's experience or background as
18 identified by the commission.

19 (7.5) Apprentice preferences. A person who has
20 performed fire suppression service for a department as a
21 firefighter apprentice and otherwise meet the
22 qualifications for original appointment as a firefighter
23 specified in this Section may be awarded up to 20
24 preference points. To qualify for preference points, an
25 applicant shall have completed a minimum of 600 hours of
26 fire suppression work on a regular shift for the affected

1 fire department over a 12-month period. The fire
2 suppression work must be in accordance with Section 10-1-14
3 of this Division and the terms established by a Joint
4 Apprenticeship Committee included in a collective
5 bargaining agreement agreed between the employer and its
6 certified bargaining agent. An eligible applicant must
7 apply to the Joint Apprenticeship Committee for preference
8 points under this item. The Joint Apprenticeship Committee
9 shall evaluate the merit of the applicant's performance,
10 determine the preference points to be awarded, and certify
11 the amount of points awarded to the commissioners. The
12 commissioners may add the certified preference points to
13 the final grades achieved by the applicant on the other
14 components of the examination.

15 (8) Scoring of preferences. The commission shall give
16 preference for original appointment to persons designated
17 in item (1) by adding to the final grade that they receive
18 5 points for the recognized preference achieved. The
19 commission may give preference for original appointment to
20 persons designated in item (7.5) by adding to the final
21 grade the amount of points designated by the Joint
22 Apprenticeship Committee as defined in item (7.5). The
23 commission shall determine the number of preference points
24 for each category, except (1) and (7.5). The number of
25 preference points for each category shall range from 0 to
26 5, except item (7.5). In determining the number of

1 preference points, the commission shall prescribe that if a
2 candidate earns the maximum number of preference points in
3 all categories except item (7.5), that number may not be
4 less than 10 nor more than 30. The commission shall give
5 preference for original appointment to persons designated
6 in items (2) through (7) by adding the requisite number of
7 points to the final grade for each recognized preference
8 achieved. The numerical result thus attained shall be
9 applied by the commission in determining the final
10 eligibility list and appointment from the eligibility
11 list. The local appointing authority may prescribe the
12 total number of preference points awarded under this
13 Section, but the total number of preference points, except
14 item (7.5), shall not be less than 10 points or more than
15 30 points. Apprentice preference points may be added in
16 addition to other preference points awarded by the
17 commission.

18 No person entitled to any preference shall be required to
19 claim the credit before any examination held under the
20 provisions of this Section, but the preference shall be given
21 after the posting or publication of the initial eligibility
22 list or register at the request of a person entitled to a
23 credit before any certification or appointments are made from
24 the eligibility register, upon the furnishing of verifiable
25 evidence and proof of qualifying preference credit. Candidates
26 who are eligible for preference credit shall make a claim in

1 writing within 10 days after the posting of the initial
2 eligibility list, or the claim shall be deemed waived. Final
3 eligibility registers shall be established after the awarding
4 of verified preference points. However, apprentice preference
5 credit earned subsequent to the establishment of the final
6 eligibility register may be applied to the applicant's score
7 upon certification by the Joint Apprenticeship Committee to the
8 commission and the rank order of candidates on the final
9 eligibility register shall be adjusted accordingly. All
10 employment shall be subject to the commission's initial hire
11 background review including, but not limited to, criminal
12 history, employment history, moral character, oral
13 examination, and medical and psychological examinations, all
14 on a pass-fail basis. The medical and psychological
15 examinations must be conducted last, and may only be performed
16 after a conditional offer of employment has been extended.

17 Any person placed on an eligibility list who exceeds the
18 age requirement before being appointed to a fire department
19 shall remain eligible for appointment until the list is
20 abolished, or his or her name has been on the list for a period
21 of 2 years. No person who has attained the age of 35 years
22 shall be inducted into a fire department, except as otherwise
23 provided in this Section.

24 The commission shall strike off the names of candidates for
25 original appointment after the names have been on the list for
26 more than 2 years.

1 (i) Moral character. No person shall be appointed to a fire
2 department unless he or she is a person of good character; not
3 a habitual drunkard, a gambler, or a person who has been
4 convicted of a felony or a crime involving moral turpitude.
5 However, no person shall be disqualified from appointment to
6 the fire department because of the person's record of
7 misdemeanor convictions except those under Sections 11-6,
8 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6,
9 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1,
10 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8, and subsections
11 1, 6, and 8 of Section 24-1 of the Criminal Code of 1961 or the
12 Criminal Code of 2012, or arrest for any cause without
13 conviction thereon. Any such person who is in the department
14 may be removed on charges brought for violating this subsection
15 and after a trial as hereinafter provided.

16 A classifiable set of the fingerprints of every person who
17 is offered employment as a certificated member of an affected
18 fire department whether with or without compensation, shall be
19 furnished to the Illinois ~~Department of~~ State Police and to the
20 Federal Bureau of Investigation by the commission.

21 Whenever a commission is authorized or required by law to
22 consider some aspect of criminal history record information for
23 the purpose of carrying out its statutory powers and
24 responsibilities, then, upon request and payment of fees in
25 conformance with the requirements of Section 2605-400 of the
26 Illinois State Police Law of the Civil Administrative Code of

1 Illinois, the Illinois ~~Department of~~ State Police is authorized
2 to furnish, pursuant to positive identification, the
3 information contained in State files as is necessary to fulfill
4 the request.

5 (j) Temporary appointments. In order to prevent a stoppage
6 of public business, to meet extraordinary exigencies, or to
7 prevent material impairment of the fire department, the
8 commission may make temporary appointments, to remain in force
9 only until regular appointments are made under the provisions
10 of this Division, but never to exceed 60 days. No temporary
11 appointment of any one person shall be made more than twice in
12 any calendar year.

13 (k) A person who knowingly divulges or receives test
14 questions or answers before a written examination, or otherwise
15 knowingly violates or subverts any requirement of this Section,
16 commits a violation of this Section and may be subject to
17 charges for official misconduct.

18 A person who is the knowing recipient of test information
19 in advance of the examination shall be disqualified from the
20 examination or discharged from the position to which he or she
21 was appointed, as applicable, and otherwise subjected to
22 disciplinary actions.

23 (Source: P.A. 100-252, eff. 8-22-17; 101-489, eff. 8-23-19;
24 revised 11-26-19.)

25 (65 ILCS 5/10-2.1-6) (from Ch. 24, par. 10-2.1-6)

1 Sec. 10-2.1-6. Examination of applicants;
2 disqualifications.

3 (a) All applicants for a position in either the fire or
4 police department of the municipality shall be under 35 years
5 of age, shall be subject to an examination that shall be
6 public, competitive, and open to all applicants (unless the
7 council or board of trustees by ordinance limit applicants to
8 electors of the municipality, county, state or nation) and
9 shall be subject to reasonable limitations as to residence,
10 health, habits, and moral character. The municipality may not
11 charge or collect any fee from an applicant who has met all
12 prequalification standards established by the municipality for
13 any such position. With respect to a police department, a
14 veteran shall be allowed to exceed the maximum age provision of
15 this Section by the number of years served on active military
16 duty, but by no more than 10 years of active military duty.

17 (b) Residency requirements in effect at the time an
18 individual enters the fire or police service of a municipality
19 (other than a municipality that has more than 1,000,000
20 inhabitants) cannot be made more restrictive for that
21 individual during his period of service for that municipality,
22 or be made a condition of promotion, except for the rank or
23 position of Fire or Police Chief.

24 (c) No person with a record of misdemeanor convictions
25 except those under Sections 11-1.50, 11-6, 11-7, 11-9, 11-14,
26 11-15, 11-17, 11-18, 11-19, 11-30, 11-35, 12-2, 12-6, 12-15,

1 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1, 31-4, 31-6,
2 31-7, 32-1, 32-2, 32-3, 32-4, and 32-8, subdivisions (a)(1) and
3 (a)(2)(C) of Section 11-14.3, and subsections (1), (6) and (8)
4 of Section 24-1 of the Criminal Code of 1961 or the Criminal
5 Code of 2012, or arrested for any cause but not convicted on
6 that cause shall be disqualified from taking the examination to
7 qualify for a position in the fire department on grounds of
8 habits or moral character.

9 (d) The age limitation in subsection (a) does not apply (i)
10 to any person previously employed as a policeman or fireman in
11 a regularly constituted police or fire department of (I) any
12 municipality, regardless of whether the municipality is
13 located in Illinois or in another state, or (II) a fire
14 protection district whose obligations were assumed by a
15 municipality under Section 21 of the Fire Protection District
16 Act, (ii) to any person who has served a municipality as a
17 regularly enrolled volunteer fireman for 5 years immediately
18 preceding the time that municipality begins to use full time
19 firemen to provide all or part of its fire protection service,
20 or (iii) to any person who has served as an auxiliary police
21 officer under Section 3.1-30-20 for at least 5 years and is
22 under 40 years of age, (iv) to any person who has served as a
23 deputy under Section 3-6008 of the Counties Code and otherwise
24 meets necessary training requirements, or (v) to any person who
25 has served as a sworn officer as a member of the Illinois
26 ~~Department of~~ State Police.

1 (e) Applicants who are 20 years of age and who have
2 successfully completed 2 years of law enforcement studies at an
3 accredited college or university may be considered for
4 appointment to active duty with the police department. An
5 applicant described in this subsection (e) who is appointed to
6 active duty shall not have power of arrest, nor shall the
7 applicant be permitted to carry firearms, until he or she
8 reaches 21 years of age.

9 (f) Applicants who are 18 years of age and who have
10 successfully completed 2 years of study in fire techniques,
11 amounting to a total of 4 high school credits, within the cadet
12 program of a municipality may be considered for appointment to
13 active duty with the fire department of any municipality.

14 (g) The council or board of trustees may by ordinance
15 provide that persons residing outside the municipality are
16 eligible to take the examination.

17 (h) The examinations shall be practical in character and
18 relate to those matters that will fairly test the capacity of
19 the persons examined to discharge the duties of the positions
20 to which they seek appointment. No person shall be appointed to
21 the police or fire department if he or she does not possess a
22 high school diploma or an equivalent high school education. A
23 board of fire and police commissioners may, by its rules,
24 require police applicants to have obtained an associate's
25 degree or a bachelor's degree as a prerequisite for employment.
26 The examinations shall include tests of physical

1 qualifications and health. A board of fire and police
2 commissioners may, by its rules, waive portions of the required
3 examination for police applicants who have previously been
4 full-time sworn officers of a regular police department in any
5 municipal, county, university, or State law enforcement
6 agency, provided they are certified by the Illinois Law
7 Enforcement Training Standards Board and have been with their
8 respective law enforcement agency within the State for at least
9 2 years. No person shall be appointed to the police or fire
10 department if he or she has suffered the amputation of any limb
11 unless the applicant's duties will be only clerical or as a
12 radio operator. No applicant shall be examined concerning his
13 or her political or religious opinions or affiliations. The
14 examinations shall be conducted by the board of fire and police
15 commissioners of the municipality as provided in this Division
16 2.1.

17 The requirement that a police applicant possess an
18 associate's degree under this subsection may be waived if one
19 or more of the following applies: (1) the applicant has served
20 for 24 months of honorable active duty in the United States
21 Armed Forces and has not been discharged dishonorably or under
22 circumstances other than honorable; (2) the applicant has
23 served for 180 days of active duty in the United States Armed
24 Forces in combat duty recognized by the Department of Defense
25 and has not been discharged dishonorably or under circumstances
26 other than honorable; or (3) the applicant has successfully

1 received credit for a minimum of 60 credit hours toward a
2 bachelor's degree from an accredited college or university.

3 The requirement that a police applicant possess a
4 bachelor's degree under this subsection may be waived if one or
5 more of the following applies: (1) the applicant has served for
6 36 months of honorable active duty in the United States Armed
7 Forces and has not been discharged dishonorably or under
8 circumstances other than honorable or (2) the applicant has
9 served for 180 days of active duty in the United States Armed
10 Forces in combat duty recognized by the Department of Defense
11 and has not been discharged dishonorably or under circumstances
12 other than honorable.

13 (i) No person who is classified by his local selective
14 service draft board as a conscientious objector, or who has
15 ever been so classified, may be appointed to the police
16 department.

17 (j) No person shall be appointed to the police or fire
18 department unless he or she is a person of good character and
19 not an habitual drunkard, gambler, or a person who has been
20 convicted of a felony or a crime involving moral turpitude. No
21 person, however, shall be disqualified from appointment to the
22 fire department because of his or her record of misdemeanor
23 convictions except those under Sections 11-1.50, 11-6, 11-7,
24 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 11-30, 11-35, 12-2,
25 12-6, 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3,
26 31-1, 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, and 32-8,

1 subdivisions (a)(1) and (a)(2)(C) of Section 11-14.3, and
2 subsections (1), (6) and (8) of Section 24-1 of the Criminal
3 Code of 1961 or the Criminal Code of 2012, or arrest for any
4 cause without conviction on that cause. Any such person who is
5 in the department may be removed on charges brought and after a
6 trial as provided in this Division 2.1.

7 (Source: P.A. 100-467, eff. 9-8-17.)

8 (65 ILCS 5/10-2.1-6.1) (from Ch. 24, par. 10-2.1-6.1)

9 Sec. 10-2.1-6.1. A classifiable set of the fingerprints of
10 every person who is now employed, or who hereafter becomes
11 employed, as a full time member of a regular fire or police
12 department of any municipality in this State, whether with or
13 without compensation, shall be furnished to the Illinois
14 ~~Department of~~ State Police and to the Federal Bureau of
15 Investigation by the board of fire or police commissioners or
16 other appropriate appointing authority, as the case may be.

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

18 (65 ILCS 5/10-2.1-6.2) (from Ch. 24, par. 10-2.1-6.2)

19 Sec. 10-2.1-6.2. Whenever the Board of Fire and Police
20 Commissioners is authorized or required by law to consider some
21 aspect of criminal history record information for the purpose
22 of carrying out its statutory powers and responsibilities,
23 then, upon request and payment of fees in conformance with the
24 requirements of Section 2605-400 of the Illinois ~~Department of~~

1 State Police Law ~~(20 ILCS 2605/2605-400)~~, the Illinois
2 ~~Department of~~ State Police is authorized to furnish, pursuant
3 to positive identification, such information contained in
4 State files as is necessary to fulfill the request.

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

6 (65 ILCS 5/10-2.1-6.3)

7 Sec. 10-2.1-6.3. Original appointments; full-time fire
8 department.

9 (a) Applicability. Unless a commission elects to follow the
10 provisions of Section 10-2.1-6.4, this Section shall apply to
11 all original appointments to an affected full-time fire
12 department. Existing registers of eligibles shall continue to
13 be valid until their expiration dates, or up to a maximum of 2
14 years after August 4, 2011 (the effective date of Public Act
15 97-251) ~~this amendatory Act of the 97th General Assembly.~~

16 Notwithstanding any statute, ordinance, rule, or other law
17 to the contrary, all original appointments to an affected
18 department to which this Section applies shall be administered
19 in the manner provided for in this Section. Provisions of the
20 Illinois Municipal Code, municipal ordinances, and rules
21 adopted pursuant to such authority and other laws relating to
22 initial hiring of firefighters in affected departments shall
23 continue to apply to the extent they are compatible with this
24 Section, but in the event of a conflict between this Section
25 and any other law, this Section shall control.

1 A home rule or non-home rule municipality may not
2 administer its fire department process for original
3 appointments in a manner that is less stringent than this
4 Section. This Section is a limitation under subsection (i) of
5 Section 6 of Article VII of the Illinois Constitution on the
6 concurrent exercise by home rule units of the powers and
7 functions exercised by the State.

8 A municipality that is operating under a court order or
9 consent decree regarding original appointments to a full-time
10 fire department before August 4, 2011 (the effective date of
11 Public Act 97-251) ~~this amendatory Act of the 97th General~~
12 ~~Assembly~~ is exempt from the requirements of this Section for
13 the duration of the court order or consent decree.

14 Notwithstanding any other provision of this subsection
15 (a), this Section does not apply to a municipality with more
16 than 1,000,000 inhabitants.

17 (b) Original appointments. All original appointments made
18 to an affected fire department shall be made from a register of
19 eligibles established in accordance with the processes
20 established by this Section. Only persons who meet or exceed
21 the performance standards required by this Section shall be
22 placed on a register of eligibles for original appointment to
23 an affected fire department.

24 Whenever an appointing authority authorizes action to hire
25 a person to perform the duties of a firefighter or to hire a
26 firefighter-paramedic to fill a position that is a new position

1 or vacancy due to resignation, discharge, promotion, death, the
2 granting of a disability or retirement pension, or any other
3 cause, the appointing authority shall appoint to that position
4 the person with the highest ranking on the final eligibility
5 list. If the appointing authority has reason to conclude that
6 the highest ranked person fails to meet the minimum standards
7 for the position or if the appointing authority believes an
8 alternate candidate would better serve the needs of the
9 department, then the appointing authority has the right to pass
10 over the highest ranked person and appoint either: (i) any
11 person who has a ranking in the top 5% of the register of
12 eligibles or (ii) any person who is among the top 5 highest
13 ranked persons on the list of eligibles if the number of people
14 who have a ranking in the top 5% of the register of eligibles
15 is less than 5 people.

16 Any candidate may pass on an appointment once without
17 losing his or her position on the register of eligibles. Any
18 candidate who passes a second time may be removed from the list
19 by the appointing authority provided that such action shall not
20 prejudice a person's opportunities to participate in future
21 examinations, including an examination held during the time a
22 candidate is already on the municipality's register of
23 eligibles.

24 The sole authority to issue certificates of appointment
25 shall be vested in the board of fire and police commissioners.
26 All certificates of appointment issued to any officer or member

1 of an affected department shall be signed by the chairperson
2 and secretary, respectively, of the board upon appointment of
3 such officer or member to the affected department by action of
4 the board. After being selected from the register of eligibles
5 to fill a vacancy in the affected department, each appointee
6 shall be presented with his or her certificate of appointment
7 on the day on which he or she is sworn in as a classified member
8 of the affected department. Firefighters who were not issued a
9 certificate of appointment when originally appointed shall be
10 provided with a certificate within 10 days after making a
11 written request to the chairperson of the board of fire and
12 police commissioners. Each person who accepts a certificate of
13 appointment and successfully completes his or her probationary
14 period shall be enrolled as a firefighter and as a regular
15 member of the fire department.

16 For the purposes of this Section, "firefighter" means any
17 person who has been prior to, on, or after August 4, 2011 (the
18 effective date of Public Act 97-251) ~~this amendatory Act of the~~
19 ~~97th General Assembly~~ appointed to a fire department or fire
20 protection district or employed by a State university and sworn
21 or commissioned to perform firefighter duties or paramedic
22 duties, or both, except that the following persons are not
23 included: part-time firefighters; auxiliary, reserve, or
24 voluntary firefighters, including paid-on-call firefighters;
25 clerks and dispatchers or other civilian employees of a fire
26 department or fire protection district who are not routinely

1 expected to perform firefighter duties; and elected officials.

2 (c) Qualification for placement on register of eligibles.
3 The purpose of establishing a register of eligibles is to
4 identify applicants who possess and demonstrate the mental
5 aptitude and physical ability to perform the duties required of
6 members of the fire department in order to provide the highest
7 quality of service to the public. To this end, all applicants
8 for original appointment to an affected fire department shall
9 be subject to examination and testing which shall be public,
10 competitive, and open to all applicants unless the municipality
11 shall by ordinance limit applicants to residents of the
12 municipality, county or counties in which the municipality is
13 located, State, or nation. Any examination and testing
14 procedure utilized under subsection (e) of this Section shall
15 be supported by appropriate validation evidence and shall
16 comply with all applicable State and federal laws.
17 Municipalities may establish educational, emergency medical
18 service licensure, and other prerequisites ~~prerequisites~~ for
19 participation in an examination or for hire as a firefighter.
20 Any municipality may charge a fee to cover the costs of the
21 application process.

22 Residency requirements in effect at the time an individual
23 enters the fire service of a municipality cannot be made more
24 restrictive for that individual during his or her period of
25 service for that municipality, or be made a condition of
26 promotion, except for the rank or position of fire chief and

1 for no more than 2 positions that rank immediately below that
2 of the chief rank which are appointed positions pursuant to the
3 Fire Department Promotion Act.

4 No person who is 35 years of age or older shall be eligible
5 to take an examination for a position as a firefighter unless
6 the person has had previous employment status as a firefighter
7 in the regularly constituted fire department of the
8 municipality, except as provided in this Section. The age
9 limitation does not apply to:

10 (1) any person previously employed as a full-time
11 firefighter in a regularly constituted fire department of
12 (i) any municipality or fire protection district located in
13 Illinois, (ii) a fire protection district whose
14 obligations were assumed by a municipality under Section 21
15 of the Fire Protection District Act, or (iii) a
16 municipality whose obligations were taken over by a fire
17 protection district,

18 (2) any person who has served a municipality as a
19 regularly enrolled volunteer, paid-on-call, or part-time
20 firefighter for the 5 years immediately preceding the time
21 that the municipality begins to use full-time firefighters
22 to provide all or part of its fire protection service, or

23 (3) any person who turned 35 while serving as a member
24 of the active or reserve components of any of the branches
25 of the Armed Forces of the United States or the National
26 Guard of any state, whose service was characterized as

1 honorable or under honorable, if separated from the
2 military, and is currently under the age of 40.

3 No person who is under 21 years of age shall be eligible
4 for employment as a firefighter.

5 No applicant shall be examined concerning his or her
6 political or religious opinions or affiliations. The
7 examinations shall be conducted by the commissioners of the
8 municipality or their designees and agents.

9 No municipality shall require that any firefighter
10 appointed to the lowest rank serve a probationary employment
11 period of longer than one year of actual active employment,
12 which may exclude periods of training, or injury or illness
13 leaves, including duty related leave, in excess of 30 calendar
14 days. Notwithstanding anything to the contrary in this Section,
15 the probationary employment period limitation may be extended
16 for a firefighter who is required, as a condition of
17 employment, to be a licensed paramedic, during which time the
18 sole reason that a firefighter may be discharged without a
19 hearing is for failing to meet the requirements for paramedic
20 licensure.

21 In the event that any applicant who has been found eligible
22 for appointment and whose name has been placed upon the final
23 eligibility register provided for in this Section has not been
24 appointed to a firefighter position within one year after the
25 date of his or her physical ability examination, the commission
26 may cause a second examination to be made of that applicant's

1 physical ability prior to his or her appointment. If, after the
2 second examination, the physical ability of the applicant shall
3 be found to be less than the minimum standard fixed by the
4 rules of the commission, the applicant shall not be appointed.
5 The applicant's name may be retained upon the register of
6 candidates eligible for appointment and when next reached for
7 certification and appointment that applicant may be again
8 examined as provided in this Section, and if the physical
9 ability of that applicant is found to be less than the minimum
10 standard fixed by the rules of the commission, the applicant
11 shall not be appointed, and the name of the applicant shall be
12 removed from the register.

13 (d) Notice, examination, and testing components. Notice of
14 the time, place, general scope, merit criteria for any
15 subjective component, and fee of every examination shall be
16 given by the commission, by a publication at least 2 weeks
17 preceding the examination: (i) in one or more newspapers
18 published in the municipality, or if no newspaper is published
19 therein, then in one or more newspapers with a general
20 circulation within the municipality, or (ii) on the
21 municipality's Internet website. Additional notice of the
22 examination may be given as the commission shall prescribe.

23 The examination and qualifying standards for employment of
24 firefighters shall be based on: mental aptitude, physical
25 ability, preferences, moral character, and health. The mental
26 aptitude, physical ability, and preference components shall

1 determine an applicant's qualification for and placement on the
2 final register of eligibles. The examination may also include a
3 subjective component based on merit criteria as determined by
4 the commission. Scores from the examination must be made
5 available to the public.

6 (e) Mental aptitude. No person who does not possess at
7 least a high school diploma or an equivalent high school
8 education shall be placed on a register of eligibles.
9 Examination of an applicant's mental aptitude shall be based
10 upon a written examination. The examination shall be practical
11 in character and relate to those matters that fairly test the
12 capacity of the persons examined to discharge the duties
13 performed by members of a fire department. Written examinations
14 shall be administered in a manner that ensures the security and
15 accuracy of the scores achieved.

16 (f) Physical ability. All candidates shall be required to
17 undergo an examination of their physical ability to perform the
18 essential functions included in the duties they may be called
19 upon to perform as a member of a fire department. For the
20 purposes of this Section, essential functions of the job are
21 functions associated with duties that a firefighter may be
22 called upon to perform in response to emergency calls. The
23 frequency of the occurrence of those duties as part of the fire
24 department's regular routine shall not be a controlling factor
25 in the design of examination criteria or evolutions selected
26 for testing. These physical examinations shall be open,

1 competitive, and based on industry standards designed to test
2 each applicant's physical abilities in the following
3 dimensions:

4 (1) Muscular strength to perform tasks and evolutions
5 that may be required in the performance of duties including
6 grip strength, leg strength, and arm strength. Tests shall
7 be conducted under anaerobic as well as aerobic conditions
8 to test both the candidate's speed and endurance in
9 performing tasks and evolutions. Tasks tested may be based
10 on standards developed, or approved, by the local
11 appointing authority.

12 (2) The ability to climb ladders, operate from heights,
13 walk or crawl in the dark along narrow and uneven surfaces,
14 and operate in proximity to hazardous environments.

15 (3) The ability to carry out critical, time-sensitive,
16 and complex problem solving during physical exertion in
17 stressful and hazardous environments. The testing
18 environment may be hot and dark with tightly enclosed
19 spaces, flashing lights, sirens, and other distractions.

20 The tests utilized to measure each applicant's
21 capabilities in each of these dimensions may be tests based on
22 industry standards currently in use or equivalent tests
23 approved by the Joint Labor-Management Committee of the Office
24 of the State Fire Marshal.

25 Physical ability examinations administered under this
26 Section shall be conducted with a reasonable number of proctors

1 and monitors, open to the public, and subject to reasonable
2 regulations of the commission.

3 (g) Scoring of examination components. Appointing
4 authorities may create a preliminary eligibility register. A
5 person shall be placed on the list based upon his or her
6 passage of the written examination or the passage of the
7 written examination and the physical ability component.
8 Passage of the written examination means attaining the minimum
9 score set by the commission. Minimum scores should be set by
10 the commission so as to demonstrate a candidate's ability to
11 perform the essential functions of the job. The minimum score
12 set by the commission shall be supported by appropriate
13 validation evidence and shall comply with all applicable State
14 and federal laws. The appointing authority may conduct the
15 physical ability component and any subjective components
16 subsequent to the posting of the preliminary eligibility
17 register.

18 The examination components for an initial eligibility
19 register shall be graded on a 100-point scale. A person's
20 position on the list shall be determined by the following: (i)
21 the person's score on the written examination, (ii) the person
22 successfully passing the physical ability component, and (iii)
23 the person's results on any subjective component as described
24 in subsection (d).

25 In order to qualify for placement on the final eligibility
26 register, an applicant's score on the written examination,

1 before any applicable preference points or subjective points
2 are applied, shall be at or above the minimum score as set by
3 the commission. The local appointing authority may prescribe
4 the score to qualify for placement on the final eligibility
5 register, but the score shall not be less than the minimum
6 score set by the commission.

7 The commission shall prepare and keep a register of persons
8 whose total score is not less than the minimum score for
9 passage and who have passed the physical ability examination.
10 These persons shall take rank upon the register as candidates
11 in the order of their relative excellence based on the highest
12 to the lowest total points scored on the mental aptitude,
13 subjective component, and preference components of the test
14 administered in accordance with this Section. No more than 60
15 days after each examination, an initial eligibility list shall
16 be posted by the commission. The list shall include the final
17 grades of the candidates without reference to priority of the
18 time of examination and subject to claim for preference credit.

19 Commissions may conduct additional examinations, including
20 without limitation a polygraph test, after a final eligibility
21 register is established and before it expires with the
22 candidates ranked by total score without regard to date of
23 examination. No more than 60 days after each examination, an
24 initial eligibility list shall be posted by the commission
25 showing the final grades of the candidates without reference to
26 priority of time of examination and subject to claim for

1 preference credit.

2 (h) Preferences. The following are preferences:

3 (1) Veteran preference. Persons who were engaged in the
4 military service of the United States for a period of at
5 least one year of active duty and who were honorably
6 discharged therefrom, or who are now or have been members
7 on inactive or reserve duty in such military or naval
8 service, shall be preferred for appointment to and
9 employment with the fire department of an affected
10 department.

11 (2) Fire cadet preference. Persons who have
12 successfully completed 2 years of study in fire techniques
13 or cadet training within a cadet program established under
14 the rules of the Joint Labor and Management Committee
15 (JLMC), as defined in Section 50 of the Fire Department
16 Promotion Act, may be preferred for appointment to and
17 employment with the fire department.

18 (3) Educational preference. Persons who have
19 successfully obtained an associate's degree in the field of
20 fire service or emergency medical services, or a bachelor's
21 degree from an accredited college or university may be
22 preferred for appointment to and employment with the fire
23 department.

24 (4) Paramedic preference. Persons who have obtained a
25 license as a paramedic shall be preferred for appointment
26 to and employment with the fire department of an affected

1 department providing emergency medical services.

2 (5) Experience preference. All persons employed by a
3 municipality who have been paid-on-call or part-time
4 certified Firefighter II, State of Illinois or nationally
5 licensed EMT, EMT-I, A-EMT, or any combination of those
6 capacities shall be awarded 0.5 point for each year of
7 successful service in one or more of those capacities, up
8 to a maximum of 5 points. Certified Firefighter III and
9 State of Illinois or nationally licensed paramedics shall
10 be awarded one point per year up to a maximum of 5 points.
11 Applicants from outside the municipality who were employed
12 as full-time firefighters or firefighter-paramedics by a
13 fire protection district or another municipality for at
14 least 2 years shall be awarded 5 experience preference
15 points. These additional points presuppose a rating scale
16 totaling 100 points available for the eligibility list. If
17 more or fewer points are used in the rating scale for the
18 eligibility list, the points awarded under this subsection
19 shall be increased or decreased by a factor equal to the
20 total possible points available for the examination
21 divided by 100.

22 Upon request by the commission, the governing body of
23 the municipality or in the case of applicants from outside
24 the municipality the governing body of any fire protection
25 district or any other municipality shall certify to the
26 commission, within 10 days after the request, the number of

1 years of successful paid-on-call, part-time, or full-time
2 service of any person. A candidate may not receive the full
3 amount of preference points under this subsection if the
4 amount of points awarded would place the candidate before a
5 veteran on the eligibility list. If more than one candidate
6 receiving experience preference points is prevented from
7 receiving all of their points due to not being allowed to
8 pass a veteran, the candidates shall be placed on the list
9 below the veteran in rank order based on the totals
10 received if all points under this subsection were to be
11 awarded. Any remaining ties on the list shall be determined
12 by lot.

13 (6) Residency preference. Applicants whose principal
14 residence is located within the fire department's
15 jurisdiction shall be preferred for appointment to and
16 employment with the fire department.

17 (7) Additional preferences. Up to 5 additional
18 preference points may be awarded for unique categories
19 based on an applicant's experience or background as
20 identified by the commission.

21 (7.5) Apprentice preferences. A person who has
22 performed fire suppression service for a department as a
23 firefighter apprentice and otherwise meet the
24 qualifications for original appointment as a firefighter
25 specified in this Section are eligible to be awarded up to
26 20 preference points. To qualify for preference points, an

1 applicant shall have completed a minimum of 600 hours of
2 fire suppression work on a regular shift for the affected
3 fire department over a 12-month period. The fire
4 suppression work must be in accordance with Section
5 10-2.1-4 of this Division and the terms established by a
6 Joint Apprenticeship Committee included in a collective
7 bargaining agreement agreed between the employer and its
8 certified bargaining agent. An eligible applicant must
9 apply to the Joint Apprenticeship Committee for preference
10 points under this item. The Joint Apprenticeship Committee
11 shall evaluate the merit of the applicant's performance,
12 determine the preference points to be awarded, and certify
13 the amount of points awarded to the commissioners. The
14 commissioners may add the certified preference points to
15 the final grades achieved by the applicant on the other
16 components of the examination.

17 (8) Scoring of preferences. The commission may give
18 preference for original appointment to persons designated
19 in item (1) by adding to the final grade that they receive
20 5 points for the recognized preference achieved. The
21 commission may give preference for original appointment to
22 persons designated in item (7.5) by adding to the final
23 grade the amount of points designated by the Joint
24 Apprenticeship Committee as defined in item (7.5). The
25 commission shall determine the number of preference points
26 for each category, except (1) and (7.5). The number of

1 preference points for each category shall range from 0 to
2 5, except item (7.5). In determining the number of
3 preference points, the commission shall prescribe that if a
4 candidate earns the maximum number of preference points in
5 all categories except item (7.5), that number may not be
6 less than 10 nor more than 30. The commission shall give
7 preference for original appointment to persons designated
8 in items (2) through (7) by adding the requisite number of
9 points to the final grade for each recognized preference
10 achieved. The numerical result thus attained shall be
11 applied by the commission in determining the final
12 eligibility list and appointment from the eligibility
13 list. The local appointing authority may prescribe the
14 total number of preference points awarded under this
15 Section, but the total number of preference points, except
16 item (7.5), shall not be less than 10 points or more than
17 30 points. Apprentice preference points may be added in
18 addition to other preference points awarded by the
19 commission.

20 No person entitled to any preference shall be required to
21 claim the credit before any examination held under the
22 provisions of this Section, but the preference may be given
23 after the posting or publication of the initial eligibility
24 list or register at the request of a person entitled to a
25 credit before any certification or appointments are made from
26 the eligibility register, upon the furnishing of verifiable

1 evidence and proof of qualifying preference credit. Candidates
2 who are eligible for preference credit may make a claim in
3 writing within 10 days after the posting of the initial
4 eligibility list, or the claim may be deemed waived. Final
5 eligibility registers may be established after the awarding of
6 verified preference points. However, apprentice preference
7 credit earned subsequent to the establishment of the final
8 eligibility register may be applied to the applicant's score
9 upon certification by the Joint Apprenticeship Committee to the
10 commission and the rank order of candidates on the final
11 eligibility register shall be adjusted accordingly. All
12 employment shall be subject to the commission's initial hire
13 background review, including, but not limited to, criminal
14 history, employment history, moral character, oral
15 examination, and medical and psychological examinations, all
16 on a pass-fail basis. The medical and psychological
17 examinations must be conducted last, and may only be performed
18 after a conditional offer of employment has been extended.

19 Any person placed on an eligibility list who exceeds the
20 age requirement before being appointed to a fire department
21 shall remain eligible for appointment until the list is
22 abolished, or his or her name has been on the list for a period
23 of 2 years. No person who has attained the age of 35 years
24 shall be inducted into a fire department, except as otherwise
25 provided in this Section.

26 The commission shall strike off the names of candidates for

1 original appointment after the names have been on the list for
2 more than 2 years.

3 (i) Moral character. No person shall be appointed to a fire
4 department unless he or she is a person of good character; not
5 a habitual drunkard, a gambler, or a person who has been
6 convicted of a felony or a crime involving moral turpitude.
7 However, no person shall be disqualified from appointment to
8 the fire department because of the person's record of
9 misdemeanor convictions except those under Sections 11-6,
10 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6,
11 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1,
12 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8, and subsections
13 1, 6, and 8 of Section 24-1 of the Criminal Code of 1961 or the
14 Criminal Code of 2012, or arrest for any cause without
15 conviction thereon. Any such person who is in the department
16 may be removed on charges brought for violating this subsection
17 and after a trial as hereinafter provided.

18 A classifiable set of the fingerprints of every person who
19 is offered employment as a certificated member of an affected
20 fire department whether with or without compensation, shall be
21 furnished to the Illinois ~~Department of~~ State Police and to the
22 Federal Bureau of Investigation by the commission.

23 Whenever a commission is authorized or required by law to
24 consider some aspect of criminal history record information for
25 the purpose of carrying out its statutory powers and
26 responsibilities, then, upon request and payment of fees in

1 conformance with the requirements of Section 2605-400 of the
2 Illinois State Police Law of the Civil Administrative Code of
3 Illinois, the Illinois ~~Department of~~ State Police is authorized
4 to furnish, pursuant to positive identification, the
5 information contained in State files as is necessary to fulfill
6 the request.

7 (j) Temporary appointments. In order to prevent a stoppage
8 of public business, to meet extraordinary exigencies, or to
9 prevent material impairment of the fire department, the
10 commission may make temporary appointments, to remain in force
11 only until regular appointments are made under the provisions
12 of this Division, but never to exceed 60 days. No temporary
13 appointment of any one person shall be made more than twice in
14 any calendar year.

15 (k) A person who knowingly divulges or receives test
16 questions or answers before a written examination, or otherwise
17 knowingly violates or subverts any requirement of this Section,
18 commits a violation of this Section and may be subject to
19 charges for official misconduct.

20 A person who is the knowing recipient of test information
21 in advance of the examination shall be disqualified from the
22 examination or discharged from the position to which he or she
23 was appointed, as applicable, and otherwise subjected to
24 disciplinary actions.

25 (Source: P.A. 100-252, eff. 8-22-17; 101-489, eff. 8-23-19;
26 revised 11-26-19.)

1 (65 ILCS 5/11-32-1) (from Ch. 24, par. 11-32-1)

2 Sec. 11-32-1. The corporate authorities of each
3 municipality may:

4 (1) provide for the regulation, safe construction,
5 installation, alteration, inspection, testing and maintenance
6 of heating, air conditioning and refrigerating systems
7 specified in this section.

8 (2) provide for examination, licensing and regulation of
9 heating, air conditioning and refrigeration contractors; and
10 fix the amount of license fees, not exceeding \$50, and the
11 terms and manner of issuing and revoking licenses of such
12 contractors.

13 (3) provide for the appointment of a board of examiners
14 which shall examine applicants for and issue licenses to such
15 contractors as are found capable and trustworthy.

16 A. The term "heating, air conditioning and refrigeration
17 contractor" means:

18 (a) any person engaged in the business of installing,
19 altering or servicing heating, air conditioning or
20 refrigerating systems;

21 (b) any private or municipally owned public utility if such
22 public utility installs heating, air conditioning or
23 refrigerating systems.

24 The term "heating, air conditioning and refrigeration
25 contractor" does not include: (i) any private or municipally

1 owned public utility, fuel supplier or dealer that supplies
2 fuel and services or repairs heating or air conditioning
3 appliances or equipment in connection with or as a part of
4 their business of supplying the fuel used in such appliances or
5 equipment; or (ii) any liquefied petroleum gas dealer subject
6 to "An Act to regulate the storage, transportation, sale and
7 use of liquefied petroleum gases", approved July 11, 1955, as
8 now or hereafter amended, and the rules and regulations of the
9 Illinois ~~Department of~~ State Police promulgated pursuant to
10 such Act; or (iii) any electrical contractor registered or
11 licensed as such under the provisions of this Act or any other
12 statute.

13 B. The term "heating system" means any heating unit
14 intended to warm the atmosphere of any building or rooms
15 therein used for human occupancy.

16 C. The term "air conditioning system" means any air
17 conditioning unit designed to cool the atmosphere of any
18 building or rooms therein used for human occupancy, which unit
19 has a rated heat removal capacity in excess of 20,000 British
20 thermal units per hour; and also any such unit regardless of
21 size or rating that is installed in such a manner that it
22 projects from a building where pedestrian traffic will pass
23 below it.

24 D. The term "refrigerating system" means any refrigerating
25 unit, other than an air conditioning system as defined in this
26 section, which is to be used in conjunction with or as an aid

1 to any commercial enterprise but does not include a
2 refrigerating unit used for family household purposes.

3 Any heating, air conditioning and refrigeration contractor
4 properly licensed under paragraph (2) of this section in the
5 municipality of his principal place of business in this State
6 may install heating, air conditioning and refrigeration
7 systems in any other municipality without securing an
8 additional license, provided that such contractor complies
9 with the rules and regulations of the municipality where such
10 systems are installed.

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

12 Section 440. The Fire Protection District Act is amended by
13 changing Section 16.06b as follows:

14 (70 ILCS 705/16.06b)

15 Sec. 16.06b. Original appointments; full-time fire
16 department.

17 (a) Applicability. Unless a commission elects to follow the
18 provisions of Section 16.06c, this Section shall apply to all
19 original appointments to an affected full-time fire
20 department. Existing registers of eligibles shall continue to
21 be valid until their expiration dates, or up to a maximum of 2
22 years after August 4, 2011 (the effective date of Public Act
23 97-251) ~~this amendatory Act of the 97th General Assembly.~~

24 Notwithstanding any statute, ordinance, rule, or other law

1 to the contrary, all original appointments to an affected
2 department to which this Section applies shall be administered
3 in a no less stringent manner than the manner provided for in
4 this Section. Provisions of the Illinois Municipal Code, Fire
5 Protection District Act, fire district ordinances, and rules
6 adopted pursuant to such authority and other laws relating to
7 initial hiring of firefighters in affected departments shall
8 continue to apply to the extent they are compatible with this
9 Section, but in the event of a conflict between this Section
10 and any other law, this Section shall control.

11 A fire protection district that is operating under a court
12 order or consent decree regarding original appointments to a
13 full-time fire department before August 4, 2011 (the effective
14 date of Public Act 97-251) ~~this amendatory Act of the 97th~~
15 ~~General Assembly~~ is exempt from the requirements of this
16 Section for the duration of the court order or consent decree.

17 (b) Original appointments. All original appointments made
18 to an affected fire department shall be made from a register of
19 eligibles established in accordance with the processes
20 required by this Section. Only persons who meet or exceed the
21 performance standards required by the Section shall be placed
22 on a register of eligibles for original appointment to an
23 affected fire department.

24 Whenever an appointing authority authorizes action to hire
25 a person to perform the duties of a firefighter or to hire a
26 firefighter-paramedic to fill a position that is a new position

1 or vacancy due to resignation, discharge, promotion, death, the
2 granting of a disability or retirement pension, or any other
3 cause, the appointing authority shall appoint to that position
4 the person with the highest ranking on the final eligibility
5 list. If the appointing authority has reason to conclude that
6 the highest ranked person fails to meet the minimum standards
7 for the position or if the appointing authority believes an
8 alternate candidate would better serve the needs of the
9 department, then the appointing authority has the right to pass
10 over the highest ranked person and appoint either: (i) any
11 person who has a ranking in the top 5% of the register of
12 eligibles or (ii) any person who is among the top 5 highest
13 ranked persons on the list of eligibles if the number of people
14 who have a ranking in the top 5% of the register of eligibles
15 is less than 5 people.

16 Any candidate may pass on an appointment once without
17 losing his or her position on the register of eligibles. Any
18 candidate who passes a second time may be removed from the list
19 by the appointing authority provided that such action shall not
20 prejudice a person's opportunities to participate in future
21 examinations, including an examination held during the time a
22 candidate is already on the fire district's register of
23 eligibles.

24 The sole authority to issue certificates of appointment
25 shall be vested in the board of fire commissioners, or board of
26 trustees serving in the capacity of a board of fire

1 commissioners. All certificates of appointment issued to any
2 officer or member of an affected department shall be signed by
3 the chairperson and secretary, respectively, of the commission
4 upon appointment of such officer or member to the affected
5 department by action of the commission. After being selected
6 from the register of eligibles to fill a vacancy in the
7 affected department, each appointee shall be presented with his
8 or her certificate of appointment on the day on which he or she
9 is sworn in as a classified member of the affected department.
10 Firefighters who were not issued a certificate of appointment
11 when originally appointed shall be provided with a certificate
12 within 10 days after making a written request to the
13 chairperson of the board of fire commissioners, or board of
14 trustees serving in the capacity of a board of fire
15 commissioners. Each person who accepts a certificate of
16 appointment and successfully completes his or her probationary
17 period shall be enrolled as a firefighter and as a regular
18 member of the fire department.

19 For the purposes of this Section, "firefighter" means any
20 person who has been prior to, on, or after August 4, 2011 (the
21 effective date of Public Act 97-251) ~~this amendatory Act of the~~
22 ~~97th General Assembly~~ appointed to a fire department or fire
23 protection district or employed by a State university and sworn
24 or commissioned to perform firefighter duties or paramedic
25 duties, or both, except that the following persons are not
26 included: part-time firefighters; auxiliary, reserve, or

1 voluntary firefighters, including paid-on-call firefighters;
2 clerks and dispatchers or other civilian employees of a fire
3 department or fire protection district who are not routinely
4 expected to perform firefighter duties; and elected officials.

5 (c) Qualification for placement on register of eligibles.
6 The purpose of establishing a register of eligibles is to
7 identify applicants who possess and demonstrate the mental
8 aptitude and physical ability to perform the duties required of
9 members of the fire department in order to provide the highest
10 quality of service to the public. To this end, all applicants
11 for original appointment to an affected fire department shall
12 be subject to examination and testing which shall be public,
13 competitive, and open to all applicants unless the district
14 shall by ordinance limit applicants to residents of the
15 district, county or counties in which the district is located,
16 State, or nation. Any examination and testing procedure
17 utilized under subsection (e) of this Section shall be
18 supported by appropriate validation evidence and shall comply
19 with all applicable State and federal laws. Districts may
20 establish educational, emergency medical service licensure,
21 and other prerequisites ~~prerequites~~ for participation in an
22 examination or for hire as a firefighter. Any fire protection
23 district may charge a fee to cover the costs of the application
24 process.

25 Residency requirements in effect at the time an individual
26 enters the fire service of a district cannot be made more

1 restrictive for that individual during his or her period of
2 service for that district, or be made a condition of promotion,
3 except for the rank or position of fire chief and for no more
4 than 2 positions that rank immediately below that of the chief
5 rank which are appointed positions pursuant to the Fire
6 Department Promotion Act.

7 No person who is 35 years of age or older shall be eligible
8 to take an examination for a position as a firefighter unless
9 the person has had previous employment status as a firefighter
10 in the regularly constituted fire department of the district,
11 except as provided in this Section. The age limitation does not
12 apply to:

13 (1) any person previously employed as a full-time
14 firefighter in a regularly constituted fire department of
15 (i) any municipality or fire protection district located in
16 Illinois, (ii) a fire protection district whose
17 obligations were assumed by a municipality under Section 21
18 of the Fire Protection District Act, or (iii) a
19 municipality whose obligations were taken over by a fire
20 protection district;

21 (2) any person who has served a fire district as a
22 regularly enrolled volunteer, paid-on-call, or part-time
23 firefighter for the 5 years immediately preceding the time
24 that the district begins to use full-time firefighters to
25 provide all or part of its fire protection service; or

26 (3) any person who turned 35 while serving as a member

1 of the active or reserve components of any of the branches
2 of the Armed Forces of the United States or the National
3 Guard of any state, whose service was characterized as
4 honorable or under honorable, if separated from the
5 military, and is currently under the age of 40.

6 No person who is under 21 years of age shall be eligible
7 for employment as a firefighter.

8 No applicant shall be examined concerning his or her
9 political or religious opinions or affiliations. The
10 examinations shall be conducted by the commissioners of the
11 district or their designees and agents.

12 No district shall require that any firefighter appointed to
13 the lowest rank serve a probationary employment period of
14 longer than one year of actual active employment, which may
15 exclude periods of training, or injury or illness leaves,
16 including duty related leave, in excess of 30 calendar days.
17 Notwithstanding anything to the contrary in this Section, the
18 probationary employment period limitation may be extended for a
19 firefighter who is required, as a condition of employment, to
20 be a licensed paramedic, during which time the sole reason that
21 a firefighter may be discharged without a hearing is for
22 failing to meet the requirements for paramedic licensure.

23 In the event that any applicant who has been found eligible
24 for appointment and whose name has been placed upon the final
25 eligibility register provided for in this Section has not been
26 appointed to a firefighter position within one year after the

1 date of his or her physical ability examination, the commission
2 may cause a second examination to be made of that applicant's
3 physical ability prior to his or her appointment. If, after the
4 second examination, the physical ability of the applicant shall
5 be found to be less than the minimum standard fixed by the
6 rules of the commission, the applicant shall not be appointed.
7 The applicant's name may be retained upon the register of
8 candidates eligible for appointment and when next reached for
9 certification and appointment that applicant may be again
10 examined as provided in this Section, and if the physical
11 ability of that applicant is found to be less than the minimum
12 standard fixed by the rules of the commission, the applicant
13 shall not be appointed, and the name of the applicant shall be
14 removed from the register.

15 (d) Notice, examination, and testing components. Notice of
16 the time, place, general scope, merit criteria for any
17 subjective component, and fee of every examination shall be
18 given by the commission, by a publication at least 2 weeks
19 preceding the examination: (i) in one or more newspapers
20 published in the district, or if no newspaper is published
21 therein, then in one or more newspapers with a general
22 circulation within the district, or (ii) on the fire protection
23 district's Internet website. Additional notice of the
24 examination may be given as the commission shall prescribe.

25 The examination and qualifying standards for employment of
26 firefighters shall be based on: mental aptitude, physical

1 ability, preferences, moral character, and health. The mental
2 aptitude, physical ability, and preference components shall
3 determine an applicant's qualification for and placement on the
4 final register of eligibles. The examination may also include a
5 subjective component based on merit criteria as determined by
6 the commission. Scores from the examination must be made
7 available to the public.

8 (e) Mental aptitude. No person who does not possess at
9 least a high school diploma or an equivalent high school
10 education shall be placed on a register of eligibles.
11 Examination of an applicant's mental aptitude shall be based
12 upon a written examination. The examination shall be practical
13 in character and relate to those matters that fairly test the
14 capacity of the persons examined to discharge the duties
15 performed by members of a fire department. Written examinations
16 shall be administered in a manner that ensures the security and
17 accuracy of the scores achieved.

18 (f) Physical ability. All candidates shall be required to
19 undergo an examination of their physical ability to perform the
20 essential functions included in the duties they may be called
21 upon to perform as a member of a fire department. For the
22 purposes of this Section, essential functions of the job are
23 functions associated with duties that a firefighter may be
24 called upon to perform in response to emergency calls. The
25 frequency of the occurrence of those duties as part of the fire
26 department's regular routine shall not be a controlling factor

1 in the design of examination criteria or evolutions selected
2 for testing. These physical examinations shall be open,
3 competitive, and based on industry standards designed to test
4 each applicant's physical abilities in the following
5 dimensions:

6 (1) Muscular strength to perform tasks and evolutions
7 that may be required in the performance of duties including
8 grip strength, leg strength, and arm strength. Tests shall
9 be conducted under anaerobic as well as aerobic conditions
10 to test both the candidate's speed and endurance in
11 performing tasks and evolutions. Tasks tested may be based
12 on standards developed, or approved, by the local
13 appointing authority.

14 (2) The ability to climb ladders, operate from heights,
15 walk or crawl in the dark along narrow and uneven surfaces,
16 and operate in proximity to hazardous environments.

17 (3) The ability to carry out critical, time-sensitive,
18 and complex problem solving during physical exertion in
19 stressful and hazardous environments. The testing
20 environment may be hot and dark with tightly enclosed
21 spaces, flashing lights, sirens, and other distractions.

22 The tests utilized to measure each applicant's
23 capabilities in each of these dimensions may be tests based on
24 industry standards currently in use or equivalent tests
25 approved by the Joint Labor-Management Committee of the Office
26 of the State Fire Marshal.

1 Physical ability examinations administered under this
2 Section shall be conducted with a reasonable number of proctors
3 and monitors, open to the public, and subject to reasonable
4 regulations of the commission.

5 (g) Scoring of examination components. Appointing
6 authorities may create a preliminary eligibility register. A
7 person shall be placed on the list based upon his or her
8 passage of the written examination or the passage of the
9 written examination and the physical ability component.
10 Passage of the written examination means attaining the minimum
11 score set by the commission. Minimum scores should be set by
12 the appointing authorities so as to demonstrate a candidate's
13 ability to perform the essential functions of the job. The
14 minimum score set by the commission shall be supported by
15 appropriate validation evidence and shall comply with all
16 applicable State and federal laws. The appointing authority may
17 conduct the physical ability component and any subjective
18 components subsequent to the posting of the preliminary
19 eligibility register.

20 The examination components for an initial eligibility
21 register shall be graded on a 100-point scale. A person's
22 position on the list shall be determined by the following: (i)
23 the person's score on the written examination, (ii) the person
24 successfully passing the physical ability component, and (iii)
25 the person's results on any subjective component as described
26 in subsection (d).

1 In order to qualify for placement on the final eligibility
2 register, an applicant's score on the written examination,
3 before any applicable preference points or subjective points
4 are applied, shall be at or above the minimum score set by the
5 commission. The local appointing authority may prescribe the
6 score to qualify for placement on the final eligibility
7 register, but the score shall not be less than the minimum
8 score set by the commission.

9 The commission shall prepare and keep a register of persons
10 whose total score is not less than the minimum score for
11 passage and who have passed the physical ability examination.
12 These persons shall take rank upon the register as candidates
13 in the order of their relative excellence based on the highest
14 to the lowest total points scored on the mental aptitude,
15 subjective component, and preference components of the test
16 administered in accordance with this Section. No more than 60
17 days after each examination, an initial eligibility list shall
18 be posted by the commission. The list shall include the final
19 grades of the candidates without reference to priority of the
20 time of examination and subject to claim for preference credit.

21 Commissions may conduct additional examinations, including
22 without limitation a polygraph test, after a final eligibility
23 register is established and before it expires with the
24 candidates ranked by total score without regard to date of
25 examination. No more than 60 days after each examination, an
26 initial eligibility list shall be posted by the commission

1 showing the final grades of the candidates without reference to
2 priority of time of examination and subject to claim for
3 preference credit.

4 (h) Preferences. The following are preferences:

5 (1) Veteran preference. Persons who were engaged in the
6 military service of the United States for a period of at
7 least one year of active duty and who were honorably
8 discharged therefrom, or who are now or have been members
9 on inactive or reserve duty in such military or naval
10 service, shall be preferred for appointment to and
11 employment with the fire department of an affected
12 department.

13 (2) Fire cadet preference. Persons who have
14 successfully completed 2 years of study in fire techniques
15 or cadet training within a cadet program established under
16 the rules of the Joint Labor and Management Committee
17 (JLMC), as defined in Section 50 of the Fire Department
18 Promotion Act, may be preferred for appointment to and
19 employment with the fire department.

20 (3) Educational preference. Persons who have
21 successfully obtained an associate's degree in the field of
22 fire service or emergency medical services, or a bachelor's
23 degree from an accredited college or university may be
24 preferred for appointment to and employment with the fire
25 department.

26 (4) Paramedic preference. Persons who have obtained a

1 license as a paramedic may be preferred for appointment to
2 and employment with the fire department of an affected
3 department providing emergency medical services.

4 (5) Experience preference. All persons employed by a
5 district who have been paid-on-call or part-time certified
6 Firefighter II, certified Firefighter III, State of
7 Illinois or nationally licensed EMT, EMT-I, A-EMT, or
8 paramedic, or any combination of those capacities may be
9 awarded up to a maximum of 5 points. However, the applicant
10 may not be awarded more than 0.5 points for each complete
11 year of paid-on-call or part-time service. Applicants from
12 outside the district who were employed as full-time
13 firefighters or firefighter-paramedics by a fire
14 protection district or municipality for at least 2 years
15 may be awarded up to 5 experience preference points.
16 However, the applicant may not be awarded more than one
17 point for each complete year of full-time service.

18 Upon request by the commission, the governing body of
19 the district or in the case of applicants from outside the
20 district the governing body of any other fire protection
21 district or any municipality shall certify to the
22 commission, within 10 days after the request, the number of
23 years of successful paid-on-call, part-time, or full-time
24 service of any person. A candidate may not receive the full
25 amount of preference points under this subsection if the
26 amount of points awarded would place the candidate before a

1 veteran on the eligibility list. If more than one candidate
2 receiving experience preference points is prevented from
3 receiving all of their points due to not being allowed to
4 pass a veteran, the candidates shall be placed on the list
5 below the veteran in rank order based on the totals
6 received if all points under this subsection were to be
7 awarded. Any remaining ties on the list shall be determined
8 by lot.

9 (6) Residency preference. Applicants whose principal
10 residence is located within the fire department's
11 jurisdiction may be preferred for appointment to and
12 employment with the fire department.

13 (7) Additional preferences. Up to 5 additional
14 preference points may be awarded for unique categories
15 based on an applicant's experience or background as
16 identified by the commission.

17 (7.5) Apprentice preferences. A person who has
18 performed fire suppression service for a department as a
19 firefighter apprentice and otherwise meet the
20 qualifications for original appointment as a firefighter
21 specified in this Section are eligible to be awarded up to
22 20 preference points. To qualify for preference points, an
23 applicant shall have completed a minimum of 600 hours of
24 fire suppression work on a regular shift for the affected
25 fire department over a 12-month period. The fire
26 suppression work must be in accordance with Section 16.06

1 of this Act and the terms established by a Joint
2 Apprenticeship Committee included in a collective
3 bargaining agreement agreed between the employer and its
4 certified bargaining agent. An eligible applicant must
5 apply to the Joint Apprenticeship Committee for preference
6 points under this item. The Joint Apprenticeship Committee
7 shall evaluate the merit of the applicant's performance,
8 determine the preference points to be awarded, and certify
9 the amount of points awarded to the commissioners. The
10 commissioners may add the certified preference points to
11 the final grades achieved by the applicant on the other
12 components of the examination.

13 (8) Scoring of preferences. The commission shall give
14 preference for original appointment to persons designated
15 in item (1) by adding to the final grade that they receive
16 5 points for the recognized preference achieved. The
17 commission may give preference for original appointment to
18 persons designated in item (7.5) by adding to the final
19 grade the amount of points designated by the Joint
20 Apprenticeship Committee as defined in item (7.5). The
21 commission shall determine the number of preference points
22 for each category, except (1) and (7.5). The number of
23 preference points for each category shall range from 0 to
24 5, except item (7.5). In determining the number of
25 preference points, the commission shall prescribe that if a
26 candidate earns the maximum number of preference points in

1 all categories except item (7.5), that number may not be
2 less than 10 nor more than 30. The commission shall give
3 preference for original appointment to persons designated
4 in items (2) through (7) by adding the requisite number of
5 points to the final grade for each recognized preference
6 achieved. The numerical result thus attained shall be
7 applied by the commission in determining the final
8 eligibility list and appointment from the eligibility
9 list. The local appointing authority may prescribe the
10 total number of preference points awarded under this
11 Section, but the total number of preference points, except
12 item (7.5), shall not be less than 10 points or more than
13 30 points. Apprentice preference points may be added in
14 addition to other preference points awarded by the
15 commission.

16 No person entitled to any preference shall be required to
17 claim the credit before any examination held under the
18 provisions of this Section, but the preference shall be given
19 after the posting or publication of the initial eligibility
20 list or register at the request of a person entitled to a
21 credit before any certification or appointments are made from
22 the eligibility register, upon the furnishing of verifiable
23 evidence and proof of qualifying preference credit. Candidates
24 who are eligible for preference credit shall make a claim in
25 writing within 10 days after the posting of the initial
26 eligibility list, or the claim shall be deemed waived. Final

1 eligibility registers shall be established after the awarding
2 of verified preference points. However, apprentice preference
3 credit earned subsequent to the establishment of the final
4 eligibility register may be applied to the applicant's score
5 upon certification by the Joint Apprenticeship Committee to the
6 commission and the rank order of candidates on the final
7 eligibility register shall be adjusted accordingly. All
8 employment shall be subject to the commission's initial hire
9 background review including, but not limited to, criminal
10 history, employment history, moral character, oral
11 examination, and medical and psychological examinations, all
12 on a pass-fail basis. The medical and psychological
13 examinations must be conducted last, and may only be performed
14 after a conditional offer of employment has been extended.

15 Any person placed on an eligibility list who exceeds the
16 age requirement before being appointed to a fire department
17 shall remain eligible for appointment until the list is
18 abolished, or his or her name has been on the list for a period
19 of 2 years. No person who has attained the age of 35 years
20 shall be inducted into a fire department, except as otherwise
21 provided in this Section.

22 The commission shall strike off the names of candidates for
23 original appointment after the names have been on the list for
24 more than 2 years.

25 (i) Moral character. No person shall be appointed to a fire
26 department unless he or she is a person of good character; not

1 a habitual drunkard, a gambler, or a person who has been
2 convicted of a felony or a crime involving moral turpitude.
3 However, no person shall be disqualified from appointment to
4 the fire department because of the person's record of
5 misdemeanor convictions except those under Sections 11-6,
6 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6,
7 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1,
8 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8, and subsections
9 1, 6, and 8 of Section 24-1 of the Criminal Code of 1961 or the
10 Criminal Code of 2012, or arrest for any cause without
11 conviction thereon. Any such person who is in the department
12 may be removed on charges brought for violating this subsection
13 and after a trial as hereinafter provided.

14 A classifiable set of the fingerprints of every person who
15 is offered employment as a certificated member of an affected
16 fire department whether with or without compensation, shall be
17 furnished to the Illinois ~~Department of~~ State Police and to the
18 Federal Bureau of Investigation by the commission.

19 Whenever a commission is authorized or required by law to
20 consider some aspect of criminal history record information for
21 the purpose of carrying out its statutory powers and
22 responsibilities, then, upon request and payment of fees in
23 conformance with the requirements of Section 2605-400 of the
24 Illinois State Police Law of the Civil Administrative Code of
25 Illinois, the Illinois ~~Department of~~ State Police is authorized
26 to furnish, pursuant to positive identification, the

1 information contained in State files as is necessary to fulfill
2 the request.

3 (j) Temporary appointments. In order to prevent a stoppage
4 of public business, to meet extraordinary exigencies, or to
5 prevent material impairment of the fire department, the
6 commission may make temporary appointments, to remain in force
7 only until regular appointments are made under the provisions
8 of this Section, but never to exceed 60 days. No temporary
9 appointment of any one person shall be made more than twice in
10 any calendar year.

11 (k) A person who knowingly divulges or receives test
12 questions or answers before a written examination, or otherwise
13 knowingly violates or subverts any requirement of this Section,
14 commits a violation of this Section and may be subject to
15 charges for official misconduct.

16 A person who is the knowing recipient of test information
17 in advance of the examination shall be disqualified from the
18 examination or discharged from the position to which he or she
19 was appointed, as applicable, and otherwise subjected to
20 disciplinary actions.

21 (Source: P.A. 100-252, eff. 8-22-17; 101-489, eff. 8-23-19;
22 revised 11-26-19.)

23 Section 450. The Park District Code is amended by changing
24 Section 8-23 as follows:

1 (70 ILCS 1205/8-23)

2 Sec. 8-23. Criminal background investigations.

3 (a) An applicant for employment with a park district is
4 required as a condition of employment to authorize an
5 investigation to determine if the applicant has been convicted
6 of any of the enumerated criminal or drug offenses in
7 subsection (c) or (d) of this Section, or adjudicated a
8 delinquent minor for any of the enumerated criminal or drug
9 offenses in subsection (c) or (d) of this Section, or has been
10 convicted, within 7 years of the application for employment
11 with the park district, of any other felony under the laws of
12 this State or of any offense committed or attempted in any
13 other state or against the laws of the United States that, if
14 committed or attempted in this State, would have been
15 punishable as a felony under the laws of this State.
16 Authorization for the investigation shall be furnished by the
17 applicant to the park district. Upon receipt of this
18 authorization, the park district shall submit the applicant's
19 name, sex, race, date of birth, and social security number to
20 the Illinois ~~Department of~~ State Police on forms prescribed by
21 the Illinois ~~Department of~~ State Police. The Illinois
22 ~~Department of~~ State Police shall conduct a search of the
23 Illinois criminal history records database to ascertain if the
24 applicant being considered for employment has been convicted of
25 any of the enumerated criminal or drug offenses in subsection
26 (c) or (d) of this Section, or adjudicated a delinquent minor

1 for committing or attempting to commit any of the enumerated
2 criminal or drug offenses in subsection (c) or (d) of this
3 Section, or has been convicted of committing or attempting to
4 commit, within 7 years of the application for employment with
5 the park district, any other felony under the laws of this
6 State. The Illinois ~~Department of~~ State Police shall charge the
7 park district a fee for conducting the investigation, which fee
8 shall be deposited in the State Police Services Fund and shall
9 not exceed the cost of the inquiry. The applicant shall not be
10 charged a fee by the park district for the investigation.

11 (b) If the search of the Illinois criminal history record
12 database indicates that the applicant has been convicted of any
13 of the enumerated criminal or drug offenses in subsection (c)
14 or (d), or adjudicated a delinquent minor for committing or
15 attempting to commit any of the enumerated criminal or drug
16 offenses in subsection (c) or (d), or has been convicted of
17 committing or attempting to commit, within 7 years of the
18 application for employment with the park district, any other
19 felony under the laws of this State, the Illinois ~~Department of~~
20 State Police and the Federal Bureau of Investigation shall
21 furnish, pursuant to a fingerprint based background check,
22 records of convictions or adjudications as a delinquent minor,
23 until expunged, to the president of the park district. Any
24 information concerning the record of convictions or
25 adjudications as a delinquent minor obtained by the president
26 shall be confidential and may only be transmitted to those

1 persons who are necessary to the decision on whether to hire
2 the applicant for employment. A copy of the record of
3 convictions or adjudications as a delinquent minor obtained
4 from the Illinois ~~Department of~~ State Police shall be provided
5 to the applicant for employment. Any person who releases any
6 confidential information concerning any criminal convictions
7 or adjudications as a delinquent minor of an applicant for
8 employment shall be guilty of a Class A misdemeanor, unless the
9 release of such information is authorized by this Section.

10 (c) No park district shall knowingly employ a person who
11 has been convicted, or adjudicated a delinquent minor, for
12 committing attempted first degree murder or for committing or
13 attempting to commit first degree murder, a Class X felony, or
14 any one or more of the following criminal offenses: (i) those
15 defined in Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50,
16 11-1.60, 11-6, 11-9, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16,
17 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1,
18 11-20.1B, 11-20.3, 11-21, 11-30 (if convicted of a Class 4
19 felony), 12-7.3, 12-7.4, 12-7.5, 12-13, 12-14, 12-14.1, 12-15,
20 and 12-16 of the Criminal Code of 1961 or the Criminal Code of
21 2012; (ii) (blank); (iii) (blank); (iv) (blank); and (v) any
22 offense committed or attempted in any other state or against
23 the laws of the United States, which, if committed or attempted
24 in this State, would have been punishable as one or more of the
25 foregoing offenses. Further, no park district shall knowingly
26 employ a person who has been found to be the perpetrator of

1 sexual or physical abuse of any minor under 18 years of age
2 pursuant to proceedings under Article II of the Juvenile Court
3 Act of 1987. No park district shall knowingly employ a person
4 for whom a criminal background investigation has not been
5 initiated.

6 (d) No park district shall knowingly employ a person who
7 has been convicted of the following drug offenses, other than
8 an offense set forth in subsection (c), until 7 years following
9 the end of the sentence imposed for any of the following
10 offenses: (i) those defined in the Cannabis Control Act, except
11 those defined in Sections 4(a), 4(b), 4(c), 5(a), and 5(b) of
12 that Act; (ii) those defined in the Illinois Controlled
13 Substances Act; (iii) those defined in the Methamphetamine
14 Control and Community Protection Act; and (iv) any offense
15 committed or attempted in any other state or against the laws
16 of the United States, which, if committed or attempted in this
17 State, would have been punishable as one or more of the
18 foregoing offenses. For purposes of this paragraph, "sentence"
19 includes any period of supervision or probation that was
20 imposed either alone or in combination with a period of
21 incarceration.

22 (e) Notwithstanding the provisions of subsections (c) and
23 (d), a park district may, in its discretion, employ a person
24 who has been granted a certificate of good conduct under
25 Section 5-5.5-25 of the Unified Code of Corrections by the
26 circuit court.

1 (Source: P.A. 99-884, eff. 8-22-16.)

2 Section 455. The Chicago Park District Act is amended by
3 changing Section 16a-5 as follows:

4 (70 ILCS 1505/16a-5)

5 Sec. 16a-5. Criminal background investigations.

6 (a) An applicant for employment with the Chicago Park
7 District is required as a condition of employment to authorize
8 an investigation to determine if the applicant has been
9 convicted of any of the enumerated criminal or drug offenses in
10 subsection (c) or (d) of this Section, or adjudicated a
11 delinquent minor for any of the enumerated criminal or drug
12 offenses in subsection (c) or (d) of this Section, or has been
13 convicted, within 7 years of the application for employment
14 with the Chicago Park District, of any other felony under the
15 laws of this State or of any offense committed or attempted in
16 any other state or against the laws of the United States that,
17 if committed or attempted in this State, would have been
18 punishable as a felony under the laws of this State.
19 Authorization for the investigation shall be furnished by the
20 applicant to the Chicago Park District. Upon receipt of this
21 authorization, the Chicago Park District shall submit the
22 applicant's name, sex, race, date of birth, and social security
23 number to the Illinois ~~Department of~~ State Police on forms
24 prescribed by the Illinois ~~Department of~~ State Police. The

1 Illinois ~~Department of~~ State Police shall conduct a search of
2 the Illinois criminal history record information database to
3 ascertain if the applicant being considered for employment has
4 been convicted of any of the enumerated criminal or drug
5 offenses in subsection (c) or (d) of this Section, or
6 adjudicated a delinquent minor for committing or attempting to
7 commit any of the enumerated criminal or drug offenses in
8 subsection (c) or (d) of this Section, or has been convicted of
9 committing or attempting to commit, within 7 years of the
10 application for employment with the Chicago Park District, any
11 other felony under the laws of this State. The Illinois
12 ~~Department of~~ State Police shall charge the Chicago Park
13 District a fee for conducting the investigation, which fee
14 shall be deposited in the State Police Services Fund and shall
15 not exceed the cost of the inquiry. The applicant shall not be
16 charged a fee by the Chicago Park District for the
17 investigation.

18 (b) If the search of the Illinois criminal history record
19 database indicates that the applicant has been convicted of any
20 of the enumerated criminal or drug offenses in subsection (c)
21 or (d), or adjudicated a delinquent minor for committing or
22 attempting to commit any of the enumerated criminal or drug
23 offenses in subsection (c) or (d), or has been convicted of
24 committing or attempting to commit, within 7 years of the
25 application for employment with the Chicago Park District, any
26 other felony under the laws of this State, the Illinois

1 ~~Department of~~ State Police and the Federal Bureau of
2 Investigation shall furnish, pursuant to a fingerprint based
3 background check, records of convictions or adjudications as a
4 delinquent minor, until expunged, to the General
5 Superintendent and Chief Executive Officer of the Chicago Park
6 District. Any information concerning the record of convictions
7 or adjudications as a delinquent minor obtained by the General
8 Superintendent and Chief Executive Officer shall be
9 confidential and may only be transmitted to those persons who
10 are necessary to the decision on whether to hire the applicant
11 for employment. A copy of the record of convictions or
12 adjudications as a delinquent minor obtained from the Illinois
13 ~~Department of~~ State Police shall be provided to the applicant
14 for employment. Any person who releases any confidential
15 information concerning any criminal convictions or
16 adjudications as a delinquent minor of an applicant for
17 employment shall be guilty of a Class A misdemeanor, unless the
18 release of such information is authorized by this Section.

19 (c) The Chicago Park District may not knowingly employ a
20 person who has been convicted, or adjudicated a delinquent
21 minor, for committing attempted first degree murder or for
22 committing or attempting to commit first degree murder, a Class
23 X felony, or any one or more of the following criminal
24 offenses: (i) those defined in Sections 11-1.20, 11-1.30,
25 11-1.40, 11-1.50, 11-1.60, 11-6, 11-9, 11-14.3, 11-14.4,
26 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2,

1 11-20, 11-20.1, 11-20.1B, 11-20.3, 11-21, 11-30 (if convicted
2 of a Class 4 felony), 12-7.3, 12-7.4, 12-7.5, 12-13, 12-14,
3 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961 or the
4 Criminal Code of 2012; (ii) (blank); (iii) (blank); (iv)
5 (blank); and (v) any offense committed or attempted in any
6 other state or against the laws of the United States, which, if
7 committed or attempted in this State, would have been
8 punishable as one or more of the foregoing offenses. Further,
9 the Chicago Park District may not knowingly employ a person who
10 has been found to be the perpetrator of sexual or physical
11 abuse of any minor under 18 years of age pursuant to
12 proceedings under Article II of the Juvenile Court Act of 1987.
13 The Chicago Park District may not knowingly employ a person for
14 whom a criminal background investigation has not been
15 initiated.

16 (d) The Chicago Park District shall not knowingly employ a
17 person who has been convicted of the following drug offenses,
18 other than an offense set forth in subsection (c), until 7
19 years following the end of the sentence imposed for any of the
20 following offenses: (i) those defined in the Cannabis Control
21 Act, except those defined in Sections 4(a), 4(b), 4(c), 5(a),
22 and 5(b) of that Act; (ii) those defined in the Illinois
23 Controlled Substances Act; (iii) those defined in the
24 Methamphetamine Control and Community Protection Act; and (iv)
25 any offense committed or attempted in any other state or
26 against the laws of the United States, which, if committed or

1 attempted in this State, would have been punishable as one or
2 more of the foregoing offenses. For purposes of this paragraph,
3 "sentence" includes any period of supervision or probation that
4 was imposed either alone or in combination with a period of
5 incarceration.

6 (e) Notwithstanding the provisions of subsection (c) or
7 (d), the Chicago Park District may, in its discretion, employ a
8 person who has been granted a certificate of good conduct under
9 Section 5-5.5-25 of the Unified Code of Corrections by the
10 Circuit Court.

11 (Source: P.A. 99-884, eff. 8-22-16.)

12 Section 505. The Metropolitan Transit Authority Act is
13 amended by changing Section 28b as follows:

14 (70 ILCS 3605/28b) (from Ch. 111 2/3, par. 328b)

15 Sec. 28b. Any person applying for a position as a driver of
16 a vehicle owned by a private carrier company which provides
17 public transportation pursuant to an agreement with the
18 Authority shall be required to authorize an investigation by
19 the private carrier company to determine if the applicant has
20 been convicted of any of the following offenses: (i) those
21 offenses defined in Sections 9-1, 9-1.2, 10-1, 10-2, 10-3.1,
22 10-4, 10-5, 10-6, 10-7, 11-1.20, 11-1.30, 11-1.40, 11-1.50,
23 11-1.60, 11-6, 11-9, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1,
24 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1,

1 11-20.1B, 11-20.3, 11-21, 11-22, 11-30, 12-4.3, 12-4.4,
2 12-4.5, 12-6, 12-7.1, 12-11, 12-13, 12-14, 12-14.1, 12-15,
3 12-16, 12-16.1, 18-1, 18-2, 19-6, 20-1, 20-1.1, 31A-1, 31A-1.1,
4 and 33A-2, in subsection (a) and subsection (b), clause (1), of
5 Section 12-4, in subdivisions (a)(1), (b)(1), and (f)(1) of
6 Section 12-3.05, and in subsection (a-5) of Section 12-3.1 of
7 the Criminal Code of 1961 or the Criminal Code of 2012; (ii)
8 those offenses defined in the Cannabis Control Act except those
9 offenses defined in subsections (a) and (b) of Section 4, and
10 subsection (a) of Section 5 of the Cannabis Control Act (iii)
11 those offenses defined in the Illinois Controlled Substances
12 Act; (iv) those offenses defined in the Methamphetamine Control
13 and Community Protection Act; and (v) any offense committed or
14 attempted in any other state or against the laws of the United
15 States, which if committed or attempted in this State would be
16 punishable as one or more of the foregoing offenses. Upon
17 receipt of this authorization, the private carrier company
18 shall submit the applicant's name, sex, race, date of birth,
19 fingerprints and social security number to the Illinois
20 ~~Department of~~ State Police on forms prescribed by the
21 Illinois ~~Department of~~ State Police shall
22 conduct an investigation to ascertain if the applicant has been
23 convicted of any of the above enumerated offenses. The
24 Department shall charge the private carrier company a fee for
25 conducting the investigation, which fee shall be deposited in
26 the State Police Services Fund and shall not exceed the cost of

1 the inquiry; and the applicant shall not be charged a fee for
2 such investigation by the private carrier company. The Illinois
3 ~~Department of~~ State Police shall furnish, pursuant to positive
4 identification, records of convictions, until expunged, to the
5 private carrier company which requested the investigation. A
6 copy of the record of convictions obtained from the Department
7 shall be provided to the applicant. Any record of conviction
8 received by the private carrier company shall be confidential.
9 Any person who releases any confidential information
10 concerning any criminal convictions of an applicant shall be
11 guilty of a Class A misdemeanor, unless authorized by this
12 Section.

13 (Source: P.A. 96-1551, Article 1, Section 920, eff. 7-1-11;
14 96-1551, Article 2, Section 960, eff. 7-1-11; 97-1108, eff.
15 1-1-13; 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13.)

16 Section 510. The School Code is amended by changing
17 Sections 1A-11, 2-3.25o, 2-3.73, 2-3.140, 10-20.21a, 10-21.7,
18 10-21.9, 10-27.1A, 10-27.1B, 34-2.1, 34-8.05, and 34-18.5 as
19 follows:

20 (105 ILCS 5/1A-11)

21 Sec. 1A-11. Children; methamphetamine; protocol. The State
22 Board of Education shall cooperate with the Department of
23 Children and Family Services and the Illinois ~~Department of~~
24 State Police in developing the protocol required under Section

1 6.5 of the Children and Family Services Act. The Board must
2 post the protocol on the official Web site maintained by the
3 Board.

4 (Source: P.A. 94-554, eff. 1-1-06.)

5 (105 ILCS 5/2-3.25o)

6 Sec. 2-3.25o. Registration and recognition of non-public
7 elementary and secondary schools.

8 (a) Findings. The General Assembly finds and declares (i)
9 that the Constitution of the State of Illinois provides that a
10 "fundamental goal of the People of the State is the educational
11 development of all persons to the limits of their capacities"
12 and (ii) that the educational development of every school
13 student serves the public purposes of the State. In order to
14 ensure that all Illinois students and teachers have the
15 opportunity to enroll and work in State-approved educational
16 institutions and programs, the State Board of Education shall
17 provide for the voluntary registration and recognition of
18 non-public elementary and secondary schools.

19 (b) Registration. All non-public elementary and secondary
20 schools in the State of Illinois may voluntarily register with
21 the State Board of Education on an annual basis. Registration
22 shall be completed in conformance with procedures prescribed by
23 the State Board of Education. Information required for
24 registration shall include assurances of compliance (i) with
25 federal and State laws regarding health examination and

1 immunization, attendance, length of term, and
2 nondiscrimination and (ii) with applicable fire and health
3 safety requirements.

4 (c) Recognition. All non-public elementary and secondary
5 schools in the State of Illinois may voluntarily seek the
6 status of "Non-public School Recognition" from the State Board
7 of Education. This status may be obtained by compliance with
8 administrative guidelines and review procedures as prescribed
9 by the State Board of Education. The guidelines and procedures
10 must recognize that some of the aims and the financial bases of
11 non-public schools are different from public schools and will
12 not be identical to those for public schools, nor will they be
13 more burdensome. The guidelines and procedures must also
14 recognize the diversity of non-public schools and shall not
15 impinge upon the noneducational relationships between those
16 schools and their clientele.

17 (c-5) Prohibition against recognition. A non-public
18 elementary or secondary school may not obtain "Non-public
19 School Recognition" status unless the school requires all
20 certified and non-certified applicants for employment with the
21 school, after July 1, 2007, to authorize a fingerprint-based
22 criminal history records check as a condition of employment to
23 determine if such applicants have been convicted of any of the
24 enumerated criminal or drug offenses set forth in Section
25 21B-80 of this Code or have been convicted, within 7 years of
26 the application for employment, of any other felony under the

1 laws of this State or of any offense committed or attempted in
2 any other state or against the laws of the United States that,
3 if committed or attempted in this State, would have been
4 punishable as a felony under the laws of this State.

5 Authorization for the check shall be furnished by the
6 applicant to the school, except that if the applicant is a
7 substitute teacher seeking employment in more than one
8 non-public school, a teacher seeking concurrent part-time
9 employment positions with more than one non-public school (as a
10 reading specialist, special education teacher, or otherwise),
11 or an educational support personnel employee seeking
12 employment positions with more than one non-public school, then
13 only one of the non-public schools employing the individual
14 shall request the authorization. Upon receipt of this
15 authorization, the non-public school shall submit the
16 applicant's name, sex, race, date of birth, social security
17 number, fingerprint images, and other identifiers, as
18 prescribed by the Illinois ~~Department of~~ State Police, to the
19 Illinois ~~Department of~~ State Police.

20 The Illinois ~~Department of~~ State Police and Federal Bureau
21 of Investigation shall furnish, pursuant to a
22 fingerprint-based criminal history records check, records of
23 convictions, forever and hereafter, until expunged, to the
24 president or principal of the non-public school that requested
25 the check. The Illinois ~~Department of~~ State Police shall charge
26 that school a fee for conducting such check, which fee must be

1 deposited into the State Police Services Fund and must not
2 exceed the cost of the inquiry. Subject to appropriations for
3 these purposes, the State Superintendent of Education shall
4 reimburse non-public schools for fees paid to obtain criminal
5 history records checks under this Section.

6 A non-public school may not obtain recognition status
7 unless the school also performs a check of the Statewide Sex
8 Offender Database, as authorized by the Sex Offender Community
9 Notification Law, for each applicant for employment, after July
10 1, 2007, to determine whether the applicant has been
11 adjudicated a sex offender.

12 Any information concerning the record of convictions
13 obtained by a non-public school's president or principal under
14 this Section is confidential and may be disseminated only to
15 the governing body of the non-public school or any other person
16 necessary to the decision of hiring the applicant for
17 employment. A copy of the record of convictions obtained from
18 the Illinois ~~Department of~~ State Police shall be provided to
19 the applicant for employment. Upon a check of the Statewide Sex
20 Offender Database, the non-public school shall notify the
21 applicant as to whether or not the applicant has been
22 identified in the Sex Offender Database as a sex offender. Any
23 information concerning the records of conviction obtained by
24 the non-public school's president or principal under this
25 Section for a substitute teacher seeking employment in more
26 than one non-public school, a teacher seeking concurrent

1 part-time employment positions with more than one non-public
2 school (as a reading specialist, special education teacher, or
3 otherwise), or an educational support personnel employee
4 seeking employment positions with more than one non-public
5 school may be shared with another non-public school's principal
6 or president to which the applicant seeks employment. Any
7 unauthorized release of confidential information may be a
8 violation of Section 7 of the Criminal Identification Act.

9 No non-public school may obtain recognition status that
10 knowingly employs a person, hired after July 1, 2007, for whom
11 an Illinois ~~a Department of~~ State Police and Federal Bureau of
12 Investigation fingerprint-based criminal history records check
13 and a Statewide Sex Offender Database check has not been
14 initiated or who has been convicted of any offense enumerated
15 in Section 21B-80 of this Code or any offense committed or
16 attempted in any other state or against the laws of the United
17 States that, if committed or attempted in this State, would
18 have been punishable as one or more of those offenses. No
19 non-public school may obtain recognition status under this
20 Section that knowingly employs a person who has been found to
21 be the perpetrator of sexual or physical abuse of a minor under
22 18 years of age pursuant to proceedings under Article II of the
23 Juvenile Court Act of 1987.

24 In order to obtain recognition status under this Section, a
25 non-public school must require compliance with the provisions
26 of this subsection (c-5) from all employees of persons or firms

1 holding contracts with the school, including, but not limited
2 to, food service workers, school bus drivers, and other
3 transportation employees, who have direct, daily contact with
4 pupils. Any information concerning the records of conviction or
5 identification as a sex offender of any such employee obtained
6 by the non-public school principal or president must be
7 promptly reported to the school's governing body.

8 Prior to the commencement of any student teaching
9 experience or required internship (which is referred to as
10 student teaching in this Section) in any non-public elementary
11 or secondary school that has obtained or seeks to obtain
12 recognition status under this Section, a student teacher is
13 required to authorize a fingerprint-based criminal history
14 records check. Authorization for and payment of the costs of
15 the check must be furnished by the student teacher to the chief
16 administrative officer of the non-public school where the
17 student teaching is to be completed. Upon receipt of this
18 authorization and payment, the chief administrative officer of
19 the non-public school shall submit the student teacher's name,
20 sex, race, date of birth, social security number, fingerprint
21 images, and other identifiers, as prescribed by the Illinois
22 ~~Department of~~ State Police, to the Illinois ~~Department of~~ State
23 Police. The Illinois ~~Department of~~ State Police and the Federal
24 Bureau of Investigation shall furnish, pursuant to a
25 fingerprint-based criminal history records check, records of
26 convictions, forever and hereinafter, until expunged, to the

1 chief administrative officer of the non-public school that
2 requested the check. The Illinois ~~Department of~~ State Police
3 shall charge the school a fee for conducting the check, which
4 fee must be passed on to the student teacher, must not exceed
5 the cost of the inquiry, and must be deposited into the State
6 Police Services Fund. The school shall further perform a check
7 of the Statewide Sex Offender Database, as authorized by the
8 Sex Offender Community Notification Law, and of the Statewide
9 Murderer and Violent Offender Against Youth Database, as
10 authorized by the Murderer and Violent Offender Against Youth
11 Registration Act, for each student teacher. No school that has
12 obtained or seeks to obtain recognition status under this
13 Section may knowingly allow a person to student teach for whom
14 a criminal history records check, a Statewide Sex Offender
15 Database check, and a Statewide Murderer and Violent Offender
16 Against Youth Database check have not been completed and
17 reviewed by the chief administrative officer of the non-public
18 school.

19 A copy of the record of convictions obtained from the
20 Illinois ~~Department of~~ State Police must be provided to the
21 student teacher. Any information concerning the record of
22 convictions obtained by the chief administrative officer of the
23 non-public school is confidential and may be transmitted only
24 to the chief administrative officer of the non-public school or
25 his or her designee, the State Superintendent of Education, the
26 State Educator Preparation and Licensure Board, or, for

1 clarification purposes, the Illinois ~~Department of~~ State
2 Police or the Statewide Sex Offender Database or Statewide
3 Murderer and Violent Offender Against Youth Database. Any
4 unauthorized release of confidential information may be a
5 violation of Section 7 of the Criminal Identification Act.

6 No school that has obtained or seeks to obtain recognition
7 status under this Section may knowingly allow a person to
8 student teach who has been convicted of any offense that would
9 subject him or her to license suspension or revocation pursuant
10 to Section 21B-80 of this Code or who has been found to be the
11 perpetrator of sexual or physical abuse of a minor under 18
12 years of age pursuant to proceedings under Article II of the
13 Juvenile Court Act of 1987.

14 (d) Public purposes. The provisions of this Section are in
15 the public interest, for the public benefit, and serve secular
16 public purposes.

17 (e) Definition. For purposes of this Section, a non-public
18 school means any non-profit, non-home-based, and non-public
19 elementary or secondary school that is in compliance with Title
20 VI of the Civil Rights Act of 1964 and attendance at which
21 satisfies the requirements of Section 26-1 of this Code.

22 (Source: P.A. 99-21, eff. 1-1-16; 99-30, eff. 7-10-15.)

23 (105 ILCS 5/2-3.73) (from Ch. 122, par. 2-3.73)

24 Sec. 2-3.73. Missing child program. The State Board of
25 Education shall administer and implement a missing child

1 program in accordance with the provisions of this Section. Upon
2 receipt of each periodic information bulletin from the Illinois
3 ~~Department of~~ State Police pursuant to Section 6 of the
4 Intergovernmental Missing Child Recovery Act of 1984, the State
5 Board of Education shall promptly disseminate the information
6 to each school district in this State and to the principal or
7 chief administrative officer of every nonpublic elementary and
8 secondary school in this State registered with the State Board
9 of Education. Upon receipt of such information, each school
10 board shall compare the names on the bulletin to the names of
11 all students presently enrolled in the schools of the district.
12 If a school board or its designee determines that a missing
13 child is attending one of the schools within the school
14 district, or if the principal or chief administrative officer
15 of a nonpublic school is notified by school personnel that a
16 missing child is attending that school, the school board or the
17 principal or chief administrative officer of the nonpublic
18 school shall immediately give notice of this fact to the
19 Illinois ~~Department of~~ State Police and the law enforcement
20 agency having jurisdiction in the area where the missing child
21 resides or attends school.

22 (Source: P.A. 95-793, eff. 1-1-09; 96-734, eff. 8-25-09.)

23 (105 ILCS 5/2-3.140)

24 Sec. 2-3.140. Child abduction prevention instruction. The
25 State Board of Education, in coordination with the Illinois

1 ~~Department of~~ State Police, shall develop child abduction
2 prevention instruction for inclusion in elementary and
3 secondary school curricula throughout the State. The State
4 Board of Education and the Illinois ~~Department of~~ State Police
5 shall encourage the inclusion of the child abduction prevention
6 instruction in private elementary and secondary school
7 curricula throughout the State.

8 (Source: P.A. 93-310, eff. 7-23-03.)

9 (105 ILCS 5/10-20.21a)

10 Sec. 10-20.21a. Contracts for charter bus services. To
11 award contracts for providing charter bus services for the sole
12 purpose of transporting students regularly enrolled in grade 12
13 or below to or from interscholastic athletic or interscholastic
14 or school sponsored activities.

15 All contracts for providing charter bus services for the
16 sole purpose of transporting students regularly enrolled in
17 grade 12 or below to or from interscholastic athletic or
18 interscholastic or school sponsored activities must contain
19 clause (A) as set forth below, except that a contract with an
20 out-of-state company may contain clause (B), as set forth
21 below, or clause (A). The clause must be set forth in the body
22 of the contract in typeface of at least 12 points and all upper
23 case letters:

24 (A) "ALL OF THE CHARTER BUS DRIVERS WHO WILL BE PROVIDING
25 SERVICES UNDER THIS CONTRACT HAVE, OR WILL HAVE BEFORE ANY

1 SERVICES ARE PROVIDED:

2 (1) SUBMITTED THEIR FINGERPRINTS TO THE ILLINOIS
3 ~~DEPARTMENT OF~~ STATE POLICE IN THE FORM AND MANNER
4 PRESCRIBED BY THE ILLINOIS ~~DEPARTMENT OF~~ STATE POLICE.
5 THESE FINGERPRINTS SHALL BE CHECKED AGAINST THE
6 FINGERPRINT RECORDS NOW AND HEREAFTER FILED IN THE ILLINOIS
7 ~~DEPARTMENT OF~~ STATE POLICE AND FEDERAL BUREAU OF
8 INVESTIGATION CRIMINAL HISTORY RECORDS DATABASES. THE
9 FINGERPRINT CHECK HAS RESULTED IN A DETERMINATION THAT THEY
10 HAVE NOT BEEN CONVICTED OF COMMITTING ANY OF THE OFFENSES
11 SET FORTH IN SUBDIVISION (C-1) (4) OF SECTION 6-508 OF THE
12 ILLINOIS VEHICLE CODE; AND

13 (2) DEMONSTRATED PHYSICAL FITNESS TO OPERATE SCHOOL
14 BUSES BY SUBMITTING THE RESULTS OF A MEDICAL EXAMINATION,
15 INCLUDING TESTS FOR DRUG USE, TO A STATE REGULATORY
16 AGENCY."

17 (B) "NOT ALL OF THE CHARTER BUS DRIVERS WHO WILL BE
18 PROVIDING SERVICES UNDER THIS CONTRACT HAVE, OR WILL HAVE
19 BEFORE ANY SERVICES ARE PROVIDED:

20 (1) SUBMITTED THEIR FINGERPRINTS TO THE ILLINOIS
21 ~~DEPARTMENT OF~~ STATE POLICE IN THE FORM AND MANNER
22 PRESCRIBED BY THE ILLINOIS ~~DEPARTMENT OF~~ STATE POLICE.
23 THESE FINGERPRINTS SHALL BE CHECKED AGAINST THE
24 FINGERPRINT RECORDS NOW AND HEREAFTER FILED IN THE ILLINOIS
25 ~~DEPARTMENT OF~~ STATE POLICE AND FEDERAL BUREAU OF
26 INVESTIGATION CRIMINAL HISTORY RECORDS DATABASES. THE

1 FINGERPRINT CHECK HAS RESULTED IN A DETERMINATION THAT THEY
2 HAVE NOT BEEN CONVICTED OF COMMITTING ANY OF THE OFFENSES
3 SET FORTH IN SUBDIVISION (C-1) (4) OF SECTION 6-508 OF THE
4 ILLINOIS VEHICLE CODE; AND

5 (2) DEMONSTRATED PHYSICAL FITNESS TO OPERATE SCHOOL
6 BUSES BY SUBMITTING THE RESULTS OF A MEDICAL EXAMINATION,
7 INCLUDING TESTS FOR DRUG USE, TO A STATE REGULATORY
8 AGENCY."

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

10 (105 ILCS 5/10-21.7) (from Ch. 122, par. 10-21.7)

11 Sec. 10-21.7. Attacks on school personnel.

12 (a) In the Section, "school" means any public or private
13 elementary or secondary school.

14 (b) Upon receipt of a written complaint from any school
15 personnel, the superintendent, or other appropriate
16 administrative officer for a private school, shall report all
17 incidents of battery committed against teachers, teacher
18 personnel, administrative personnel or educational support
19 personnel to the local law enforcement authorities immediately
20 after the occurrence of the attack and to the Illinois
21 ~~Department of~~ State Police's Illinois Uniform Crime Reporting
22 Program no later than 3 days after the occurrence of the
23 attack. The State Board of Education shall receive monthly as
24 well as annual statistical compilations of attacks on school
25 personnel from the Illinois ~~Department of~~ State Police through

1 the Illinois Uniform Crime Reporting Program. The State Board
2 of Education shall compile this information by school district
3 and make it available to the public.

4 (Source: P.A. 91-491, eff. 8-13-99.)

5 (105 ILCS 5/10-21.9) (from Ch. 122, par. 10-21.9)

6 Sec. 10-21.9. Criminal history records checks and checks of
7 the Statewide Sex Offender Database and Statewide Murderer and
8 Violent Offender Against Youth Database.

9 (a) Licensed and nonlicensed applicants for employment
10 with a school district, except school bus driver applicants,
11 are required as a condition of employment to authorize a
12 fingerprint-based criminal history records check to determine
13 if such applicants have been convicted of any disqualifying,
14 enumerated criminal or drug offenses in subsection (c) of this
15 Section or have been convicted, within 7 years of the
16 application for employment with the school district, of any
17 other felony under the laws of this State or of any offense
18 committed or attempted in any other state or against the laws
19 of the United States that, if committed or attempted in this
20 State, would have been punishable as a felony under the laws of
21 this State. Authorization for the check shall be furnished by
22 the applicant to the school district, except that if the
23 applicant is a substitute teacher seeking employment in more
24 than one school district, a teacher seeking concurrent
25 part-time employment positions with more than one school

1 district (as a reading specialist, special education teacher or
2 otherwise), or an educational support personnel employee
3 seeking employment positions with more than one district, any
4 such district may require the applicant to furnish
5 authorization for the check to the regional superintendent of
6 the educational service region in which are located the school
7 districts in which the applicant is seeking employment as a
8 substitute or concurrent part-time teacher or concurrent
9 educational support personnel employee. Upon receipt of this
10 authorization, the school district or the appropriate regional
11 superintendent, as the case may be, shall submit the
12 applicant's name, sex, race, date of birth, social security
13 number, fingerprint images, and other identifiers, as
14 prescribed by the Illinois Department of State Police, to the
15 Illinois State Police Department. The regional superintendent
16 submitting the requisite information to the Illinois
17 ~~Department~~ of State Police shall promptly notify the school
18 districts in which the applicant is seeking employment as a
19 substitute or concurrent part-time teacher or concurrent
20 educational support personnel employee that the check of the
21 applicant has been requested. The Illinois Department of State
22 Police and the Federal Bureau of Investigation shall furnish,
23 pursuant to a fingerprint-based criminal history records
24 check, records of convictions, forever and hereinafter, until
25 expunged, to the president of the school board for the school
26 district that requested the check, or to the regional

1 superintendent who requested the check. The Illinois State
2 Police Department shall charge the school district or the
3 appropriate regional superintendent a fee for conducting such
4 check, which fee shall be deposited in the State Police
5 Services Fund and shall not exceed the cost of the inquiry; and
6 the applicant shall not be charged a fee for such check by the
7 school district or by the regional superintendent, except that
8 those applicants seeking employment as a substitute teacher
9 with a school district may be charged a fee not to exceed the
10 cost of the inquiry. Subject to appropriations for these
11 purposes, the State Superintendent of Education shall
12 reimburse school districts and regional superintendents for
13 fees paid to obtain criminal history records checks under this
14 Section.

15 (a-5) The school district or regional superintendent shall
16 further perform a check of the Statewide Sex Offender Database,
17 as authorized by the Sex Offender Community Notification Law,
18 for each applicant. The check of the Statewide Sex Offender
19 Database must be conducted by the school district or regional
20 superintendent once for every 5 years that an applicant remains
21 employed by the school district.

22 (a-6) The school district or regional superintendent shall
23 further perform a check of the Statewide Murderer and Violent
24 Offender Against Youth Database, as authorized by the Murderer
25 and Violent Offender Against Youth Community Notification Law,
26 for each applicant. The check of the Murderer and Violent

1 Offender Against Youth Database must be conducted by the school
2 district or regional superintendent once for every 5 years that
3 an applicant remains employed by the school district.

4 (b) Any information concerning the record of convictions
5 obtained by the president of the school board or the regional
6 superintendent shall be confidential and may only be
7 transmitted to the superintendent of the school district or his
8 designee, the appropriate regional superintendent if the check
9 was requested by the school district, the presidents of the
10 appropriate school boards if the check was requested from the
11 Illinois ~~Department of~~ State Police by the regional
12 superintendent, the State Board of Education and a school
13 district as authorized under subsection (b-5), the State
14 Superintendent of Education, the State Educator Preparation
15 and Licensure Board, any other person necessary to the decision
16 of hiring the applicant for employment, or for clarification
17 purposes the Illinois ~~Department of~~ State Police or Statewide
18 Sex Offender Database, or both. A copy of the record of
19 convictions obtained from the Illinois ~~Department of~~ State
20 Police shall be provided to the applicant for employment. Upon
21 the check of the Statewide Sex Offender Database or Statewide
22 Murderer and Violent Offender Against Youth Database, the
23 school district or regional superintendent shall notify an
24 applicant as to whether or not the applicant has been
25 identified in the Database. If a check of an applicant for
26 employment as a substitute or concurrent part-time teacher or

1 concurrent educational support personnel employee in more than
2 one school district was requested by the regional
3 superintendent, and the Illinois ~~Department of~~ State Police
4 upon a check ascertains that the applicant has not been
5 convicted of any of the enumerated criminal or drug offenses in
6 subsection (c) of this Section or has not been convicted,
7 within 7 years of the application for employment with the
8 school district, of any other felony under the laws of this
9 State or of any offense committed or attempted in any other
10 state or against the laws of the United States that, if
11 committed or attempted in this State, would have been
12 punishable as a felony under the laws of this State and so
13 notifies the regional superintendent and if the regional
14 superintendent upon a check ascertains that the applicant has
15 not been identified in the Sex Offender Database or Statewide
16 Murderer and Violent Offender Against Youth Database, then the
17 regional superintendent shall issue to the applicant a
18 certificate evidencing that as of the date specified by the
19 Illinois ~~Department of~~ State Police the applicant has not been
20 convicted of any of the enumerated criminal or drug offenses in
21 subsection (c) of this Section or has not been convicted,
22 within 7 years of the application for employment with the
23 school district, of any other felony under the laws of this
24 State or of any offense committed or attempted in any other
25 state or against the laws of the United States that, if
26 committed or attempted in this State, would have been

1 punishable as a felony under the laws of this State and
2 evidencing that as of the date that the regional superintendent
3 conducted a check of the Statewide Sex Offender Database or
4 Statewide Murderer and Violent Offender Against Youth
5 Database, the applicant has not been identified in the
6 Database. The school board of any school district may rely on
7 the certificate issued by any regional superintendent to that
8 substitute teacher, concurrent part-time teacher, or
9 concurrent educational support personnel employee or may
10 initiate its own criminal history records check of the
11 applicant through the Illinois ~~Department of~~ State Police and
12 its own check of the Statewide Sex Offender Database or
13 Statewide Murderer and Violent Offender Against Youth Database
14 as provided in this Section. Any unauthorized release of
15 confidential information may be a violation of Section 7 of the
16 Criminal Identification Act.

17 (b-5) If a criminal history records check or check of the
18 Statewide Sex Offender Database or Statewide Murderer and
19 Violent Offender Against Youth Database is performed by a
20 regional superintendent for an applicant seeking employment as
21 a substitute teacher with a school district, the regional
22 superintendent may disclose to the State Board of Education
23 whether the applicant has been issued a certificate under
24 subsection (b) based on those checks. If the State Board
25 receives information on an applicant under this subsection,
26 then it must indicate in the Educator Licensure Information

1 System for a 90-day period that the applicant has been issued
2 or has not been issued a certificate.

3 (c) No school board shall knowingly employ a person who has
4 been convicted of any offense that would subject him or her to
5 license suspension or revocation pursuant to Section 21B-80 of
6 this Code, except as provided under subsection (b) of Section
7 21B-80. Further, no school board shall knowingly employ a
8 person who has been found to be the perpetrator of sexual or
9 physical abuse of any minor under 18 years of age pursuant to
10 proceedings under Article II of the Juvenile Court Act of 1987.
11 As a condition of employment, each school board must consider
12 the status of a person who has been issued an indicated finding
13 of abuse or neglect of a child by the Department of Children
14 and Family Services under the Abused and Neglected Child
15 Reporting Act or by a child welfare agency of another
16 jurisdiction.

17 (d) No school board shall knowingly employ a person for
18 whom a criminal history records check and a Statewide Sex
19 Offender Database check have ~~has~~ not been initiated.

20 (e) If permissible by federal or State law, no later than
21 15 business days after receipt of a record of conviction or of
22 checking the Statewide Murderer and Violent Offender Against
23 Youth Database or the Statewide Sex Offender Database and
24 finding a registration, the superintendent of the employing
25 school board or the applicable regional superintendent shall,
26 in writing, notify the State Superintendent of Education of any

1 license holder who has been convicted of a crime set forth in
2 Section 21B-80 of this Code. Upon receipt of the record of a
3 conviction of or a finding of child abuse by a holder of any
4 license issued pursuant to Article 21B or Section 34-8.1 or
5 34-83 of the School Code, the State Superintendent of Education
6 may initiate licensure suspension and revocation proceedings
7 as authorized by law. If the receipt of the record of
8 conviction or finding of child abuse is received within 6
9 months after the initial grant of or renewal of a license, the
10 State Superintendent of Education may rescind the license
11 holder's license.

12 (e-5) The superintendent of the employing school board
13 shall, in writing, notify the State Superintendent of Education
14 and the applicable regional superintendent of schools of any
15 license holder whom he or she has reasonable cause to believe
16 has committed an intentional act of abuse or neglect with the
17 result of making a child an abused child or a neglected child,
18 as defined in Section 3 of the Abused and Neglected Child
19 Reporting Act, and that act resulted in the license holder's
20 dismissal or resignation from the school district. This
21 notification must be submitted within 30 days after the
22 dismissal or resignation. The license holder must also be
23 contemporaneously sent a copy of the notice by the
24 superintendent. All correspondence, documentation, and other
25 information so received by the regional superintendent of
26 schools, the State Superintendent of Education, the State Board

1 of Education, or the State Educator Preparation and Licensure
2 Board under this subsection (e-5) is confidential and must not
3 be disclosed to third parties, except (i) as necessary for the
4 State Superintendent of Education or his or her designee to
5 investigate and prosecute pursuant to Article 21B of this Code,
6 (ii) pursuant to a court order, (iii) for disclosure to the
7 license holder or his or her representative, or (iv) as
8 otherwise provided in this Article and provided that any such
9 information admitted into evidence in a hearing is exempt from
10 this confidentiality and non-disclosure requirement. Except
11 for an act of willful or wanton misconduct, any superintendent
12 who provides notification as required in this subsection (e-5)
13 shall have immunity from any liability, whether civil or
14 criminal or that otherwise might result by reason of such
15 action.

16 (f) After January 1, 1990 the provisions of this Section
17 shall apply to all employees of persons or firms holding
18 contracts with any school district including, but not limited
19 to, food service workers, school bus drivers and other
20 transportation employees, who have direct, daily contact with
21 the pupils of any school in such district. For purposes of
22 criminal history records checks and checks of the Statewide Sex
23 Offender Database on employees of persons or firms holding
24 contracts with more than one school district and assigned to
25 more than one school district, the regional superintendent of
26 the educational service region in which the contracting school

1 districts are located may, at the request of any such school
2 district, be responsible for receiving the authorization for a
3 criminal history records check prepared by each such employee
4 and submitting the same to the Illinois ~~Department of~~ State
5 Police and for conducting a check of the Statewide Sex Offender
6 Database for each employee. Any information concerning the
7 record of conviction and identification as a sex offender of
8 any such employee obtained by the regional superintendent shall
9 be promptly reported to the president of the appropriate school
10 board or school boards.

11 (f-5) Upon request of a school or school district, any
12 information obtained by a school district pursuant to
13 subsection (f) of this Section within the last year must be
14 made available to the requesting school or school district.

15 (g) Prior to the commencement of any student teaching
16 experience or required internship (which is referred to as
17 student teaching in this Section) in the public schools, a
18 student teacher is required to authorize a fingerprint-based
19 criminal history records check. Authorization for and payment
20 of the costs of the check must be furnished by the student
21 teacher to the school district where the student teaching is to
22 be completed. Upon receipt of this authorization and payment,
23 the school district shall submit the student teacher's name,
24 sex, race, date of birth, social security number, fingerprint
25 images, and other identifiers, as prescribed by the Illinois
26 ~~Department of~~ State Police, to the Illinois ~~Department of~~ State

1 Police. The Illinois ~~Department of~~ State Police and the Federal
2 Bureau of Investigation shall furnish, pursuant to a
3 fingerprint-based criminal history records check, records of
4 convictions, forever and hereinafter, until expunged, to the
5 president of the school board for the school district that
6 requested the check. The Illinois State Police ~~Department~~ shall
7 charge the school district a fee for conducting the check,
8 which fee must not exceed the cost of the inquiry and must be
9 deposited into the State Police Services Fund. The school
10 district shall further perform a check of the Statewide Sex
11 Offender Database, as authorized by the Sex Offender Community
12 Notification Law, and of the Statewide Murderer and Violent
13 Offender Against Youth Database, as authorized by the Murderer
14 and Violent Offender Against Youth Registration Act, for each
15 student teacher. No school board may knowingly allow a person
16 to student teach for whom a criminal history records check, a
17 Statewide Sex Offender Database check, and a Statewide Murderer
18 and Violent Offender Against Youth Database check have not been
19 completed and reviewed by the district.

20 A copy of the record of convictions obtained from the
21 Illinois ~~Department of~~ State Police must be provided to the
22 student teacher. Any information concerning the record of
23 convictions obtained by the president of the school board is
24 confidential and may only be transmitted to the superintendent
25 of the school district or his or her designee, the State
26 Superintendent of Education, the State Educator Preparation

1 and Licensure Board, or, for clarification purposes, the
2 Illinois ~~Department of~~ State Police or the Statewide Sex
3 Offender Database or Statewide Murderer and Violent Offender
4 Against Youth Database. Any unauthorized release of
5 confidential information may be a violation of Section 7 of the
6 Criminal Identification Act.

7 No school board shall knowingly allow a person to student
8 teach who has been convicted of any offense that would subject
9 him or her to license suspension or revocation pursuant to
10 subsection (c) of Section 21B-80 of this Code, except as
11 provided under subsection (b) of Section 21B-80. Further, no
12 school board shall allow a person to student teach if he or she
13 has been found to be the perpetrator of sexual or physical
14 abuse of a minor under 18 years of age pursuant to proceedings
15 under Article II of the Juvenile Court Act of 1987. Each school
16 board must consider the status of a person to student teach who
17 has been issued an indicated finding of abuse or neglect of a
18 child by the Department of Children and Family Services under
19 the Abused and Neglected Child Reporting Act or by a child
20 welfare agency of another jurisdiction.

21 (h) (Blank).

22 (Source: P.A. 101-72, eff. 7-12-19; 101-531, eff. 8-23-19;
23 revised 12-3-19.)

24 (105 ILCS 5/10-27.1A)

25 Sec. 10-27.1A. Firearms in schools.

1 (a) All school officials, including teachers, guidance
2 counselors, and support staff, shall immediately notify the
3 office of the principal in the event that they observe any
4 person in possession of a firearm on school grounds; provided
5 that taking such immediate action to notify the office of the
6 principal would not immediately endanger the health, safety, or
7 welfare of students who are under the direct supervision of the
8 school official or the school official. If the health, safety,
9 or welfare of students under the direct supervision of the
10 school official or of the school official is immediately
11 endangered, the school official shall notify the office of the
12 principal as soon as the students under his or her supervision
13 and he or she are no longer under immediate danger. A report is
14 not required by this Section when the school official knows
15 that the person in possession of the firearm is a law
16 enforcement official engaged in the conduct of his or her
17 official duties. Any school official acting in good faith who
18 makes such a report under this Section shall have immunity from
19 any civil or criminal liability that might otherwise be
20 incurred as a result of making the report. The identity of the
21 school official making such report shall not be disclosed
22 except as expressly and specifically authorized by law.
23 Knowingly and willfully failing to comply with this Section is
24 a petty offense. A second or subsequent offense is a Class C
25 misdemeanor.

26 (b) Upon receiving a report from any school official

1 pursuant to this Section, or from any other person, the
2 principal or his or her designee shall immediately notify a
3 local law enforcement agency. If the person found to be in
4 possession of a firearm on school grounds is a student, the
5 principal or his or her designee shall also immediately notify
6 that student's parent or guardian. Any principal or his or her
7 designee acting in good faith who makes such reports under this
8 Section shall have immunity from any civil or criminal
9 liability that might otherwise be incurred or imposed as a
10 result of making the reports. Knowingly and willfully failing
11 to comply with this Section is a petty offense. A second or
12 subsequent offense is a Class C misdemeanor. If the person
13 found to be in possession of the firearm on school grounds is a
14 minor, the law enforcement agency shall detain that minor until
15 such time as the agency makes a determination pursuant to
16 clause (a) of subsection (1) of Section 5-401 of the Juvenile
17 Court Act of 1987, as to whether the agency reasonably believes
18 that the minor is delinquent. If the law enforcement agency
19 determines that probable cause exists to believe that the minor
20 committed a violation of item (4) of subsection (a) of Section
21 24-1 of the Criminal Code of 2012 while on school grounds, the
22 agency shall detain the minor for processing pursuant to
23 Section 5-407 of the Juvenile Court Act of 1987.

24 (c) On or after January 1, 1997, upon receipt of any
25 written, electronic, or verbal report from any school personnel
26 regarding a verified incident involving a firearm in a school

1 or on school owned or leased property, including any conveyance
2 owned, leased, or used by the school for the transport of
3 students or school personnel, the superintendent or his or her
4 designee shall report all such firearm-related incidents
5 occurring in a school or on school property to the local law
6 enforcement authorities immediately and to the Illinois
7 ~~Department of~~ State Police in a form, manner, and frequency as
8 prescribed by the Illinois ~~Department of~~ State Police.

9 The State Board of Education shall receive an annual
10 statistical compilation and related data associated with
11 incidents involving firearms in schools from the Illinois
12 ~~Department of~~ State Police. The State Board of Education shall
13 compile this information by school district and make it
14 available to the public.

15 (d) As used in this Section, the term "firearm" shall have
16 the meaning ascribed to it in Section 1.1 of the Firearm Owners
17 Identification Card Act.

18 As used in this Section, the term "school" means any public
19 or private elementary or secondary school.

20 As used in this Section, the term "school grounds" includes
21 the real property comprising any school, any conveyance owned,
22 leased, or contracted by a school to transport students to or
23 from school or a school-related activity, or any public way
24 within 1,000 feet of the real property comprising any school.

25 (Source: P.A. 97-1150, eff. 1-25-13.)

1 (105 ILCS 5/10-27.1B)

2 Sec. 10-27.1B. Reporting drug-related incidents in
3 schools.

4 (a) In this Section:

5 "Drug" means "cannabis" as defined under subsection (a) of
6 Section 3 of the Cannabis Control Act, "narcotic drug" as
7 defined under subsection (aa) of Section 102 of the Illinois
8 Controlled Substances Act, or "methamphetamine" as defined
9 under Section 10 of the Methamphetamine Control and Community
10 Protection Act.

11 "School" means any public or private elementary or
12 secondary school.

13 (b) Upon receipt of any written, electronic, or verbal
14 report from any school personnel regarding a verified incident
15 involving drugs in a school or on school owned or leased
16 property, including any conveyance owned, leased, or used by
17 the school for the transport of students or school personnel,
18 the superintendent or his or her designee, or other appropriate
19 administrative officer for a private school, shall report all
20 such drug-related incidents occurring in a school or on school
21 property to the local law enforcement authorities immediately
22 and to the Illinois Department of State Police in a form,
23 manner, and frequency as prescribed by the Illinois Department
24 ~~of~~ State Police.

25 (c) The State Board of Education shall receive an annual
26 statistical compilation and related data associated with

1 drug-related incidents in schools from the Illinois Department
2 ~~of~~ State Police. The State Board of Education shall compile
3 this information by school district and make it available to
4 the public.

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

6 (105 ILCS 5/34-2.1) (from Ch. 122, par. 34-2.1)

7 Sec. 34-2.1. Local School Councils - Composition -
8 Voter-Eligibility - Elections - Terms.

9 (a) A local school council shall be established for each
10 attendance center within the school district. Each local school
11 council shall consist of the following 12 voting members: the
12 principal of the attendance center, 2 teachers employed and
13 assigned to perform the majority of their employment duties at
14 the attendance center, 6 parents of students currently enrolled
15 at the attendance center, one employee of the school district
16 employed and assigned to perform the majority of his or her
17 employment duties at the attendance center who is not a
18 teacher, and 2 community residents. Neither the parents nor the
19 community residents who serve as members of the local school
20 council shall be employees of the Board of Education. In each
21 secondary attendance center, the local school council shall
22 consist of 13 voting members -- the 12 voting members described
23 above and one full-time student member, appointed as provided
24 in subsection (m) below. In the event that the chief executive
25 officer of the Chicago School Reform Board of Trustees

1 determines that a local school council is not carrying out its
2 financial duties effectively, the chief executive officer is
3 authorized to appoint a representative of the business
4 community with experience in finance and management to serve as
5 an advisor to the local school council for the purpose of
6 providing advice and assistance to the local school council on
7 fiscal matters. The advisor shall have access to relevant
8 financial records of the local school council. The advisor may
9 attend executive sessions. The chief executive officer shall
10 issue a written policy defining the circumstances under which a
11 local school council is not carrying out its financial duties
12 effectively.

13 (b) Within 7 days of January 11, 1991, the Mayor shall
14 appoint the members and officers (a Chairperson who shall be a
15 parent member and a Secretary) of each local school council who
16 shall hold their offices until their successors shall be
17 elected and qualified. Members so appointed shall have all the
18 powers and duties of local school councils as set forth in this
19 amendatory Act of 1991. The Mayor's appointments shall not
20 require approval by the City Council.

21 The membership of each local school council shall be
22 encouraged to be reflective of the racial and ethnic
23 composition of the student population of the attendance center
24 served by the local school council.

25 (c) Beginning with the 1995-1996 school year and in every
26 even-numbered year thereafter, the Board shall set second

1 semester Parent Report Card Pick-up Day for Local School
2 Council elections and may schedule elections at year-round
3 schools for the same dates as the remainder of the school
4 system. Elections shall be conducted as provided herein by the
5 Board of Education in consultation with the local school
6 council at each attendance center.

7 (d) Beginning with the 1995-96 school year, the following
8 procedures shall apply to the election of local school council
9 members at each attendance center:

10 (i) The elected members of each local school council
11 shall consist of the 6 parent members and the 2 community
12 resident members.

13 (ii) Each elected member shall be elected by the
14 eligible voters of that attendance center to serve for a
15 two-year term commencing on July 1 immediately following
16 the election described in subsection (c). Eligible voters
17 for each attendance center shall consist of the parents and
18 community residents for that attendance center.

19 (iii) Each eligible voter shall be entitled to cast one
20 vote for up to a total of 5 candidates, irrespective of
21 whether such candidates are parent or community resident
22 candidates.

23 (iv) Each parent voter shall be entitled to vote in the
24 local school council election at each attendance center in
25 which he or she has a child currently enrolled. Each
26 community resident voter shall be entitled to vote in the

1 local school council election at each attendance center for
2 which he or she resides in the applicable attendance area
3 or voting district, as the case may be.

4 (v) Each eligible voter shall be entitled to vote once,
5 but not more than once, in the local school council
6 election at each attendance center at which the voter is
7 eligible to vote.

8 (vi) The 2 teacher members and the non-teacher employee
9 member of each local school council shall be appointed as
10 provided in subsection (l) below each to serve for a
11 two-year term coinciding with that of the elected parent
12 and community resident members.

13 (vii) At secondary attendance centers, the voting
14 student member shall be appointed as provided in subsection
15 (m) below to serve for a one-year term coinciding with the
16 beginning of the terms of the elected parent and community
17 members of the local school council.

18 (e) The Council shall publicize the date and place of the
19 election by posting notices at the attendance center, in public
20 places within the attendance boundaries of the attendance
21 center and by distributing notices to the pupils at the
22 attendance center, and shall utilize such other means as it
23 deems necessary to maximize the involvement of all eligible
24 voters.

25 (f) Nomination. The Council shall publicize the opening of
26 nominations by posting notices at the attendance center, in

1 public places within the attendance boundaries of the
2 attendance center and by distributing notices to the pupils at
3 the attendance center, and shall utilize such other means as it
4 deems necessary to maximize the involvement of all eligible
5 voters. Not less than 2 weeks before the election date, persons
6 eligible to run for the Council shall submit their name, date
7 of birth, social security number, if available, and some
8 evidence of eligibility to the Council. The Council shall
9 encourage nomination of candidates reflecting the
10 racial/ethnic population of the students at the attendance
11 center. Each person nominated who runs as a candidate shall
12 disclose, in a manner determined by the Board, any economic
13 interest held by such person, by such person's spouse or
14 children, or by each business entity in which such person has
15 an ownership interest, in any contract with the Board, any
16 local school council or any public school in the school
17 district. Each person nominated who runs as a candidate shall
18 also disclose, in a manner determined by the Board, if he or
19 she ever has been convicted of any of the offenses specified in
20 subsection (c) of Section 34-18.5; provided that neither this
21 provision nor any other provision of this Section shall be
22 deemed to require the disclosure of any information that is
23 contained in any law enforcement record or juvenile court
24 record that is confidential or whose accessibility or
25 disclosure is restricted or prohibited under Section 5-901 or
26 5-905 of the Juvenile Court Act of 1987. Failure to make such

1 disclosure shall render a person ineligible for election or to
2 serve on the local school council. The same disclosure shall be
3 required of persons under consideration for appointment to the
4 Council pursuant to subsections (l) and (m) of this Section.

5 (f-5) Notwithstanding disclosure, a person who has been
6 convicted of any of the following offenses at any time shall be
7 ineligible for election or appointment to a local school
8 council and ineligible for appointment to a local school
9 council pursuant to subsections (l) and (m) of this Section:

10 (i) those defined in Section 11-1.20, 11-1.30, 11-1.40,
11 11-1.50, 11-1.60, 11-6, 11-9.1, 11-14.4, 11-16, 11-17.1,
12 11-19, 11-19.1, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 12-13,
13 12-14, 12-14.1, 12-15, or 12-16, or subdivision (a)(2) of
14 Section 11-14.3, of the Criminal Code of 1961 or the Criminal
15 Code of 2012, or (ii) any offense committed or attempted in any
16 other state or against the laws of the United States, which, if
17 committed or attempted in this State, would have been
18 punishable as one or more of the foregoing offenses.

19 Notwithstanding disclosure, a person who has been convicted of
20 any of the following offenses within the 10 years previous to
21 the date of nomination or appointment shall be ineligible for
22 election or appointment to a local school council: (i) those
23 defined in Section 401.1, 405.1, or 405.2 of the Illinois
24 Controlled Substances Act or (ii) any offense committed or
25 attempted in any other state or against the laws of the United
26 States, which, if committed or attempted in this State, would

1 have been punishable as one or more of the foregoing offenses.

2 Immediately upon election or appointment, incoming local
3 school council members shall be required to undergo a criminal
4 background investigation, to be completed prior to the member
5 taking office, in order to identify any criminal convictions
6 under the offenses enumerated in Section 34-18.5. The
7 investigation shall be conducted by the Illinois ~~Department of~~
8 State Police in the same manner as provided for in Section
9 34-18.5. However, notwithstanding Section 34-18.5, the social
10 security number shall be provided only if available. If it is
11 determined at any time that a local school council member or
12 member-elect has been convicted of any of the offenses
13 enumerated in this Section or failed to disclose a conviction
14 of any of the offenses enumerated in Section 34-18.5, the
15 general superintendent shall notify the local school council
16 member or member-elect of such determination and the local
17 school council member or member-elect shall be removed from the
18 local school council by the Board, subject to a hearing,
19 convened pursuant to Board rule, prior to removal.

20 (g) At least one week before the election date, the Council
21 shall publicize, in the manner provided in subsection (e), the
22 names of persons nominated for election.

23 (h) Voting shall be in person by secret ballot at the
24 attendance center between the hours of 6:00 a.m. and 7:00 p.m.

25 (i) Candidates receiving the highest number of votes shall
26 be declared elected by the Council. In cases of a tie, the

1 Council shall determine the winner by lot.

2 (j) The Council shall certify the results of the election
3 and shall publish the results in the minutes of the Council.

4 (k) The general superintendent shall resolve any disputes
5 concerning election procedure or results and shall ensure that,
6 except as provided in subsections (e) and (g), no resources of
7 any attendance center shall be used to endorse or promote any
8 candidate.

9 (l) Beginning with the 1995-1996 school year and in every
10 even numbered year thereafter, the Board shall appoint 2
11 teacher members to each local school council. These
12 appointments shall be made in the following manner:

13 (i) The Board shall appoint 2 teachers who are employed
14 and assigned to perform the majority of their employment
15 duties at the attendance center to serve on the local
16 school council of the attendance center for a two-year term
17 coinciding with the terms of the elected parent and
18 community members of that local school council. These
19 appointments shall be made from among those teachers who
20 are nominated in accordance with subsection (f).

21 (ii) A non-binding, advisory poll to ascertain the
22 preferences of the school staff regarding appointments of
23 teachers to the local school council for that attendance
24 center shall be conducted in accordance with the procedures
25 used to elect parent and community Council
26 representatives. At such poll, each member of the school

1 staff shall be entitled to indicate his or her preference
2 for up to 2 candidates from among those who submitted
3 statements of candidacy as described above. These
4 preferences shall be advisory only and the Board shall
5 maintain absolute discretion to appoint teacher members to
6 local school councils, irrespective of the preferences
7 expressed in any such poll.

8 (iii) In the event that a teacher representative is
9 unable to perform his or her employment duties at the
10 school due to illness, disability, leave of absence,
11 disciplinary action, or any other reason, the Board shall
12 declare a temporary vacancy and appoint a replacement
13 teacher representative to serve on the local school council
14 until such time as the teacher member originally appointed
15 pursuant to this subsection (l) resumes service at the
16 attendance center or for the remainder of the term. The
17 replacement teacher representative shall be appointed in
18 the same manner and by the same procedures as teacher
19 representatives are appointed in subdivisions (i) and (ii)
20 of this subsection (l).

21 (m) Beginning with the 1995-1996 school year, and in every
22 year thereafter, the Board shall appoint one student member to
23 each secondary attendance center. These appointments shall be
24 made in the following manner:

25 (i) Appointments shall be made from among those
26 students who submit statements of candidacy to the

1 principal of the attendance center, such statements to be
2 submitted commencing on the first day of the twentieth week
3 of school and continuing for 2 weeks thereafter. The form
4 and manner of such candidacy statements shall be determined
5 by the Board.

6 (ii) During the twenty-second week of school in every
7 year, the principal of each attendance center shall conduct
8 a non-binding, advisory poll to ascertain the preferences
9 of the school students regarding the appointment of a
10 student to the local school council for that attendance
11 center. At such poll, each student shall be entitled to
12 indicate his or her preference for up to one candidate from
13 among those who submitted statements of candidacy as
14 described above. The Board shall promulgate rules to ensure
15 that these non-binding, advisory polls are conducted in a
16 fair and equitable manner and maximize the involvement of
17 all school students. The preferences expressed in these
18 non-binding, advisory polls shall be transmitted by the
19 principal to the Board. However, these preferences shall be
20 advisory only and the Board shall maintain absolute
21 discretion to appoint student members to local school
22 councils, irrespective of the preferences expressed in any
23 such poll.

24 (iii) For the 1995-96 school year only, appointments
25 shall be made from among those students who submitted
26 statements of candidacy to the principal of the attendance

1 center during the first 2 weeks of the school year. The
2 principal shall communicate the results of any nonbinding,
3 advisory poll to the Board. These results shall be advisory
4 only, and the Board shall maintain absolute discretion to
5 appoint student members to local school councils,
6 irrespective of the preferences expressed in any such poll.

7 (n) The Board may promulgate such other rules and
8 regulations for election procedures as may be deemed necessary
9 to ensure fair elections.

10 (o) In the event that a vacancy occurs during a member's
11 term, the Council shall appoint a person eligible to serve on
12 the Council, to fill the unexpired term created by the vacancy,
13 except that any teacher vacancy shall be filled by the Board
14 after considering the preferences of the school staff as
15 ascertained through a non-binding advisory poll of school
16 staff.

17 (p) If less than the specified number of persons is elected
18 within each candidate category, the newly elected local school
19 council shall appoint eligible persons to serve as members of
20 the Council for two-year terms.

21 (q) The Board shall promulgate rules regarding conflicts of
22 interest and disclosure of economic interests which shall apply
23 to local school council members and which shall require reports
24 or statements to be filed by Council members at regular
25 intervals with the Secretary of the Board. Failure to comply
26 with such rules or intentionally falsifying such reports shall

1 be grounds for disqualification from local school council
2 membership. A vacancy on the Council for disqualification may
3 be so declared by the Secretary of the Board. Rules regarding
4 conflicts of interest and disclosure of economic interests
5 promulgated by the Board shall apply to local school council
6 members. No less than 45 days prior to the deadline, the
7 general superintendent shall provide notice, by mail, to each
8 local school council member of all requirements and forms for
9 compliance with economic interest statements.

10 (r) (1) If a parent member of a local school council ceases
11 to have any child enrolled in the attendance center governed by
12 the Local School Council due to the graduation or voluntary
13 transfer of a child or children from the attendance center, the
14 parent's membership on the Local School Council and all voting
15 rights are terminated immediately as of the date of the child's
16 graduation or voluntary transfer. If the child of a parent
17 member of a local school council dies during the member's term
18 in office, the member may continue to serve on the local school
19 council for the balance of his or her term. Further, a local
20 school council member may be removed from the Council by a
21 majority vote of the Council as provided in subsection (c) of
22 Section 34-2.2 if the Council member has missed 3 consecutive
23 regular meetings, not including committee meetings, or 5
24 regular meetings in a 12 month period, not including committee
25 meetings. If a parent member of a local school council ceases
26 to be eligible to serve on the Council for any other reason, he

1 or she shall be removed by the Board subject to a hearing,
2 convened pursuant to Board rule, prior to removal. A vote to
3 remove a Council member by the local school council shall only
4 be valid if the Council member has been notified personally or
5 by certified mail, mailed to the person's last known address,
6 of the Council's intent to vote on the Council member's removal
7 at least 7 days prior to the vote. The Council member in
8 question shall have the right to explain his or her actions and
9 shall be eligible to vote on the question of his or her removal
10 from the Council. The provisions of this subsection shall be
11 contained within the petitions used to nominate Council
12 candidates.

13 (2) A person may continue to serve as a community resident
14 member of a local school council as long as he or she resides
15 in the attendance area served by the school and is not employed
16 by the Board nor is a parent of a student enrolled at the
17 school. If a community resident member ceases to be eligible to
18 serve on the Council, he or she shall be removed by the Board
19 subject to a hearing, convened pursuant to Board rule, prior to
20 removal.

21 (3) A person may continue to serve as a teacher member of a
22 local school council as long as he or she is employed and
23 assigned to perform a majority of his or her duties at the
24 school, provided that if the teacher representative resigns
25 from employment with the Board or voluntarily transfers to
26 another school, the teacher's membership on the local school

1 council and all voting rights are terminated immediately as of
2 the date of the teacher's resignation or upon the date of the
3 teacher's voluntary transfer to another school. If a teacher
4 member of a local school council ceases to be eligible to serve
5 on a local school council for any other reason, that member
6 shall be removed by the Board subject to a hearing, convened
7 pursuant to Board rule, prior to removal.

8 (s) As used in this Section only, "community resident"
9 means a person, 17 years of age or older, residing within an
10 attendance area served by a school, excluding any person who is
11 a parent of a student enrolled in that school; provided that
12 with respect to any multi-area school, community resident means
13 any person, 17 years of age or older, residing within the
14 voting district established for that school pursuant to Section
15 34-2.1c, excluding any person who is a parent of a student
16 enrolled in that school. This definition does not apply to any
17 provisions concerning school boards.

18 (Source: P.A. 99-597, eff. 1-1-17.)

19 (105 ILCS 5/34-8.05)

20 Sec. 34-8.05. Reporting firearms in schools. On or after
21 January 1, 1997, upon receipt of any written, electronic, or
22 verbal report from any school personnel regarding a verified
23 incident involving a firearm in a school or on school owned or
24 leased property, including any conveyance owned, leased, or
25 used by the school for the transport of students or school

1 personnel, the general superintendent or his or her designee
2 shall report all such firearm-related incidents occurring in a
3 school or on school property to the local law enforcement
4 authorities no later than 24 hours after the occurrence of the
5 incident and to the Illinois ~~Department of~~ State Police in a
6 form, manner, and frequency as prescribed by the Illinois
7 ~~Department of~~ State Police.

8 The State Board of Education shall receive an annual
9 statistical compilation and related data associated with
10 incidents involving firearms in schools from the Illinois
11 ~~Department of~~ State Police. As used in this Section, the term
12 "firearm" shall have the meaning ascribed to it in Section 1.1
13 of the Firearm Owners Identification Card Act.

14 (Source: P.A. 89-498, eff. 6-27-96.)

15 (105 ILCS 5/34-18.5) (from Ch. 122, par. 34-18.5)

16 Sec. 34-18.5. Criminal history records checks and checks of
17 the Statewide Sex Offender Database and Statewide Murderer and
18 Violent Offender Against Youth Database.

19 (a) Licensed and nonlicensed applicants for employment
20 with the school district are required as a condition of
21 employment to authorize a fingerprint-based criminal history
22 records check to determine if such applicants have been
23 convicted of any disqualifying, enumerated criminal or drug
24 offense ~~offenses~~ in subsection (c) of this Section or have been
25 convicted, within 7 years of the application for employment

1 with the school district, of any other felony under the laws of
2 this State or of any offense committed or attempted in any
3 other state or against the laws of the United States that, if
4 committed or attempted in this State, would have been
5 punishable as a felony under the laws of this State.
6 Authorization for the check shall be furnished by the applicant
7 to the school district, except that if the applicant is a
8 substitute teacher seeking employment in more than one school
9 district, or a teacher seeking concurrent part-time employment
10 positions with more than one school district (as a reading
11 specialist, special education teacher or otherwise), or an
12 educational support personnel employee seeking employment
13 positions with more than one district, any such district may
14 require the applicant to furnish authorization for the check to
15 the regional superintendent of the educational service region
16 in which are located the school districts in which the
17 applicant is seeking employment as a substitute or concurrent
18 part-time teacher or concurrent educational support personnel
19 employee. Upon receipt of this authorization, the school
20 district or the appropriate regional superintendent, as the
21 case may be, shall submit the applicant's name, sex, race, date
22 of birth, social security number, fingerprint images, and other
23 identifiers, as prescribed by the Illinois Department of State
24 Police, to the Illinois Department. The regional
25 superintendent submitting the requisite information to the
26 Illinois Department of State Police shall promptly notify the

1 school districts in which the applicant is seeking employment
2 as a substitute or concurrent part-time teacher or concurrent
3 educational support personnel employee that the check of the
4 applicant has been requested. The Illinois ~~Department of~~ State
5 Police and the Federal Bureau of Investigation shall furnish,
6 pursuant to a fingerprint-based criminal history records
7 check, records of convictions, forever and hereinafter, until
8 expunged, to the president of the school board for the school
9 district that requested the check, or to the regional
10 superintendent who requested the check. The Department shall
11 charge the school district or the appropriate regional
12 superintendent a fee for conducting such check, which fee shall
13 be deposited in the State Police Services Fund and shall not
14 exceed the cost of the inquiry; and the applicant shall not be
15 charged a fee for such check by the school district or by the
16 regional superintendent. Subject to appropriations for these
17 purposes, the State Superintendent of Education shall
18 reimburse the school district and regional superintendent for
19 fees paid to obtain criminal history records checks under this
20 Section.

21 (a-5) The school district or regional superintendent shall
22 further perform a check of the Statewide Sex Offender Database,
23 as authorized by the Sex Offender Community Notification Law,
24 for each applicant. The check of the Statewide Sex Offender
25 Database must be conducted by the school district or regional
26 superintendent once for every 5 years that an applicant remains

1 employed by the school district.

2 (a-6) The school district or regional superintendent shall
3 further perform a check of the Statewide Murderer and Violent
4 Offender Against Youth Database, as authorized by the Murderer
5 and Violent Offender Against Youth Community Notification Law,
6 for each applicant. The check of the Murderer and Violent
7 Offender Against Youth Database must be conducted by the school
8 district or regional superintendent once for every 5 years that
9 an applicant remains employed by the school district.

10 (b) Any information concerning the record of convictions
11 obtained by the president of the board of education or the
12 regional superintendent shall be confidential and may only be
13 transmitted to the general superintendent of the school
14 district or his designee, the appropriate regional
15 superintendent if the check was requested by the board of
16 education for the school district, the presidents of the
17 appropriate board of education or school boards if the check
18 was requested from the Illinois ~~Department of~~ State Police by
19 the regional superintendent, the State Board of Education and
20 the school district as authorized under subsection (b-5), the
21 State Superintendent of Education, the State Educator
22 Preparation and Licensure Board or any other person necessary
23 to the decision of hiring the applicant for employment. A copy
24 of the record of convictions obtained from the Illinois
25 ~~Department of~~ State Police shall be provided to the applicant
26 for employment. Upon the check of the Statewide Sex Offender

1 Database or Statewide Murderer and Violent Offender Against
2 Youth Database, the school district or regional superintendent
3 shall notify an applicant as to whether or not the applicant
4 has been identified in the Database. If a check of an applicant
5 for employment as a substitute or concurrent part-time teacher
6 or concurrent educational support personnel employee in more
7 than one school district was requested by the regional
8 superintendent, and the Illinois ~~Department of~~ State Police
9 upon a check ascertains that the applicant has not been
10 convicted of any of the enumerated criminal or drug offenses in
11 subsection (c) of this Section or has not been convicted,
12 within 7 years of the application for employment with the
13 school district, of any other felony under the laws of this
14 State or of any offense committed or attempted in any other
15 state or against the laws of the United States that, if
16 committed or attempted in this State, would have been
17 punishable as a felony under the laws of this State and so
18 notifies the regional superintendent and if the regional
19 superintendent upon a check ascertains that the applicant has
20 not been identified in the Sex Offender Database or Statewide
21 Murderer and Violent Offender Against Youth Database, then the
22 regional superintendent shall issue to the applicant a
23 certificate evidencing that as of the date specified by the
24 Illinois ~~Department of~~ State Police the applicant has not been
25 convicted of any of the enumerated criminal or drug offenses in
26 subsection (c) of this Section or has not been convicted,

1 within 7 years of the application for employment with the
2 school district, of any other felony under the laws of this
3 State or of any offense committed or attempted in any other
4 state or against the laws of the United States that, if
5 committed or attempted in this State, would have been
6 punishable as a felony under the laws of this State and
7 evidencing that as of the date that the regional superintendent
8 conducted a check of the Statewide Sex Offender Database or
9 Statewide Murderer and Violent Offender Against Youth
10 Database, the applicant has not been identified in the
11 Database. The school board of any school district may rely on
12 the certificate issued by any regional superintendent to that
13 substitute teacher, concurrent part-time teacher, or
14 concurrent educational support personnel employee or may
15 initiate its own criminal history records check of the
16 applicant through the Illinois ~~Department of~~ State Police and
17 its own check of the Statewide Sex Offender Database or
18 Statewide Murderer and Violent Offender Against Youth Database
19 as provided in this Section. Any unauthorized release of
20 confidential information may be a violation of Section 7 of the
21 Criminal Identification Act.

22 (b-5) If a criminal history records check or check of the
23 Statewide Sex Offender Database or Statewide Murderer and
24 Violent Offender Against Youth Database is performed by a
25 regional superintendent for an applicant seeking employment as
26 a substitute teacher with the school district, the regional

1 superintendent may disclose to the State Board of Education
2 whether the applicant has been issued a certificate under
3 subsection (b) based on those checks. If the State Board
4 receives information on an applicant under this subsection,
5 then it must indicate in the Educator Licensure Information
6 System for a 90-day period that the applicant has been issued
7 or has not been issued a certificate.

8 (c) The board of education shall not knowingly employ a
9 person who has been convicted of any offense that would subject
10 him or her to license suspension or revocation pursuant to
11 Section 21B-80 of this Code, except as provided under
12 subsection (b) of 21B-80. Further, the board of education shall
13 not knowingly employ a person who has been found to be the
14 perpetrator of sexual or physical abuse of any minor under 18
15 years of age pursuant to proceedings under Article II of the
16 Juvenile Court Act of 1987. As a condition of employment, the
17 board of education must consider the status of a person who has
18 been issued an indicated finding of abuse or neglect of a child
19 by the Department of Children and Family Services under the
20 Abused and Neglected Child Reporting Act or by a child welfare
21 agency of another jurisdiction.

22 (d) The board of education shall not knowingly employ a
23 person for whom a criminal history records check and a
24 Statewide Sex Offender Database check have ~~has~~ not been
25 initiated.

26 (e) No later than 15 business days after receipt of a

1 record of conviction or of checking the Statewide Murderer and
2 Violent Offender Against Youth Database or the Statewide Sex
3 Offender Database and finding a registration, the general
4 superintendent of schools or the applicable regional
5 superintendent shall, in writing, notify the State
6 Superintendent of Education of any license holder who has been
7 convicted of a crime set forth in Section 21B-80 of this Code.
8 Upon receipt of the record of a conviction of or a finding of
9 child abuse by a holder of any license issued pursuant to
10 Article 21B or Section 34-8.1 or 34-83 of this ~~the School~~ Code,
11 the State Superintendent of Education may initiate licensure
12 suspension and revocation proceedings as authorized by law. If
13 the receipt of the record of conviction or finding of child
14 abuse is received within 6 months after the initial grant of or
15 renewal of a license, the State Superintendent of Education may
16 rescind the license holder's license.

17 (e-5) The general superintendent of schools shall, in
18 writing, notify the State Superintendent of Education of any
19 license holder whom he or she has reasonable cause to believe
20 has committed an intentional act of abuse or neglect with the
21 result of making a child an abused child or a neglected child,
22 as defined in Section 3 of the Abused and Neglected Child
23 Reporting Act, and that act resulted in the license holder's
24 dismissal or resignation from the school district. This
25 notification must be submitted within 30 days after the
26 dismissal or resignation. The license holder must also be

1 contemporaneously sent a copy of the notice by the
2 superintendent. All correspondence, documentation, and other
3 information so received by the State Superintendent of
4 Education, the State Board of Education, or the State Educator
5 Preparation and Licensure Board under this subsection (e-5) is
6 confidential and must not be disclosed to third parties, except
7 (i) as necessary for the State Superintendent of Education or
8 his or her designee to investigate and prosecute pursuant to
9 Article 21B of this Code, (ii) pursuant to a court order, (iii)
10 for disclosure to the license holder or his or her
11 representative, or (iv) as otherwise provided in this Article
12 and provided that any such information admitted into evidence
13 in a hearing is exempt from this confidentiality and
14 non-disclosure requirement. Except for an act of willful or
15 wanton misconduct, any superintendent who provides
16 notification as required in this subsection (e-5) shall have
17 immunity from any liability, whether civil or criminal or that
18 otherwise might result by reason of such action.

19 (f) After March 19, 1990, the provisions of this Section
20 shall apply to all employees of persons or firms holding
21 contracts with any school district including, but not limited
22 to, food service workers, school bus drivers and other
23 transportation employees, who have direct, daily contact with
24 the pupils of any school in such district. For purposes of
25 criminal history records checks and checks of the Statewide Sex
26 Offender Database on employees of persons or firms holding

1 contracts with more than one school district and assigned to
2 more than one school district, the regional superintendent of
3 the educational service region in which the contracting school
4 districts are located may, at the request of any such school
5 district, be responsible for receiving the authorization for a
6 criminal history records check prepared by each such employee
7 and submitting the same to the Illinois ~~Department of~~ State
8 Police and for conducting a check of the Statewide Sex Offender
9 Database for each employee. Any information concerning the
10 record of conviction and identification as a sex offender of
11 any such employee obtained by the regional superintendent shall
12 be promptly reported to the president of the appropriate school
13 board or school boards.

14 (f-5) Upon request of a school or school district, any
15 information obtained by the school district pursuant to
16 subsection (f) of this Section within the last year must be
17 made available to the requesting school or school district.

18 (g) Prior to the commencement of any student teaching
19 experience or required internship (which is referred to as
20 student teaching in this Section) in the public schools, a
21 student teacher is required to authorize a fingerprint-based
22 criminal history records check. Authorization for and payment
23 of the costs of the check must be furnished by the student
24 teacher to the school district. Upon receipt of this
25 authorization and payment, the school district shall submit the
26 student teacher's name, sex, race, date of birth, social

1 security number, fingerprint images, and other identifiers, as
2 prescribed by the Illinois ~~Department of~~ State Police, to the
3 Illinois ~~Department of~~ State Police. The Illinois ~~Department of~~
4 State Police and the Federal Bureau of Investigation shall
5 furnish, pursuant to a fingerprint-based criminal history
6 records check, records of convictions, forever and
7 hereinafter, until expunged, to the president of the board. The
8 Department shall charge the school district a fee for
9 conducting the check, which fee must not exceed the cost of the
10 inquiry and must be deposited into the State Police Services
11 Fund. The school district shall further perform a check of the
12 Statewide Sex Offender Database, as authorized by the Sex
13 Offender Community Notification Law, and of the Statewide
14 Murderer and Violent Offender Against Youth Database, as
15 authorized by the Murderer and Violent Offender Against Youth
16 Registration Act, for each student teacher. The board may not
17 knowingly allow a person to student teach for whom a criminal
18 history records check, a Statewide Sex Offender Database check,
19 and a Statewide Murderer and Violent Offender Against Youth
20 Database check have not been completed and reviewed by the
21 district.

22 A copy of the record of convictions obtained from the
23 Illinois ~~Department of~~ State Police must be provided to the
24 student teacher. Any information concerning the record of
25 convictions obtained by the president of the board is
26 confidential and may only be transmitted to the general

1 superintendent of schools or his or her designee, the State
2 Superintendent of Education, the State Educator Preparation
3 and Licensure Board, or, for clarification purposes, the
4 Illinois ~~Department of~~ State Police or the Statewide Sex
5 Offender Database or Statewide Murderer and Violent Offender
6 Against Youth Database. Any unauthorized release of
7 confidential information may be a violation of Section 7 of the
8 Criminal Identification Act.

9 The board may not knowingly allow a person to student teach
10 who has been convicted of any offense that would subject him or
11 her to license suspension or revocation pursuant to subsection
12 (c) of Section 21B-80 of this Code, except as provided under
13 subsection (b) of Section 21B-80. Further, the board may not
14 allow a person to student teach if he or she has been found to
15 be the perpetrator of sexual or physical abuse of a minor under
16 18 years of age pursuant to proceedings under Article II of the
17 Juvenile Court Act of 1987. The board must consider the status
18 of a person to student teach who has been issued an indicated
19 finding of abuse or neglect of a child by the Department of
20 Children and Family Services under the Abused and Neglected
21 Child Reporting Act or by a child welfare agency of another
22 jurisdiction.

23 (h) (Blank).

24 (Source: P.A. 101-72, eff. 7-12-19; 101-531, eff. 8-23-19;
25 revised 9-19-19.)

1 Section 515. The Medical School Matriculant Criminal
2 History Records Check Act is amended by changing Sections 10,
3 15, and 25 as follows:

4 (110 ILCS 57/10)

5 Sec. 10. Criminal history records check for matriculants.

6 (a) A public medical school located in Illinois must
7 conduct an inquiry into the Illinois ~~Department of~~ State
8 Police's Statewide Sex Offender Database for each matriculant
9 and must require that each matriculant submit to a
10 fingerprint-based criminal history records check for violent
11 felony convictions, conducted by the Illinois ~~Department of~~
12 State Police and the Federal Bureau of Investigation, as part
13 of the medical school admissions process. The medical school
14 shall forward the name, sex, race, date of birth, social
15 security number, and fingerprints of each of its matriculants
16 to the Illinois ~~Department of~~ State Police to be searched
17 against the fingerprint records now and hereafter filed in the
18 Illinois ~~Department of~~ State Police and Federal Bureau of
19 Investigation criminal history records databases. The
20 fingerprints of each matriculant must be submitted in the form
21 and manner prescribed by the Illinois ~~Department of~~ State
22 Police. The Illinois ~~Department of~~ State Police shall furnish,
23 pursuant to positive identification, records of a
24 matriculant's violent felony convictions to the medical school
25 that requested the criminal history records check. Compliance

1 with the criminal history record checks required by this
2 subsection (a) may also be accomplished through the use of a
3 private entity that checks criminal history records for violent
4 felony convictions.

5 (b) A private medical school located in Illinois must
6 conduct an inquiry into the Illinois ~~Department of~~ State
7 Police's Statewide Sex Offender Database for each matriculant
8 and must require that each matriculant submit to an Illinois
9 Uniform Conviction Information Act fingerprint-based, criminal
10 history records check for violent felony convictions,
11 conducted by the Illinois ~~Department of~~ State Police, as part
12 of the medical school admissions process. The medical school
13 shall forward the name, sex, race, date of birth, social
14 security number, and fingerprints of each of its matriculants
15 to the Illinois ~~Department of~~ State Police to be searched
16 against the fingerprint records now and hereafter filed in the
17 Illinois ~~Department of~~ State Police criminal history records
18 database. The fingerprints of each matriculant must be
19 submitted in the form and manner prescribed by the Illinois
20 ~~Department of~~ State Police. The Illinois ~~Department of~~ State
21 Police shall furnish, pursuant to positive identification,
22 records of a matriculant's violent felony convictions to the
23 medical school that requested the criminal history records
24 check. Compliance with the criminal history record checks
25 required by this subsection (b) may also be accomplished
26 through the use of a private entity that checks criminal

1 history records for violent felony convictions.

2 (Source: P.A. 96-1044, eff. 7-14-10.)

3 (110 ILCS 57/15)

4 Sec. 15. Fees. The Illinois ~~Department of~~ State Police
5 shall charge each requesting medical school a fee for
6 conducting the criminal history records check under Section 10
7 of this Act, which shall be deposited in the State Police
8 Services Fund and shall not exceed the cost of the inquiry.
9 Each requesting medical school is solely responsible for
10 payment of this fee to the Illinois ~~Department of~~ State Police.
11 Each requesting medical school is solely responsible for
12 payment of any fees associated with the use of a private entity
13 that checks criminal history records for violent felony
14 convictions. Each medical school may impose its own fee upon a
15 matriculant to cover the cost of the criminal history records
16 check at the time the matriculant submits to the criminal
17 history records check.

18 (Source: P.A. 96-1044, eff. 7-14-10.)

19 (110 ILCS 57/25)

20 Sec. 25. Civil immunity. Except for willful ~~wilful~~ or
21 wanton misconduct, no medical school acting under the
22 provisions of this Act shall be civilly liable to any
23 matriculant for reporting any required information to the
24 Illinois ~~Department of~~ State Police or for any decision made

1 pursuant to Section 20 of this Act.

2 (Source: P.A. 94-709, eff. 12-5-05; 94-837, eff. 6-6-06.)

3 Section 525. The Transmitters of Money Act is amended by
4 changing Section 25 as follows:

5 (205 ILCS 657/25)

6 Sec. 25. Application for license.

7 (a) An application for a license must be in writing, under
8 oath, and in the form the Director prescribes. The application
9 must contain or be accompanied by all of the following:

10 (1) The name of the applicant and the address of the
11 principal place of business of the applicant and the
12 address of all locations and proposed locations of the
13 applicant in this State.

14 (2) The form of business organization of the applicant,
15 including:

16 (A) a copy of its articles of incorporation and
17 amendments thereto and a copy of its bylaws, certified
18 by its secretary, if the applicant is a corporation;

19 (B) a copy of its partnership agreement, certified
20 by a partner, if the applicant is a partnership; or

21 (C) a copy of the documents that control its
22 organizational structure, certified by a managing
23 official, if the applicant is organized in some other
24 form.

1 (3) The name, business and home address, and a
2 chronological summary of the business experience, material
3 litigation history, and felony convictions over the
4 preceding 10 years of:

5 (A) the proprietor, if the applicant is an
6 individual;

7 (B) every partner, if the applicant is a
8 partnership;

9 (C) each officer, director, and controlling
10 person, if the applicant is a corporation; and

11 (D) each person in a position to exercise control
12 over, or direction of, the business of the applicant,
13 regardless of the form of organization of the
14 applicant.

15 (4) Financial statements, not more than one year old,
16 prepared in accordance with generally accepted accounting
17 principles and audited by a licensed public accountant or
18 certified public accountant showing the financial
19 condition of the applicant and an unaudited balance sheet
20 and statement of operation as of the most recent quarterly
21 report before the date of the application, certified by the
22 applicant or an officer or partner thereof. If the
23 applicant is a wholly owned subsidiary or is eligible to
24 file consolidated federal income tax returns with its
25 parent, however, unaudited financial statements for the
26 preceding year along with the unaudited financial

1 statements for the most recent quarter may be submitted if
2 accompanied by the audited financial statements of the
3 parent company for the preceding year along with the
4 unaudited financial statement for the most recent quarter.

5 (5) Filings of the applicant with the Securities and
6 Exchange Commission or similar foreign governmental entity
7 (English translation), if any.

8 (6) A list of all other states in which the applicant
9 is licensed as a money transmitter and whether the license
10 of the applicant for those purposes has ever been
11 withdrawn, refused, canceled, or suspended in any other
12 state, with full details.

13 (7) A list of all money transmitter locations and
14 proposed locations in this State.

15 (8) A sample of the contract for authorized sellers.

16 (9) A sample form of the proposed payment instruments
17 to be used in this State.

18 (10) The name and business address of the clearing
19 banks through which the applicant intends to conduct any
20 business regulated under this Act.

21 (11) A surety bond as required by Section 30 of this
22 Act.

23 (12) The applicable fees as required by Section 45 of
24 this Act.

25 (13) A written consent to service of process as
26 provided by Section 100 of this Act.

1 (14) A written statement that the applicant is in full
2 compliance with and agrees to continue to fully comply with
3 all state and federal statutes and regulations relating to
4 money laundering.

5 (15) All additional information the Director considers
6 necessary in order to determine whether or not to issue the
7 applicant a license under this Act.

8 (a-5) The proprietor, partner, officer, director, and
9 controlling person of the applicant shall submit their
10 fingerprints to the Illinois ~~Department of~~ State Police in an
11 electronic format that complies with the form and manner for
12 requesting and furnishing criminal history record information
13 as prescribed by the Illinois ~~Department of~~ State Police. These
14 fingerprints shall be retained and checked against the Illinois
15 ~~Department of~~ State Police and Federal Bureau of Investigation
16 criminal history record databases now and hereafter filed,
17 including latent fingerprint searches. The Illinois ~~Department~~
18 ~~of~~ State Police shall charge applicants a fee for conducting
19 the criminal history records check, which shall be deposited
20 into the State Police Services Fund and shall not exceed the
21 actual cost of the records check. The Illinois ~~Department of~~
22 State Police shall furnish records of Illinois convictions to
23 the Department pursuant to positive identification and shall
24 forward the national criminal history record information to the
25 Department. The Department may require applicants to pay a
26 separate fingerprinting fee, either to the Department or to a

1 Department-designated or Department-approved vendor. The
2 Department, in its discretion, may allow a proprietor, partner,
3 officer, director, or controlling person of an applicant who
4 does not have reasonable access to a designated vendor to
5 provide his or her fingerprints in an alternative manner. The
6 Department, in its discretion, may also use other procedures in
7 performing or obtaining criminal background checks of
8 applicants. Instead of submitting his or her fingerprints, an
9 individual may submit proof that is satisfactory to the
10 Department that an equivalent security clearance has been
11 conducted. The Department may adopt any rules necessary to
12 implement this subsection.

13 (b) The Director may, for good cause shown, waive, in part,
14 any of the requirements of this Section.

15 (Source: P.A. 100-979, eff. 8-19-18.)

16 Section 530. The Currency Reporting Act is amended by
17 changing Sections 2, 3, and 4 as follows:

18 (205 ILCS 685/2) (from Ch. 17, par. 7352)

19 Sec. 2. It is the purpose of this Act to require the
20 keeping and submission to the Director of the Illinois State
21 Police of certain reports and records of transactions involving
22 United States currency when such reports and records have a
23 high degree of usefulness in criminal, tax or regulatory
24 investigations or proceedings.

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

2 (205 ILCS 685/3) (from Ch. 17, par. 7353)

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

4 (a) "Currency" means currency and coin of the United
5 States;

6 (b) (Blank); ~~"Department" means the Department of State~~
7 ~~Police;~~

8 (c) "Director" means Director of the Illinois State Police;

9 (d) "Financial Institution" means any:

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

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

13 (3) Industrial savings bank;

14 (4) Trust company;

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

16 (6) Federal or state credit union;

17 (7) Community or ambulatory currency exchange;

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

20 (9) Operator of a credit card system;

21 (10) Insurance company;

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

23 (12) Loan or finance company;

24 (13) Pawnbroker;

25 (14) Travel agency;

- 1 (15) Licensed sender of money;
- 2 (16) Telegraph company;
- 3 (17) Business engaged in vehicle or vessel sales,
4 including automobile, airplane and boat sales;
- 5 (18) Person involved in real estate closings,
6 settlements, sales, or auctions.
- 7 However, "Financial Institution" does not include an office,
8 department, agency or other entity of State government.
- 9 (Source: P.A. 87-619.)

10 (205 ILCS 685/4) (from Ch. 17, par. 7354)

11 Sec. 4. (a) Every financial institution shall keep a record
12 of every currency transaction involving more than \$10,000 and
13 shall file a report with the Illinois State Police ~~Department~~
14 at such time and containing such information as the Director by
15 rule or regulation requires. Unless otherwise provided by rule,
16 a financial institution may exempt from the reporting
17 requirements of this Section deposits, withdrawals, exchanges,
18 or payments exempted from the reporting requirements of Title
19 31 U.S.C. 5313. Each financial institution shall maintain a
20 record of each exemption granted, including the name, address,
21 type of business, taxpayer identification number, and account
22 number of the customer granted the exemption; the type of
23 transactions exempted; and the dollar limit of each exempt
24 transaction. Such record of exemptions shall be made available
25 to the Illinois State Police ~~Department~~ for inspection and

1 copying.

2 (b) A financial institution in compliance with the
3 provisions of the Currency and Foreign Transactions Reporting
4 Act (31 U.S.C. 5311, et seq.) and Federal regulations
5 prescribed thereunder shall be deemed to be in compliance with
6 the provisions of this Section and rules or regulations
7 prescribed thereunder by the Director.

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

9 Section 535. The Abused and Neglected Long Term Care
10 Facility Residents Reporting Act is amended by changing
11 Sections 6 and 10 as follows:

12 (210 ILCS 30/6) (from Ch. 111 1/2, par. 4166)

13 Sec. 6. All reports of suspected abuse or neglect made
14 under this Act shall be made immediately by telephone to the
15 Department's central register established under Section 14 on
16 the single, State-wide, toll-free telephone number established
17 under Section 13, or in person or by telephone through the
18 nearest Department office. No long term care facility
19 administrator, agent or employee, or any other person, shall
20 screen reports or otherwise withhold any reports from the
21 Department, and no long term care facility, department of State
22 government, or other agency shall establish any rules,
23 criteria, standards or guidelines to the contrary. Every long
24 term care facility, department of State government and other

1 agency whose employees are required to make or cause to be made
2 reports under Section 4 shall notify its employees of the
3 provisions of that Section and of this Section, and provide to
4 the Department documentation that such notification has been
5 given. The Department of Human Services shall train all of its
6 mental health and developmental disabilities employees in the
7 detection and reporting of suspected abuse and neglect of
8 residents. Reports made to the central register through the
9 State-wide, toll-free telephone number shall be transmitted to
10 appropriate Department offices and municipal health
11 departments that have responsibility for licensing long term
12 care facilities under the Nursing Home Care Act, the
13 Specialized Mental Health Rehabilitation Act of 2013, the ID/DD
14 Community Care Act, or the MC/DD Act. All reports received
15 through offices of the Department shall be forwarded to the
16 central register, in a manner and form described by the
17 Department. The Department shall be capable of receiving
18 reports of suspected abuse and neglect 24 hours a day, 7 days a
19 week. Reports shall also be made in writing deposited in the
20 U.S. mail, postage prepaid, within 24 hours after having
21 reasonable cause to believe that the condition of the resident
22 resulted from abuse or neglect. Such reports may in addition be
23 made to the local law enforcement agency in the same manner.
24 However, in the event a report is made to the local law
25 enforcement agency, the reporter also shall immediately so
26 inform the Department. The Department shall initiate an

1 investigation of each report of resident abuse and neglect
2 under this Act, whether oral or written, as provided for in
3 Section 3-702 of the Nursing Home Care Act, Section 2-208 of
4 the Specialized Mental Health Rehabilitation Act of 2013,
5 Section 3-702 of the ID/DD Community Care Act, or Section 3-702
6 of the MC/DD Act, except that reports of abuse which indicate
7 that a resident's life or safety is in imminent danger shall be
8 investigated within 24 hours of such report. The Department may
9 delegate to law enforcement officials or other public agencies
10 the duty to perform such investigation.

11 With respect to investigations of reports of suspected
12 abuse or neglect of residents of mental health and
13 developmental disabilities institutions under the jurisdiction
14 of the Department of Human Services, the Department shall
15 transmit copies of such reports to the Illinois Department of
16 State Police, the Department of Human Services, and the
17 Inspector General appointed under Section 1-17 of the
18 Department of Human Services Act. If the Department receives a
19 report of suspected abuse or neglect of a recipient of services
20 as defined in Section 1-123 of the Mental Health and
21 Developmental Disabilities Code, the Department shall transmit
22 copies of such report to the Inspector General and the
23 Directors of the Guardianship and Advocacy Commission and the
24 agency designated by the Governor pursuant to the Protection
25 and Advocacy for Persons with Developmental Disabilities Act.
26 When requested by the Director of the Guardianship and Advocacy

1 Commission, the agency designated by the Governor pursuant to
2 the Protection and Advocacy for Persons with Developmental
3 Disabilities Act, or the Department of Financial and
4 Professional Regulation, the Department, the Department of
5 Human Services and the Illinois ~~Department of~~ State Police
6 shall make available a copy of the final investigative report
7 regarding investigations conducted by their respective
8 agencies on incidents of suspected abuse or neglect of
9 residents of mental health and developmental disabilities
10 institutions or individuals receiving services at community
11 agencies under the jurisdiction of the Department of Human
12 Services. Such final investigative report shall not contain
13 witness statements, investigation notes, draft summaries,
14 results of lie detector tests, investigative files or other raw
15 data which was used to compile the final investigative report.
16 Specifically, the final investigative report of the Illinois
17 ~~Department of~~ State Police shall mean the Director's final
18 transmittal letter. The Department of Human Services shall also
19 make available a copy of the results of disciplinary
20 proceedings of employees involved in incidents of abuse or
21 neglect to the Directors. All identifiable information in
22 reports provided shall not be further disclosed except as
23 provided by the Mental Health and Developmental Disabilities
24 Confidentiality Act. Nothing in this Section is intended to
25 limit or construe the power or authority granted to the agency
26 designated by the Governor pursuant to the Protection and

1 Advocacy for Persons with Developmental Disabilities Act,
2 pursuant to any other State or federal statute.

3 With respect to investigations of reported resident abuse
4 or neglect, the Department shall effect with appropriate law
5 enforcement agencies formal agreements concerning methods and
6 procedures for the conduct of investigations into the criminal
7 histories of any administrator, staff assistant or employee of
8 the nursing home or other person responsible for the residents
9 care, as well as for other residents in the nursing home who
10 may be in a position to abuse, neglect or exploit the patient.
11 Pursuant to the formal agreements entered into with appropriate
12 law enforcement agencies, the Department may request
13 information with respect to whether the person or persons set
14 forth in this paragraph have ever been charged with a crime and
15 if so, the disposition of those charges. Unless the criminal
16 histories of the subjects involved crimes of violence or
17 resident abuse or neglect, the Department shall be entitled
18 only to information limited in scope to charges and their
19 dispositions. In cases where prior crimes of violence or
20 resident abuse or neglect are involved, a more detailed report
21 can be made available to authorized representatives of the
22 Department, pursuant to the agreements entered into with
23 appropriate law enforcement agencies. Any criminal charges and
24 their disposition information obtained by the Department shall
25 be confidential and may not be transmitted outside the
26 Department, except as required herein, to authorized

1 representatives or delegates of the Department, and may not be
2 transmitted to anyone within the Department who is not duly
3 authorized to handle resident abuse or neglect investigations.

4 The Department shall effect formal agreements with
5 appropriate law enforcement agencies in the various counties
6 and communities to encourage cooperation and coordination in
7 the handling of resident abuse or neglect cases pursuant to
8 this Act. The Department shall adopt and implement methods and
9 procedures to promote statewide uniformity in the handling of
10 reports of abuse and neglect under this Act, and those methods
11 and procedures shall be adhered to by personnel of the
12 Department involved in such investigations and reporting. The
13 Department shall also make information required by this Act
14 available to authorized personnel within the Department, as
15 well as its authorized representatives.

16 The Department shall keep a continuing record of all
17 reports made pursuant to this Act, including indications of the
18 final determination of any investigation and the final
19 disposition of all reports.

20 The Department shall report annually to the General
21 Assembly on the incidence of abuse and neglect of long term
22 care facility residents, with special attention to residents
23 who are persons with mental disabilities. The report shall
24 include but not be limited to data on the number and source of
25 reports of suspected abuse or neglect filed under this Act, the
26 nature of any injuries to residents, the final determination of

1 investigations, the type and number of cases where abuse or
2 neglect is determined to exist, and the final disposition of
3 cases.

4 (Source: P.A. 98-104, eff. 7-22-13; 99-143, eff. 7-27-15;
5 99-180, eff. 7-29-15; 99-642, eff. 7-28-16.)

6 (210 ILCS 30/10) (from Ch. 111 1/2, par. 4170)

7 Sec. 10. If, during the investigation of a report made
8 pursuant to this Act, the Department obtains information
9 indicating possible criminal acts, the Department shall refer
10 the matter to the appropriate law enforcement agency or
11 agencies for further investigation or prosecution. The
12 Department shall make the entire file of its investigation
13 available to the appropriate law enforcement agencies.

14 With respect to reports of suspected abuse or neglect of
15 residents of facilities operated by the Department of Human
16 Services (as successor to the Department of Rehabilitation
17 Services) or recipients of services through any home,
18 institution, program or other entity licensed in whole or in
19 part by the Department of Human Services (as successor to the
20 Department of Rehabilitation Services), the Department shall
21 refer reports to the Illinois ~~Department of~~ State Police or the
22 appropriate law enforcement entity upon awareness that a
23 possible criminal act has occurred.

24 (Source: P.A. 94-428, eff. 8-2-05.)

1 Section 540. The Nursing Home Care Act is amended by
2 changing Sections 1-114.01, 2-201.5, 2-201.6, and 2-201.7 as
3 follows:

4 (210 ILCS 45/1-114.01)

5 Sec. 1-114.01. Identified offender. "Identified offender"
6 means a person who meets any of the following criteria:

7 (1) Has been convicted of, found guilty of, adjudicated
8 delinquent for, found not guilty by reason of insanity for,
9 or found unfit to stand trial for, any felony offense
10 listed in Section 25 of the Health Care Worker Background
11 Check Act, except for the following: (i) a felony offense
12 described in Section 10-5 of the Nurse Practice Act; (ii) a
13 felony offense described in Section 4, 5, 6, 8, or 17.02 of
14 the Illinois Credit Card and Debit Card Act; (iii) a felony
15 offense described in Section 5, 5.1, 5.2, 7, or 9 of the
16 Cannabis Control Act; (iv) a felony offense described in
17 Section 401, 401.1, 404, 405, 405.1, 407, or 407.1 of the
18 Illinois Controlled Substances Act; and (v) a felony
19 offense described in the Methamphetamine Control and
20 Community Protection Act.

21 (2) Has been convicted of, adjudicated delinquent for,
22 found not guilty by reason of insanity for, or found unfit
23 to stand trial for, any sex offense as defined in
24 subsection (c) of Section 10 of the Sex Offender Management
25 Board Act.

1 (3) Is any other resident as determined by the Illinois
2 ~~Department of~~ State Police.

3 (Source: P.A. 96-1372, eff. 7-29-10.)

4 (210 ILCS 45/2-201.5)

5 Sec. 2-201.5. Screening prior to admission.

6 (a) All persons age 18 or older seeking admission to a
7 nursing facility must be screened to determine the need for
8 nursing facility services prior to being admitted, regardless
9 of income, assets, or funding source. Screening for nursing
10 facility services shall be administered through procedures
11 established by administrative rule. Screening may be done by
12 agencies other than the Department as established by
13 administrative rule. This Section applies on and after July 1,
14 1996. No later than October 1, 2010, the Department of
15 Healthcare and Family Services, in collaboration with the
16 Department on Aging, the Department of Human Services, and the
17 Department of Public Health, shall file administrative rules
18 providing for the gathering, during the screening process, of
19 information relevant to determining each person's potential
20 for placing other residents, employees, and visitors at risk of
21 harm.

22 (a-1) Any screening performed pursuant to subsection (a) of
23 this Section shall include a determination of whether any
24 person is being considered for admission to a nursing facility
25 due to a need for mental health services. For a person who

1 needs mental health services, the screening shall also include
2 an evaluation of whether there is permanent supportive housing,
3 or an array of community mental health services, including but
4 not limited to supported housing, assertive community
5 treatment, and peer support services, that would enable the
6 person to live in the community. The person shall be told about
7 the existence of any such services that would enable the person
8 to live safely and humanely and about available appropriate
9 nursing home services that would enable the person to live
10 safely and humanely, and the person shall be given the
11 assistance necessary to avail himself or herself of any
12 available services.

13 (a-2) Pre-screening for persons with a serious mental
14 illness shall be performed by a psychiatrist, a psychologist, a
15 registered nurse certified in psychiatric nursing, a licensed
16 clinical professional counselor, or a licensed clinical social
17 worker, who is competent to (i) perform a clinical assessment
18 of the individual, (ii) certify a diagnosis, (iii) make a
19 determination about the individual's current need for
20 treatment, including substance abuse treatment, and recommend
21 specific treatment, and (iv) determine whether a facility or a
22 community-based program is able to meet the needs of the
23 individual.

24 For any person entering a nursing facility, the
25 pre-screening agent shall make specific recommendations about
26 what care and services the individual needs to receive,

1 beginning at admission, to attain or maintain the individual's
2 highest level of independent functioning and to live in the
3 most integrated setting appropriate for his or her physical and
4 personal care and developmental and mental health needs. These
5 recommendations shall be revised as appropriate by the
6 pre-screening or re-screening agent based on the results of
7 resident review and in response to changes in the resident's
8 wishes, needs, and interest in transition.

9 Upon the person entering the nursing facility, the
10 Department of Human Services or its designee shall assist the
11 person in establishing a relationship with a community mental
12 health agency or other appropriate agencies in order to (i)
13 promote the person's transition to independent living and (ii)
14 support the person's progress in meeting individual goals.

15 (a-3) The Department of Human Services, by rule, shall
16 provide for a prohibition on conflicts of interest for
17 pre-admission screeners. The rule shall provide for waiver of
18 those conflicts by the Department of Human Services if the
19 Department of Human Services determines that a scarcity of
20 qualified pre-admission screeners exists in a given community
21 and that, absent a waiver of conflicts, an insufficient number
22 of pre-admission screeners would be available. If a conflict is
23 waived, the pre-admission screener shall disclose the conflict
24 of interest to the screened individual in the manner provided
25 for by rule of the Department of Human Services. For the
26 purposes of this subsection, a "conflict of interest" includes,

1 but is not limited to, the existence of a professional or
2 financial relationship between (i) a PAS-MH corporate or a
3 PAS-MH agent and (ii) a community provider or long-term care
4 facility.

5 (b) In addition to the screening required by subsection
6 (a), a facility, except for those licensed under the MC/DD Act,
7 shall, within 24 hours after admission, request a criminal
8 history background check pursuant to the Illinois Uniform
9 Conviction Information Act for all persons age 18 or older
10 seeking admission to the facility, unless (i) a background
11 check was initiated by a hospital pursuant to subsection (d) of
12 Section 6.09 of the Hospital Licensing Act or a pre-admission
13 background check was conducted by the Department of Veterans'
14 Affairs 30 days prior to admittance into an Illinois Veterans
15 Home; (ii) the transferring resident is immobile; or (iii) the
16 transferring resident is moving into hospice. The exemption
17 provided in item (ii) or (iii) of this subsection (b) shall
18 apply only if a background check was completed by the facility
19 the resident resided at prior to seeking admission to the
20 facility and the resident was transferred to the facility with
21 no time passing during which the resident was not
22 institutionalized. If item (ii) or (iii) of this subsection (b)
23 applies, the prior facility shall provide a copy of its
24 background check of the resident and all supporting
25 documentation, including, when applicable, the criminal
26 history report and the security assessment, to the facility to

1 which the resident is being transferred. Background checks
2 conducted pursuant to this Section shall be based on the
3 resident's name, date of birth, and other identifiers as
4 required by the Illinois ~~Department of~~ State Police. If the
5 results of the background check are inconclusive, the facility
6 shall initiate a fingerprint-based check, unless the
7 fingerprint check is waived by the Director of Public Health
8 based on verification by the facility that the resident is
9 completely immobile or that the resident meets other criteria
10 related to the resident's health or lack of potential risk
11 which may be established by Departmental rule. A waiver issued
12 pursuant to this Section shall be valid only while the resident
13 is immobile or while the criteria supporting the waiver exist.
14 The facility shall provide for or arrange for any required
15 fingerprint-based checks to be taken on the premises of the
16 facility. If a fingerprint-based check is required, the
17 facility shall arrange for it to be conducted in a manner that
18 is respectful of the resident's dignity and that minimizes any
19 emotional or physical hardship to the resident.

20 (c) If the results of a resident's criminal history
21 background check reveal that the resident is an identified
22 offender as defined in Section 1-114.01, the facility shall do
23 the following:

- 24 (1) Immediately notify the Illinois ~~Department of~~
25 State Police, in the form and manner required by the
26 Illinois ~~Department of~~ State Police, in collaboration with

1 the Department of Public Health, that the resident is an
2 identified offender.

3 (2) Within 72 hours, arrange for a fingerprint-based
4 criminal history record inquiry to be requested on the
5 identified offender resident. The inquiry shall be based on
6 the subject's name, sex, race, date of birth, fingerprint
7 images, and other identifiers required by the Illinois
8 ~~Department of~~ State Police. The inquiry shall be processed
9 through the files of the Illinois ~~Department of~~ State
10 Police and the Federal Bureau of Investigation to locate
11 any criminal history record information that may exist
12 regarding the subject. The Federal Bureau of Investigation
13 shall furnish to the Illinois ~~Department of~~ State Police,
14 pursuant to an inquiry under this paragraph (2), any
15 criminal history record information contained in its
16 files.

17 The facility shall comply with all applicable provisions
18 contained in the Illinois Uniform Conviction Information Act.

19 All name-based and fingerprint-based criminal history
20 record inquiries shall be submitted to the Illinois ~~Department~~
21 ~~of~~ State Police electronically in the form and manner
22 prescribed by the Illinois ~~Department of~~ State Police. The
23 Illinois ~~Department of~~ State Police may charge the facility a
24 fee for processing name-based and fingerprint-based criminal
25 history record inquiries. The fee shall be deposited into the
26 State Police Services Fund. The fee shall not exceed the actual

1 cost of processing the inquiry.

2 (d) (Blank).

3 (e) The Department shall develop and maintain a
4 de-identified database of residents who have injured facility
5 staff, facility visitors, or other residents, and the attendant
6 circumstances, solely for the purposes of evaluating and
7 improving resident pre-screening and assessment procedures
8 (including the Criminal History Report prepared under Section
9 2-201.6) and the adequacy of Department requirements
10 concerning the provision of care and services to residents. A
11 resident shall not be listed in the database until a Department
12 survey confirms the accuracy of the listing. The names of
13 persons listed in the database and information that would allow
14 them to be individually identified shall not be made public.
15 Neither the Department nor any other agency of State government
16 may use information in the database to take any action against
17 any individual, licensee, or other entity, unless the
18 Department or agency receives the information independent of
19 this subsection (e). All information collected, maintained, or
20 developed under the authority of this subsection (e) for the
21 purposes of the database maintained under this subsection (e)
22 shall be treated in the same manner as information that is
23 subject to Part 21 of Article VIII of the Code of Civil
24 Procedure.

25 (Source: P.A. 99-180, eff. 7-29-15; 99-314, eff. 8-7-15;
26 99-453, eff. 8-24-15; 99-642, eff. 7-28-16.)

1 (210 ILCS 45/2-201.6)

2 Sec. 2-201.6. Criminal History Report.

3 (a) The Illinois ~~Department of~~ State Police shall prepare a
4 Criminal History Report when it receives information, through
5 the criminal history background check required pursuant to
6 subsection (d) of Section 6.09 of the Hospital Licensing Act or
7 subsection (c) of Section 2-201.5, or through any other means,
8 that a resident of a facility is an identified offender.

9 (b) The Illinois ~~Department of~~ State Police shall complete
10 the Criminal History Report within 10 business days after
11 receiving information under subsection (a) that a resident is
12 an identified offender.

13 (c) The Criminal History Report shall include, but not be
14 limited to, the following:

15 (1) (Blank).

16 (2) (Blank).

17 (3) (Blank).

18 (3.5) Copies of the identified offender's parole,
19 mandatory supervised release, or probation orders.

20 (4) An interview with the identified offender.

21 (5) (Blank).

22 (6) A detailed summary of the entire criminal history
23 of the offender, including arrests, convictions, and the
24 date of the identified offender's last conviction relative
25 to the date of admission to a long-term care facility.

1 (7) If the identified offender is a convicted or
2 registered sex offender, a review of any and all sex
3 offender evaluations conducted on that offender. If there
4 is no sex offender evaluation available, the Illinois
5 ~~Department of~~ State Police shall arrange, through the
6 Department of Public Health, for a sex offender evaluation
7 to be conducted on the identified offender. If the
8 convicted or registered sex offender is under supervision
9 by the Illinois Department of Corrections or a county
10 probation department, the sex offender evaluation shall be
11 arranged by and at the expense of the supervising agency.
12 All evaluations conducted on convicted or registered sex
13 offenders under this Act shall be conducted by sex offender
14 evaluators approved by the Sex Offender Management Board.

15 (d) The Illinois ~~Department of~~ State Police shall provide
16 the Criminal History Report to a licensed forensic
17 psychologist. After (i) consideration of the Criminal History
18 Report, (ii) consultation with the facility administrator or
19 the facility medical director, or both, regarding the mental
20 and physical condition of the identified offender, and (iii)
21 reviewing the facility's file on the identified offender,
22 including all incident reports, all information regarding
23 medication and medication compliance, and all information
24 regarding previous discharges or transfers from other
25 facilities, the licensed forensic psychologist shall prepare
26 an Identified Offender Report and Recommendation. The

1 Identified Offender Report and Recommendation shall detail
2 whether and to what extent the identified offender's criminal
3 history necessitates the implementation of security measures
4 within the long-term care facility. If the identified offender
5 is a convicted or registered sex offender or if the Identified
6 Offender Report and Recommendation reveals that the identified
7 offender poses a significant risk of harm to others within the
8 facility, the offender shall be required to have his or her own
9 room within the facility.

10 (e) The licensed forensic psychologist shall complete the
11 Identified Offender Report and Recommendation within 14
12 business days after receiving the Criminal History Report and
13 shall promptly provide the Identified Offender Report and
14 Recommendation to the Illinois ~~Department of~~ State Police,
15 which shall provide the Identified Offender Report and
16 Recommendation to the following:

17 (1) The long-term care facility within which the
18 identified offender resides.

19 (2) The Chief of Police of the municipality in which
20 the facility is located.

21 (3) The State of Illinois Long Term Care Ombudsman.

22 (4) The Department of Public Health.

23 (e-5) The Department of Public Health shall keep a
24 continuing record of all residents determined to be identified
25 offenders as defined in Section 1-114.01 and shall report the
26 number of identified offender residents annually to the General

1 Assembly.

2 (f) The facility shall incorporate the Identified Offender
3 Report and Recommendation into the identified offender's care
4 plan created pursuant to 42 CFR 483.20.

5 (g) If, based on the Identified Offender Report and
6 Recommendation, a facility determines that it cannot manage the
7 identified offender resident safely within the facility, it
8 shall commence involuntary transfer or discharge proceedings
9 pursuant to Section 3-402.

10 (h) Except for willful and wanton misconduct, any person
11 authorized to participate in the development of a Criminal
12 History Report or Identified Offender Report and
13 Recommendation is immune from criminal or civil liability for
14 any acts or omissions as the result of his or her good faith
15 effort to comply with this Section.

16 (Source: P.A. 96-1372, eff. 7-29-10.)

17 (210 ILCS 45/2-201.7)

18 Sec. 2-201.7. Expanded criminal history background check
19 pilot program.

20 (a) The purpose of this Section is to establish a pilot
21 program based in Cook and Will counties in which an expanded
22 criminal history background check screening process will be
23 utilized to better identify residents of licensed long term
24 care facilities who, because of their criminal histories, may
25 pose a risk to other vulnerable residents.

1 (b) In this Section, "mixed population facility" means a
2 facility that has more than 25 residents with a diagnosis of
3 serious mental illness and residents 65 years of age or older.

4 (c) Every mixed population facility located in Cook County
5 or Will County shall participate in the pilot program and shall
6 employ expanded criminal history background check screening
7 procedures for all residents admitted to the facility who are
8 at least 18 years of age but less than 65 years of age. Under
9 the pilot program, criminal history background checks required
10 under this Act shall employ fingerprint-based criminal history
11 record inquiries or comparably comprehensive name-based
12 criminal history background checks. Fingerprint-based criminal
13 history record inquiries shall be conducted pursuant to
14 subsection (c-2) of Section 2-201.5. A Criminal History Report
15 and an Identified Offender Report and Recommendation shall be
16 completed pursuant to Section 2-201.6 if the results of the
17 expanded criminal history background check reveal that a
18 resident is an identified offender as defined in Section
19 1-114.01.

20 (d) If an expanded criminal history background check
21 reveals that a resident is an identified offender as defined in
22 Section 1-114.01, the facility shall be notified within 72
23 hours.

24 (e) The cost of the expanded criminal history background
25 checks conducted pursuant to the pilot program shall not exceed
26 \$50 per resident and shall be paid by the facility. The

1 Illinois ~~Department of~~ State Police shall implement all
2 potential measures to minimize the cost of the expanded
3 criminal history background checks to the participating long
4 term care facilities.

5 (f) The pilot program shall run for a period of one year
6 after the effective date of this amendatory Act of the 96th
7 General Assembly. Promptly after the end of that one-year
8 period, the Department shall report the results of the pilot
9 program to the General Assembly.

10 (Source: P.A. 96-1372, eff. 7-29-10.)

11 Section 545. The MC/DD Act is amended by changing Sections
12 1-114.01, 2-201.5, and 2-201.6 as follows:

13 (210 ILCS 46/1-114.01)

14 Sec. 1-114.01. Identified offender. "Identified offender"
15 means a person who meets any of the following criteria:

16 (1) Has been convicted of, found guilty of, adjudicated
17 delinquent for, found not guilty by reason of insanity for,
18 or found unfit to stand trial for any felony offense listed
19 in Section 25 of the Health Care Worker Background Check
20 Act, except for the following:

21 (i) a felony offense described in Section 10-5 of
22 the Nurse Practice Act;

23 (ii) a felony offense described in Section 4, 5, 6,
24 8, or 17.02 of the Illinois Credit Card and Debit Card

1 Act;

2 (iii) a felony offense described in Section 5, 5.1,
3 5.2, 7, or 9 of the Cannabis Control Act;

4 (iv) a felony offense described in Section 401,
5 401.1, 404, 405, 405.1, 407, or 407.1 of the Illinois
6 Controlled Substances Act; and

7 (v) a felony offense described in the
8 Methamphetamine Control and Community Protection Act.

9 (2) Has been convicted of, adjudicated delinquent for,
10 found not guilty by reason of insanity for, or found unfit
11 to stand trial for, any sex offense as defined in
12 subsection (c) of Section 10 of the Sex Offender Management
13 Board Act.

14 (3) Is any other resident as determined by the Illinois
15 ~~Department of~~ State Police.

16 (Source: P.A. 99-180, eff. 7-29-15.)

17 (210 ILCS 46/2-201.5)

18 Sec. 2-201.5. Screening prior to admission.

19 (a) All persons age 18 or older seeking admission to a
20 facility must be screened to determine the need for facility
21 services prior to being admitted, regardless of income, assets,
22 or funding source. In addition, any person who seeks to become
23 eligible for medical assistance from the Medical Assistance
24 Program under the Illinois Public Aid Code to pay for services
25 while residing in a facility must be screened prior to

1 receiving those benefits. Screening for facility services
2 shall be administered through procedures established by
3 administrative rule. Screening may be done by agencies other
4 than the Department as established by administrative rule.

5 (a-1) Any screening shall also include an evaluation of
6 whether there are residential supports and services or an array
7 of community services that would enable the person to live in
8 the community. The person shall be told about the existence of
9 any such services that would enable the person to live safely
10 and humanely in the least restrictive environment, that is
11 appropriate, that the individual or guardian chooses, and the
12 person shall be given the assistance necessary to avail himself
13 or herself of any available services.

14 (b) In addition to the screening required by subsection
15 (a), a facility shall, within 24 hours after admission, request
16 a criminal history background check pursuant to the Uniform
17 Conviction Information Act for all persons age 18 or older
18 seeking admission to the facility. Background checks conducted
19 pursuant to this Section shall be based on the resident's name,
20 date of birth, and other identifiers as required by the
21 Illinois Department ~~of~~ State Police. If the results of the
22 background check are inconclusive, the facility shall initiate
23 a fingerprint-based check, unless the fingerprint-based check
24 is waived by the Director of Public Health based on
25 verification by the facility that the resident is completely
26 immobile or that the resident meets other criteria related to

1 the resident's health or lack of potential risk which may be
2 established by Departmental rule. A waiver issued pursuant to
3 this Section shall be valid only while the resident is immobile
4 or while the criteria supporting the waiver exist. The facility
5 shall provide for or arrange for any required fingerprint-based
6 checks. If a fingerprint-based check is required, the facility
7 shall arrange for it to be conducted in a manner that is
8 respectful of the resident's dignity and that minimizes any
9 emotional or physical hardship to the resident.

10 (c) If the results of a resident's criminal history
11 background check reveal that the resident is an identified
12 offender as defined in Section 1-114.01 of this Act, the
13 facility shall do the following:

14 (1) Immediately notify the Illinois ~~Department of~~
15 State Police, in the form and manner required by the
16 Illinois ~~Department of~~ State Police, in collaboration with
17 the Department of Public Health, that the resident is an
18 identified offender.

19 (2) Within 72 hours, arrange for a fingerprint-based
20 criminal history record inquiry to be requested on the
21 identified offender resident. The inquiry shall be based on
22 the subject's name, sex, race, date of birth, fingerprint
23 images, and other identifiers required by the Illinois
24 ~~Department of~~ State Police. The inquiry shall be processed
25 through the files of the Illinois ~~Department of~~ State
26 Police and the Federal Bureau of Investigation to locate

1 any criminal history record information that may exist
2 regarding the subject. The Federal Bureau of Investigation
3 shall furnish to the Illinois ~~Department of~~ State Police,
4 pursuant to an inquiry under this paragraph (2), any
5 criminal history record information contained in its
6 files. The facility shall comply with all applicable
7 provisions contained in the Uniform Conviction Information
8 Act. All name-based and fingerprint-based criminal history
9 record inquiries shall be submitted to the Illinois
10 ~~Department of~~ State Police electronically in the form and
11 manner prescribed by the Illinois ~~Department of~~ State
12 Police. The Illinois ~~Department of~~ State Police may charge
13 the facility a fee for processing name-based and
14 fingerprint-based criminal history record inquiries. The
15 fee shall be deposited into the State Police Services Fund.
16 The fee shall not exceed the actual cost of processing the
17 inquiry.

18 (d) The Department shall develop and maintain a
19 de-identified database of residents who have injured facility
20 staff, facility visitors, or other residents, and the attendant
21 circumstances, solely for the purposes of evaluating and
22 improving resident pre-screening and assessment procedures
23 (including the Criminal History Report prepared under Section
24 2-201.6 of this Act) and the adequacy of Department
25 requirements concerning the provision of care and services to
26 residents. A resident shall not be listed in the database until

1 a Department survey confirms the accuracy of the listing. The
2 names of persons listed in the database and information that
3 would allow them to be individually identified shall not be
4 made public. Neither the Department nor any other agency of
5 State government may use information in the database to take
6 any action against any individual, licensee, or other entity
7 unless the Department or agency receives the information
8 independent of this subsection (d). All information collected,
9 maintained, or developed under the authority of this subsection
10 (d) for the purposes of the database maintained under this
11 subsection (d) shall be treated in the same manner as
12 information that is subject to Part 21 of Article VIII of the
13 Code of Civil Procedure.

14 (Source: P.A. 99-180, eff. 7-29-15.)

15 (210 ILCS 46/2-201.6)

16 Sec. 2-201.6. Criminal History Report.

17 (a) The Illinois ~~Department of~~ State Police shall prepare a
18 Criminal History Report when it receives information, through
19 the criminal history background check required pursuant to
20 subsection (c) of Section 2-201.5 or through any other means,
21 that a resident of a facility is an identified offender.

22 (b) The Illinois ~~Department of~~ State Police shall complete
23 the Criminal History Report within 10 business days after
24 receiving any information described under subsection (a) of
25 this Act that a resident is an identified offender.

1 (c) The Criminal History Report shall include, but not be
2 limited to, all of the following:

3 (1) Copies of the identified offender's parole,
4 mandatory supervised release, or probation orders.

5 (2) An interview with the identified offender.

6 (3) A detailed summary of the entire criminal history
7 of the offender, including arrests, convictions, and the
8 date of the identified offender's last conviction relative
9 to the date of admission to a facility.

10 (4) If the identified offender is a convicted or
11 registered sex offender, then a review of any and all sex
12 offender evaluations conducted on that offender. If there
13 is no sex offender evaluation available, then the Illinois
14 ~~Department of~~ State Police shall arrange, through the
15 Department of Public Health, for a sex offender evaluation
16 to be conducted on the identified offender. If the
17 convicted or registered sex offender is under supervision
18 by the Illinois Department of Corrections or a county
19 probation department, then the sex offender evaluation
20 shall be arranged by and at the expense of the supervising
21 agency. All evaluations conducted on convicted or
22 registered sex offenders under this Act shall be conducted
23 by sex offender evaluators approved by the Sex Offender
24 Management Board.

25 (d) The Illinois ~~Department of~~ State Police shall provide
26 the Criminal History Report to a licensed forensic

1 psychologist. The licensed forensic psychologist shall prepare
2 an Identified Offender Report and Recommendation after (i)
3 consideration of the Criminal History Report, (ii)
4 consultation with the facility administrator or the facility
5 medical director, or both, regarding the mental and physical
6 condition of the identified offender, and (iii) reviewing the
7 facility's file on the identified offender, including all
8 incident reports, all information regarding medication and
9 medication compliance, and all information regarding previous
10 discharges or transfers from other facilities. The Identified
11 Offender Report and Recommendation shall detail whether and to
12 what extent the identified offender's criminal history
13 necessitates the implementation of security measures within
14 the facility. If the identified offender is a convicted or
15 registered sex offender, or if the Identified Offender Report
16 and Recommendation reveals that the identified offender poses a
17 significant risk of harm to others within the facility, then
18 the offender shall be required to have his or her own room
19 within the facility.

20 (e) The licensed forensic psychologist shall complete the
21 Identified Offender Report and Recommendation within 14
22 business days after receiving the Criminal History Report and
23 shall promptly provide the Identified Offender Report and
24 Recommendation to the Illinois ~~Department of~~ State Police,
25 which shall provide the Identified Offender Report and
26 Recommendation to the following:

1 (1) The facility within which the identified offender
2 resides.

3 (2) The Chief of Police of the municipality in which
4 the facility is located.

5 (3) The State of Illinois Long Term Care Ombudsman.

6 (4) The Department of Public Health.

7 (f) The Department of Public Health shall keep a continuing
8 record of all residents determined to be identified offenders
9 as defined in Section 1-114.01 and shall report the number of
10 identified offender residents annually to the General
11 Assembly.

12 (g) The facility shall incorporate the Identified Offender
13 Report and Recommendation into the identified offender's
14 individual program plan created pursuant to 42 CFR 483.440(c).

15 (h) If, based on the Identified Offender Report and
16 Recommendation, a facility determines that it cannot manage the
17 identified offender resident safely within the facility, then
18 it shall commence involuntary transfer or discharge
19 proceedings pursuant to Section 3-402.

20 (i) Except for willful and wanton misconduct, any person
21 authorized to participate in the development of a Criminal
22 History Report or Identified Offender Report and
23 Recommendation is immune from criminal or civil liability for
24 any acts or omissions as the result of his or her good faith
25 effort to comply with this Section.

26 (Source: P.A. 99-180, eff. 7-29-15.)

1 Section 550. The ID/DD Community Care Act is amended by
2 changing Sections 1-114.01, 2-201.5, and 2-201.6 as follows:

3 (210 ILCS 47/1-114.01)

4 Sec. 1-114.01. Identified offender. "Identified offender"
5 means a person who meets any of the following criteria:

6 (1) Has been convicted of, found guilty of, adjudicated
7 delinquent for, found not guilty by reason of insanity for,
8 or found unfit to stand trial for any felony offense listed
9 in Section 25 of the Health Care Worker Background Check
10 Act, except for the following:

11 (i) a felony offense described in Section 10-5 of
12 the Nurse Practice Act;

13 (ii) a felony offense described in Section 4, 5, 6,
14 8, or 17.02 of the Illinois Credit Card and Debit Card
15 Act;

16 (iii) a felony offense described in Section 5, 5.1,
17 5.2, 7, or 9 of the Cannabis Control Act;

18 (iv) a felony offense described in Section 401,
19 401.1, 404, 405, 405.1, 407, or 407.1 of the Illinois
20 Controlled Substances Act; and

21 (v) a felony offense described in the
22 Methamphetamine Control and Community Protection Act.

23 (2) Has been convicted of, adjudicated delinquent for,
24 found not guilty by reason of insanity for, or found unfit

1 to stand trial for, any sex offense as defined in
2 subsection (c) of Section 10 of the Sex Offender Management
3 Board Act.

4 (3) Is any other resident as determined by the Illinois
5 ~~Department of~~ State Police.

6 (Source: P.A. 96-339, eff. 7-1-10; 97-38, eff. 6-28-11.)

7 (210 ILCS 47/2-201.5)

8 Sec. 2-201.5. Screening prior to admission.

9 (a) All persons age 18 or older seeking admission to a
10 facility must be screened to determine the need for facility
11 services prior to being admitted, regardless of income, assets,
12 or funding source. In addition, any person who seeks to become
13 eligible for medical assistance from the Medical Assistance
14 Program under the Illinois Public Aid Code to pay for services
15 while residing in a facility must be screened prior to
16 receiving those benefits. Screening for facility services
17 shall be administered through procedures established by
18 administrative rule. Screening may be done by agencies other
19 than the Department as established by administrative rule.

20 (a-1) Any screening shall also include an evaluation of
21 whether there are residential supports and services or an array
22 of community services that would enable the person to live in
23 the community. The person shall be told about the existence of
24 any such services that would enable the person to live safely
25 and humanely in the least restrictive environment, that is

1 appropriate, that the individual or guardian chooses, and the
2 person shall be given the assistance necessary to avail himself
3 or herself of any available services.

4 (b) In addition to the screening required by subsection
5 (a), a facility shall, within 24 hours after admission, request
6 a criminal history background check pursuant to the Uniform
7 Conviction Information Act for all persons age 18 or older
8 seeking admission to the facility. Background checks conducted
9 pursuant to this Section shall be based on the resident's name,
10 date of birth, and other identifiers as required by the
11 Illinois Department of State Police. If the results of the
12 background check are inconclusive, the facility shall initiate
13 a fingerprint-based check, unless the fingerprint-based check
14 is waived by the Director of Public Health based on
15 verification by the facility that the resident is completely
16 immobile or that the resident meets other criteria related to
17 the resident's health or lack of potential risk which may be
18 established by Departmental rule. A waiver issued pursuant to
19 this Section shall be valid only while the resident is immobile
20 or while the criteria supporting the waiver exist. The facility
21 shall provide for or arrange for any required fingerprint-based
22 checks. If a fingerprint-based check is required, the facility
23 shall arrange for it to be conducted in a manner that is
24 respectful of the resident's dignity and that minimizes any
25 emotional or physical hardship to the resident.

26 (c) If the results of a resident's criminal history

1 background check reveal that the resident is an identified
2 offender as defined in Section 1-114.01 of this Act, the
3 facility shall do the following:

4 (1) Immediately notify the Illinois ~~Department of~~
5 State Police, in the form and manner required by the
6 Illinois ~~Department of~~ State Police, in collaboration with
7 the Department of Public Health, that the resident is an
8 identified offender.

9 (2) Within 72 hours, arrange for a fingerprint-based
10 criminal history record inquiry to be requested on the
11 identified offender resident. The inquiry shall be based on
12 the subject's name, sex, race, date of birth, fingerprint
13 images, and other identifiers required by the Illinois
14 ~~Department of~~ State Police. The inquiry shall be processed
15 through the files of the Illinois ~~Department of~~ State
16 Police and the Federal Bureau of Investigation to locate
17 any criminal history record information that may exist
18 regarding the subject. The Federal Bureau of Investigation
19 shall furnish to the Illinois ~~Department of~~ State Police,
20 pursuant to an inquiry under this paragraph (2), any
21 criminal history record information contained in its
22 files. The facility shall comply with all applicable
23 provisions contained in the Uniform Conviction Information
24 Act. All name-based and fingerprint-based criminal history
25 record inquiries shall be submitted to the Illinois
26 ~~Department of~~ State Police electronically in the form and

1 manner prescribed by the Illinois ~~Department of~~ State
2 Police. The Illinois ~~Department of~~ State Police may charge
3 the facility a fee for processing name-based and
4 fingerprint-based criminal history record inquiries. The
5 fee shall be deposited into the State Police Services Fund.
6 The fee shall not exceed the actual cost of processing the
7 inquiry.

8 (d) The Department shall develop and maintain a
9 de-identified database of residents who have injured facility
10 staff, facility visitors, or other residents, and the attendant
11 circumstances, solely for the purposes of evaluating and
12 improving resident pre-screening and assessment procedures
13 (including the Criminal History Report prepared under Section
14 2-201.6 of this Act) and the adequacy of Department
15 requirements concerning the provision of care and services to
16 residents. A resident shall not be listed in the database until
17 a Department survey confirms the accuracy of the listing. The
18 names of persons listed in the database and information that
19 would allow them to be individually identified shall not be
20 made public. Neither the Department nor any other agency of
21 State government may use information in the database to take
22 any action against any individual, licensee, or other entity
23 unless the Department or agency receives the information
24 independent of this subsection (d). All information collected,
25 maintained, or developed under the authority of this subsection
26 (d) for the purposes of the database maintained under this

1 subsection (d) shall be treated in the same manner as
2 information that is subject to Part 21 of Article VIII of the
3 Code of Civil Procedure.

4 (Source: P.A. 96-339, eff. 7-1-10; 97-38, eff. 6-28-11.)

5 (210 ILCS 47/2-201.6)

6 Sec. 2-201.6. Criminal History Report.

7 (a) The Illinois ~~Department of~~ State Police shall prepare a
8 Criminal History Report when it receives information, through
9 the criminal history background check required pursuant to
10 subsection (c) of Section 2-201.5 or through any other means,
11 that a resident of a facility is an identified offender.

12 (b) The Illinois ~~Department of~~ State Police shall complete
13 the Criminal History Report within 10 business days after
14 receiving any information described under subsection (a) of
15 this Act that a resident is an identified offender.

16 (c) The Criminal History Report shall include, but not be
17 limited to, all of the following:

18 (1) Copies of the identified offender's parole,
19 mandatory supervised release, or probation orders.

20 (2) An interview with the identified offender.

21 (3) A detailed summary of the entire criminal history
22 of the offender, including arrests, convictions, and the
23 date of the identified offender's last conviction relative
24 to the date of admission to a long-term care facility.

25 (4) If the identified offender is a convicted or

1 registered sex offender, then a review of any and all sex
2 offender evaluations conducted on that offender. If there
3 is no sex offender evaluation available, then the Illinois
4 ~~Department of~~ State Police shall arrange, through the
5 Department of Public Health, for a sex offender evaluation
6 to be conducted on the identified offender. If the
7 convicted or registered sex offender is under supervision
8 by the Illinois Department of Corrections or a county
9 probation department, then the sex offender evaluation
10 shall be arranged by and at the expense of the supervising
11 agency. All evaluations conducted on convicted or
12 registered sex offenders under this Act shall be conducted
13 by sex offender evaluators approved by the Sex Offender
14 Management Board.

15 (d) The Illinois ~~Department of~~ State Police shall provide
16 the Criminal History Report to a licensed forensic
17 psychologist. The licensed forensic psychologist shall prepare
18 an Identified Offender Report and Recommendation after (i)
19 consideration of the Criminal History Report, (ii)
20 consultation with the facility administrator or the facility
21 medical director, or both, regarding the mental and physical
22 condition of the identified offender, and (iii) reviewing the
23 facility's file on the identified offender, including all
24 incident reports, all information regarding medication and
25 medication compliance, and all information regarding previous
26 discharges or transfers from other facilities. The Identified

1 Offender Report and Recommendation shall detail whether and to
2 what extent the identified offender's criminal history
3 necessitates the implementation of security measures within
4 the facility. If the identified offender is a convicted or
5 registered sex offender, or if the Identified Offender Report
6 and Recommendation reveals that the identified offender poses a
7 significant risk of harm to others within the facility, then
8 the offender shall be required to have his or her own room
9 within the facility.

10 (e) The licensed forensic psychologist shall complete the
11 Identified Offender Report and Recommendation within 14
12 business days after receiving the Criminal History Report and
13 shall promptly provide the Identified Offender Report and
14 Recommendation to the Illinois Department ~~of~~ State Police,
15 which shall provide the Identified Offender Report and
16 Recommendation to the following:

17 (1) The facility within which the identified offender
18 resides.

19 (2) The Chief of Police of the municipality in which
20 the facility is located.

21 (3) The State of Illinois Long Term Care Ombudsman.

22 (4) The Department of Public Health.

23 (f) The Department of Public Health shall keep a continuing
24 record of all residents determined to be identified offenders
25 as defined in Section 1-114.01 and shall report the number of
26 identified offender residents annually to the General

1 Assembly.

2 (g) The facility shall incorporate the Identified Offender
3 Report and Recommendation into the identified offender's
4 individual program plan created pursuant to 42 CFR 483.440(c).

5 (h) If, based on the Identified Offender Report and
6 Recommendation, a facility determines that it cannot manage the
7 identified offender resident safely within the facility, then
8 it shall commence involuntary transfer or discharge
9 proceedings pursuant to Section 3-402.

10 (i) Except for willful and wanton misconduct, any person
11 authorized to participate in the development of a Criminal
12 History Report or Identified Offender Report and
13 Recommendation is immune from criminal or civil liability for
14 any acts or omissions as the result of his or her good faith
15 effort to comply with this Section.

16 (Source: P.A. 97-38, eff. 6-28-11.)

17 Section 555. The Specialized Mental Health Rehabilitation
18 Act of 2013 is amended by changing Sections 2-104 and 2-105 as
19 follows:

20 (210 ILCS 49/2-104)

21 Sec. 2-104. Screening prior to admission.

22 (a) A facility shall, within 24 hours after admission,
23 request a criminal history background check pursuant to the
24 Uniform Conviction Information Act for all persons age 18 or

1 older seeking admission to the facility, unless a background
2 check was initiated by a hospital pursuant to subsection (d) of
3 Section 6.09 of the Hospital Licensing Act. Background checks
4 conducted pursuant to this Section shall be based on the
5 consumer's name, date of birth, and other identifiers as
6 required by the Illinois ~~Department of~~ State Police. If the
7 results of the background check are inconclusive, the facility
8 shall initiate a fingerprint-based check, unless the
9 fingerprint check is waived by the Director of Public Health
10 based on verification by the facility that the consumer meets
11 criteria related to the consumer's health or lack of potential
12 risk which may be established by Departmental rule. A waiver
13 issued pursuant to this Section shall be valid only while the
14 consumer is immobile or while the criteria supporting the
15 waiver exist. The facility shall provide for or arrange for any
16 required fingerprint-based checks to be taken on the premises
17 of the facility. If a fingerprint-based check is required, the
18 facility shall arrange for it to be conducted in a manner that
19 is respectful of the consumer's dignity and that minimizes any
20 emotional or physical hardship to the consumer.

21 (b) If the results of a consumer's criminal history
22 background check reveal that the consumer is an identified
23 offender as defined in this Act, the facility shall do the
24 following:

- 25 (1) Immediately notify the Illinois ~~Department of~~
26 State Police, in the form and manner required by the

1 Illinois ~~Department of~~ State Police, in collaboration with
2 the Department of Public Health, that the consumer is an
3 identified offender.

4 (2) Within 72 hours, arrange for a fingerprint-based
5 criminal history record inquiry to be requested on the
6 identified offender consumer. The inquiry shall be based on
7 the subject's name, sex, race, date of birth, fingerprint
8 images, and other identifiers required by the Illinois
9 ~~Department of~~ State Police. The inquiry shall be processed
10 through the files of the Illinois ~~Department of~~ State
11 Police and the Federal Bureau of Investigation to locate
12 any criminal history record information that may exist
13 regarding the subject. The Federal Bureau of Investigation
14 shall furnish to the Illinois ~~Department of~~ State Police,
15 pursuant to an inquiry under this paragraph (2), any
16 criminal history record information contained in its
17 files.

18 (Source: P.A. 98-104, eff. 7-22-13.)

19 (210 ILCS 49/2-105)

20 Sec. 2-105. Criminal History Report.

21 (a) The Illinois ~~Department of~~ State Police shall prepare a
22 Criminal History Report when it receives information, through
23 the criminal history background check required pursuant to
24 subsection (d) of Section 6.09 of the Hospital Licensing Act or
25 subsection (c) of Section 2-201.5 of the Nursing Home Care Act,

1 or through any other means, that a consumer of a facility is an
2 identified offender.

3 (b) The Illinois ~~Department of~~ State Police shall complete
4 the Criminal History Report within 10 business days after
5 receiving information under subsection (a) that a consumer is
6 an identified offender.

7 (c) The Criminal History Report shall include, but not be
8 limited to, the following:

9 (1) Copies of the identified offender's parole,
10 mandatory supervised release, or probation orders.

11 (2) An interview with the identified offender.

12 (3) A detailed summary of the entire criminal history
13 of the offender, including arrests, convictions, and the
14 date of the identified offender's last conviction relative
15 to the date of admission to a long-term care facility.

16 (4) If the identified offender is a convicted or
17 registered sex offender, a review of any and all sex
18 offender evaluations conducted on that offender. If there
19 is no sex offender evaluation available, the Illinois
20 ~~Department of~~ State Police shall arrange, through the
21 Department of Public Health, for a sex offender evaluation
22 to be conducted on the identified offender. If the
23 convicted or registered sex offender is under supervision
24 by the Illinois Department of Corrections or a county
25 probation department, the sex offender evaluation shall be
26 arranged by and at the expense of the supervising agency.

1 All evaluations conducted on convicted or registered sex
2 offenders under this Act shall be conducted by sex offender
3 evaluators approved by the Sex Offender Management Board.

4 (d) The Illinois ~~Department of~~ State Police shall provide
5 the Criminal History Report to a licensed forensic
6 psychologist. After (i) consideration of the Criminal History
7 Report, (ii) consultation with the facility administrator or
8 the facility medical director, or both, regarding the mental
9 and physical condition of the identified offender, and (iii)
10 reviewing the facility's file on the identified offender,
11 including all incident reports, all information regarding
12 medication and medication compliance, and all information
13 regarding previous discharges or transfers from other
14 facilities, the licensed forensic psychologist shall prepare
15 an Identified Offender Report and Recommendation. The
16 Identified Offender Report and Recommendation shall detail
17 whether and to what extent the identified offender's criminal
18 history necessitates the implementation of security measures
19 within the long-term care facility. If the identified offender
20 is a convicted or registered sex offender or if the Identified
21 Offender Report and Recommendation reveals that the identified
22 offender poses a significant risk of harm to others within the
23 facility, the offender shall be required to have his or her own
24 room within the facility.

25 (e) The licensed forensic psychologist shall complete the
26 Identified Offender Report and Recommendation within 14

1 business days after receiving the Criminal History Report and
2 shall promptly provide the Identified Offender Report and
3 Recommendation to the Illinois ~~Department of~~ State Police,
4 which shall provide the Identified Offender Report and
5 Recommendation to the following:

6 (1) The facility within which the identified offender
7 resides.

8 (2) The Chief of Police of the municipality in which
9 the facility is located.

10 (3) The State of Illinois Long Term Care Ombudsman.

11 (4) The Department of Public Health.

12 (e-5) The Department of Public Health shall keep a
13 continuing record of all consumers determined to be identified
14 offenders as defined in Section 1-114.01 of the Nursing Home
15 Care Act and shall report the number of identified offender
16 consumers annually to the General Assembly.

17 (f) The facility shall incorporate the Identified Offender
18 Report and Recommendation into the identified offender's care
19 plan created pursuant to 42 CFR 483.20.

20 (g) If, based on the Identified Offender Report and
21 Recommendation, a facility determines that it cannot manage the
22 identified offender consumer safely within the facility, it
23 shall commence involuntary transfer or discharge proceedings
24 pursuant to Section 3-402.

25 (h) Except for willful and wanton misconduct, any person
26 authorized to participate in the development of a Criminal

1 History Report or Identified Offender Report and
2 Recommendation is immune from criminal or civil liability for
3 any acts or omissions as the result of his or her good faith
4 effort to comply with this Section.

5 (Source: P.A. 98-104, eff. 7-22-13.)

6 Section 560. The Hospital Licensing Act is amended by
7 changing Section 6.09 as follows:

8 (210 ILCS 85/6.09) (from Ch. 111 1/2, par. 147.09)

9 Sec. 6.09. (a) In order to facilitate the orderly
10 transition of aged patients and patients with disabilities from
11 hospitals to post-hospital care, whenever a patient who
12 qualifies for the federal Medicare program is hospitalized, the
13 patient shall be notified of discharge at least 24 hours prior
14 to discharge from the hospital. With regard to pending
15 discharges to a skilled nursing facility, the hospital must
16 notify the case coordination unit, as defined in 89 Ill. Adm.
17 Code 240.260, at least 24 hours prior to discharge. When the
18 assessment is completed in the hospital, the case coordination
19 unit shall provide a copy of the required assessment
20 documentation directly to the nursing home to which the patient
21 is being discharged prior to discharge. The Department on Aging
22 shall provide notice of this requirement to case coordination
23 units. When a case coordination unit is unable to complete an
24 assessment in a hospital prior to the discharge of a patient,

1 60 years of age or older, to a nursing home, the case
2 coordination unit shall notify the Department on Aging which
3 shall notify the Department of Healthcare and Family Services.
4 The Department of Healthcare and Family Services and the
5 Department on Aging shall adopt rules to address these
6 instances to ensure that the patient is able to access nursing
7 home care, the nursing home is not penalized for accepting the
8 admission, and the patient's timely discharge from the hospital
9 is not delayed, to the extent permitted under federal law or
10 regulation. Nothing in this subsection shall preclude federal
11 requirements for a pre-admission screening/mental health
12 (PAS/MH) as required under Section 2-201.5 of the Nursing Home
13 Care Act or State or federal law or regulation. If home health
14 services are ordered, the hospital must inform its designated
15 case coordination unit, as defined in 89 Ill. Adm. Code
16 240.260, of the pending discharge and must provide the patient
17 with the case coordination unit's telephone number and other
18 contact information.

19 (b) Every hospital shall develop procedures for a physician
20 with medical staff privileges at the hospital or any
21 appropriate medical staff member to provide the discharge
22 notice prescribed in subsection (a) of this Section. The
23 procedures must include prohibitions against discharging or
24 referring a patient to any of the following if unlicensed,
25 uncertified, or unregistered: (i) a board and care facility, as
26 defined in the Board and Care Home Act; (ii) an assisted living

1 and shared housing establishment, as defined in the Assisted
2 Living and Shared Housing Act; (iii) a facility licensed under
3 the Nursing Home Care Act, the Specialized Mental Health
4 Rehabilitation Act of 2013, the ID/DD Community Care Act, or
5 the MC/DD Act; (iv) a supportive living facility, as defined in
6 Section 5-5.01a of the Illinois Public Aid Code; or (v) a
7 free-standing hospice facility licensed under the Hospice
8 Program Licensing Act if licensure, certification, or
9 registration is required. The Department of Public Health shall
10 annually provide hospitals with a list of licensed, certified,
11 or registered board and care facilities, assisted living and
12 shared housing establishments, nursing homes, supportive
13 living facilities, facilities licensed under the ID/DD
14 Community Care Act, the MC/DD Act, or the Specialized Mental
15 Health Rehabilitation Act of 2013, and hospice facilities.
16 Reliance upon this list by a hospital shall satisfy compliance
17 with this requirement. The procedure may also include a waiver
18 for any case in which a discharge notice is not feasible due to
19 a short length of stay in the hospital by the patient, or for
20 any case in which the patient voluntarily desires to leave the
21 hospital before the expiration of the 24 hour period.

22 (c) At least 24 hours prior to discharge from the hospital,
23 the patient shall receive written information on the patient's
24 right to appeal the discharge pursuant to the federal Medicare
25 program, including the steps to follow to appeal the discharge
26 and the appropriate telephone number to call in case the

1 patient intends to appeal the discharge.

2 (d) Before transfer of a patient to a long term care
3 facility licensed under the Nursing Home Care Act where elderly
4 persons reside, a hospital shall as soon as practicable
5 initiate a name-based criminal history background check by
6 electronic submission to the Illinois ~~Department of~~ State
7 Police for all persons between the ages of 18 and 70 years;
8 provided, however, that a hospital shall be required to
9 initiate such a background check only with respect to patients
10 who:

11 (1) are transferring to a long term care facility for
12 the first time;

13 (2) have been in the hospital more than 5 days;

14 (3) are reasonably expected to remain at the long term
15 care facility for more than 30 days;

16 (4) have a known history of serious mental illness or
17 substance abuse; and

18 (5) are independently ambulatory or mobile for more
19 than a temporary period of time.

20 A hospital may also request a criminal history background
21 check for a patient who does not meet any of the criteria set
22 forth in items (1) through (5).

23 A hospital shall notify a long term care facility if the
24 hospital has initiated a criminal history background check on a
25 patient being discharged to that facility. In all circumstances
26 in which the hospital is required by this subsection to

1 initiate the criminal history background check, the transfer to
2 the long term care facility may proceed regardless of the
3 availability of criminal history results. Upon receipt of the
4 results, the hospital shall promptly forward the results to the
5 appropriate long term care facility. If the results of the
6 background check are inconclusive, the hospital shall have no
7 additional duty or obligation to seek additional information
8 from, or about, the patient.

9 (Source: P.A. 98-104, eff. 7-22-13; 98-651, eff. 6-16-14;
10 99-143, eff. 7-27-15; 99-180, eff. 7-29-15; 99-642, eff.
11 7-28-16; 99-857, eff. 1-1-17.)

12 Section 565. The Safe Pharmaceutical Disposal Act is
13 amended by changing Section 18 as follows:

14 (210 ILCS 150/18)

15 Sec. 18. Unused medications at the scene of a death.

16 (a) Notwithstanding any provision of law to the contrary,
17 the Illinois ~~Department of~~ State Police may by rule authorize
18 State Police officers to dispose of any unused medications
19 found at the scene of a death the State Police officer is
20 investigating. A State Police officer may only dispose of any
21 unused medications under this subsection after consulting with
22 any other investigating law enforcement agency to ensure that
23 the unused medications will not be needed as evidence in any
24 investigation. This Section shall not apply to any unused

1 medications a State Police officer takes into custody as part
2 of any investigation into a crime.

3 (b) Notwithstanding any provision of law to the contrary, a
4 local governmental agency may authorize police officers to
5 dispose of any unused medications found at the scene of a death
6 a police officer is investigating. A police officer may only
7 dispose of any unused medications under this subsection after
8 consulting with any other investigating law enforcement agency
9 to ensure that the unused medications will not be needed as
10 evidence in any investigation. This Section shall not apply to
11 any unused medications a police officer takes into custody as
12 part of any investigation into a crime.

13 (c) Notwithstanding any provision of law to the contrary, a
14 coroner or medical examiner may dispose of any unused
15 medications found at the scene of a death the coroner or
16 medical examiner is investigating. A coroner or medical
17 examiner may only dispose of any unused medications under this
18 subsection after consulting with any investigating law
19 enforcement agency to ensure that the unused medications will
20 not be needed as evidence in any investigation.

21 (d) Any disposal under this Section shall be in accordance
22 with Section 17 of this Act or another State or federally
23 approved medication take-back program or location.

24 (e) This Section shall not apply to prescription drugs for
25 which the United States Food and Drug Administration created a
26 Risk Evaluation and Mitigation Strategy for under the Food and

1 Drug Administration Amendments Act of 2007.

2 (f) Nothing in this Section shall be construed to require a
3 search of the scene for unused medications.

4 (g) Prior to disposal of any medication collected as
5 evidence in a criminal investigation under this Section, a
6 State Police officer, police officer, coroner, or medical
7 examiner shall photograph the unused medication and its
8 container or packaging, if available; document the number or
9 amount of medication to be disposed; and include the
10 photographs and documentation in the police report, coroner
11 report, or medical examiner report.

12 (h) If an autopsy is performed as part of a death
13 investigation, no medication seized under this Section shall be
14 disposed of until after a toxicology report is received by the
15 entity requesting the report.

16 (i) If a police officer, State Police officer, coroner, or
17 medical examiner is not present at the scene of a death, a
18 nurse may dispose of any unused medications found at the scene
19 of a death the nurse is present at while engaging in the
20 performance of his or her duties. A nurse may dispose of any
21 unused medications under this subsection only after consulting
22 with any investigating law enforcement agency to ensure that
23 the unused medications will not be needed as evidence in an
24 investigation.

25 (j) When an individual authorized to dispose of unused
26 medication under this Section disposes of unused medication

1 under this Section in good faith, the individual, and his or
2 her employer, employees, and agents, shall incur no criminal
3 liability or professional discipline.

4 (Source: P.A. 99-648, eff. 1-1-17; 100-345, eff. 8-25-17.)

5 Section 570. The Health Care Violence Prevention Act is
6 amended by changing Section 30 as follows:

7 (210 ILCS 160/30)

8 Sec. 30. Medical care for committed persons.

9 (a) If a committed person receives medical care and
10 treatment at a place other than an institution or facility of
11 the Department of Corrections, a county, or a municipality,
12 then the institution or facility shall:

13 (1) to the greatest extent practicable, notify the
14 hospital or medical facility that is treating the committed
15 person prior to the committed person's visit and notify the
16 hospital or medical facility of any significant medical,
17 mental health, recent violent actions, or other safety
18 concerns regarding the patient;

19 (2) to the greatest extent practicable, ensure the
20 transferred committed person is accompanied by the most
21 comprehensive medical records possible;

22 (3) provide at least one guard trained in custodial
23 escort and custody of high-risk committed persons to
24 accompany any committed person. The custodial agency shall

1 attest to such training for custodial escort and custody of
2 high-risk committed persons through: (A) the training of
3 the Department of Corrections, Department of Juvenile
4 Justice, or Illinois ~~Department of~~ State Police; (B) law
5 enforcement training that is substantially equivalent to
6 the training of the Department of Corrections, Department
7 of Juvenile Justice, or Illinois ~~Department of~~ State
8 Police; or (C) the training described in Section 35. Under
9 no circumstances may leg irons or shackles or waist
10 shackles be used on any pregnant female prisoner who is in
11 labor. In addition, restraint of a pregnant female prisoner
12 in the custody of the Cook County shall comply with Section
13 3-15003.6 of the Counties Code. Additionally, restraints
14 shall not be used on a committed person if medical
15 personnel determine that the restraints would impede
16 medical treatment; and

17 (4) ensure that only medical personnel, Department of
18 Corrections, county, or municipality personnel, and
19 visitors on the committed person's approved institutional
20 visitors list may visit the committed person. Visitation by
21 a person on the committed person's approved institutional
22 visitors list shall be subject to the rules and procedures
23 of the hospital or medical facility and the Department of
24 Corrections, county, or municipality. In any situation in
25 which a committed person is being visited:

26 (A) the name of the visitor must be listed per the

1 facility's or institution's documentation;

2 (B) the visitor shall submit to the search of his
3 or her person or any personal property under his or her
4 control at any time; and

5 (C) the custodial agency may deny the committed
6 person access to a telephone or limit the number of
7 visitors the committed person may receive for purposes
8 of safety.

9 If a committed person receives medical care and treatment
10 at a place other than an institution or facility of the
11 Department of Corrections, county, or municipality, then the
12 custodial agency shall ensure that the committed person is
13 wearing security restraints in accordance with the custodial
14 agency's rules and procedures if the custodial agency
15 determines that restraints are necessary for the following
16 reasons: (i) to prevent physical harm to the committed person
17 or another person; (ii) because the committed person has a
18 history of disruptive behavior that has placed others in
19 potentially harmful situations or presents a substantial risk
20 of inflicting physical harm on himself or herself or others as
21 evidenced by recent behavior; or (iii) there is a well-founded
22 belief that the committed person presents a substantial risk of
23 flight. Under no circumstances may leg irons or shackles or
24 waist shackles be used on any pregnant female prisoner who is
25 in labor. In addition, restraint of a pregnant female prisoner
26 in the custody of the Cook County shall comply with Section

1 3-15003.6 of the Counties Code.

2 The hospital or medical facility may establish protocols
3 for the receipt of committed persons in collaboration with the
4 Department of Corrections, county, or municipality,
5 specifically with regard to potentially violent persons.

6 (b) If a committed person receives medical care and
7 treatment at a place other than an institution or facility of
8 the Department of Juvenile Justice, then the institution or
9 facility shall:

10 (1) to the greatest extent practicable, notify the
11 hospital or medical facility that is treating the committed
12 person prior to the committed person's visit, and notify
13 the hospital or medical facility of any significant
14 medical, mental health, recent violent actions, or other
15 safety concerns regarding the patient;

16 (2) to the greatest extent practicable, ensure the
17 transferred committed person is accompanied by the most
18 comprehensive medical records possible;

19 (3) provide: (A) at least one guard trained in
20 custodial escort and custody of high-risk committed
21 persons to accompany any committed person. The custodial
22 agency shall attest to such training for custodial escort
23 and custody of high-risk committed persons through: (i) the
24 training of the Department of Corrections, Department of
25 Juvenile Justice, or Illinois ~~Department of~~ State Police,
26 (ii) law enforcement training that is substantially

1 equivalent to the training of the Department of
2 Corrections, Department of Juvenile Justice, or Illinois
3 ~~Department of~~ State Police, or (iii) the training described
4 in Section 35; or (B) 2 guards to accompany the committed
5 person at all times during the visit to the hospital or
6 medical facility; and

7 (4) ensure that only medical personnel, Department of
8 Juvenile Justice personnel, and visitors on the committed
9 person's approved institutional visitors list may visit
10 the committed person. Visitation by a person on the
11 committed person's approved institutional visitors list
12 shall be subject to the rules and procedures of the
13 hospital or medical facility and the Department of Juvenile
14 Justice. In any situation in which a committed person is
15 being visited:

16 (A) the name of the visitor must be listed per the
17 facility's or institution's documentation;

18 (B) the visitor shall submit to the search of his
19 or her person or any personal property under his or her
20 control at any time; and

21 (C) the custodial agency may deny the committed
22 person access to a telephone or limit the number of
23 visitors the committed person may receive for purposes
24 of safety.

25 If a committed person receives medical care and treatment
26 at a place other than an institution or facility of the

1 Department of Juvenile Justice, then the Department of Juvenile
2 Justice shall ensure that the committed person is wearing
3 security restraints on either his or her wrists or ankles in
4 accordance with the rules and procedures of the Department of
5 Juvenile Justice if the Department of Juvenile Justice
6 determines that restraints are necessary for the following
7 reasons: (i) to prevent physical harm to the committed person
8 or another person; (ii) because the committed person has a
9 history of disruptive behavior that has placed others in
10 potentially harmful situations or presents a substantial risk
11 of inflicting physical harm on himself or herself or others as
12 evidenced by recent behavior; or (iii) there is a well-founded
13 belief that the committed person presents a substantial risk of
14 flight. Any restraints used on a committed person under this
15 paragraph shall be the least restrictive restraints necessary
16 to prevent flight or physical harm to the committed person or
17 another person. Restraints shall not be used on the committed
18 person as provided in this paragraph if medical personnel
19 determine that the restraints would impede medical treatment.
20 Under no circumstances may leg irons or shackles or waist
21 shackles be used on any pregnant female prisoner who is in
22 labor. In addition, restraint of a pregnant female prisoner in
23 the custody of the Cook County shall comply with Section
24 3-15003.6 of the Counties Code.

25 The hospital or medical facility may establish protocols
26 for the receipt of committed persons in collaboration with the

1 Department of Juvenile Justice, specifically with regard to
2 persons recently exhibiting violence.

3 (Source: P.A. 100-1051, eff. 1-1-19; 100-1186, eff. 4-5-19.)

4 Section 575. The Illinois Insurance Code is amended by
5 changing Sections 155.24, 401, and 1520 as follows:

6 (215 ILCS 5/155.24) (from Ch. 73, par. 767.24)

7 Sec. 155.24. Motor Vehicle Theft and Motor Insurance Fraud
8 Reporting and Immunity Law.

9 (a) As used in this Section:

10 (1) "authorized governmental agency" means the
11 Illinois ~~Department of~~ State Police, a local governmental
12 police department, a county sheriff's office, a State's
13 Attorney, the Attorney General, a municipal attorney, a
14 United States district attorney, a duly constituted
15 criminal investigative agency of the United States
16 government, the Illinois Department of Insurance, the
17 Illinois Department of Professional Regulation and the
18 office of the Illinois Secretary of State;

19 (2) "relevant" means having a tendency to make the
20 existence of any information that is of consequence to an
21 investigation of motor vehicle theft or insurance fraud
22 investigation or a determination of such issue more
23 probable or less probable than it would be without such
24 information;

1 (3) information will be "deemed important" if within
2 the sole discretion of the authorized governmental agency
3 such information is requested by that authorized
4 governmental agency;

5 (4) "Illinois authorized governmental agency" means an
6 authorized governmental agency as defined in item (1) that
7 is a part of the government of the State of Illinois or any
8 of the counties or municipalities of this State or any
9 other authorized entity; and

10 (5) For the purposes of this Section and Section
11 155.23, "insurer" means insurance companies, insurance
12 support organizations, self-insured entities, and other
13 providers of insurance products and services doing
14 business in the State of Illinois.

15 (b) Upon written request to an insurer by an authorized
16 governmental agency, an insurer or agent authorized by an
17 insurer to act on its behalf shall release to the requesting
18 authorized governmental agency any or all relevant information
19 deemed important to the authorized governmental agency which
20 the insurer may possess relating to any specific motor vehicle
21 theft or motor vehicle insurance fraud. Relevant information
22 may include, but is not limited to:

23 (1) Insurance policy information relevant to the motor
24 vehicle theft or motor vehicle insurance fraud under
25 investigation, including any application for such a
26 policy.

1 (2) Policy premium payment records which are
2 available.

3 (3) History of previous claims made by the insured.

4 (4) Information relating to the investigation of the
5 motor vehicle theft or motor vehicle insurance fraud,
6 including statements of any person, proofs of loss and
7 notice of loss.

8 (c) When an insurer knows or reasonably believes to know
9 the identity of a person whom it has reason to believe
10 committed a criminal or fraudulent act relating to a motor
11 vehicle theft or a motor vehicle insurance claim or has
12 knowledge of such a criminal or fraudulent act which is
13 reasonably believed not to have been reported to an authorized
14 governmental agency, then for the purpose of notification and
15 investigation, the insurer or an agent authorized by an insurer
16 to act on its behalf shall notify an authorized governmental
17 agency of such knowledge or reasonable belief and provide any
18 additional relevant information in accordance with subsection
19 (b) of this Section. When the motor vehicle theft or motor
20 vehicle claim that gives rise to the suspected criminal or
21 fraudulent act has already generated an incident report to an
22 Illinois authorized governmental agency, the insurer shall
23 report the suspected criminal or fraudulent act to that agency.
24 When no prior incident report has been made, the insurer shall
25 report the suspected criminal or fraudulent act to the Attorney
26 General or State's Attorney in the county or counties where the

1 incident is claimed to have occurred. When the incident that
2 gives rise to the suspected criminal or fraudulent act is
3 claimed to have occurred outside the State of Illinois, but the
4 suspected criminal or fraudulent act occurs within the State of
5 Illinois, the insurer shall make the report to the Attorney
6 General or State's Attorney in the county or counties where the
7 suspected criminal or fraudulent act occurred. When the fraud
8 occurs in multiple counties the report shall also be sent to
9 the Attorney General.

10 (d) When an insurer provides any of the authorized
11 governmental agencies with notice pursuant to this Section it
12 shall be deemed sufficient notice to all authorized
13 governmental agencies for the purpose of this Act.

14 (e) The authorized governmental agency provided with
15 information pursuant to this Section may release or provide
16 such information to any other authorized governmental agency.

17 (f) Any insurer providing information to an authorized
18 governmental agency pursuant to this Section shall have the
19 right to request and receive relevant information from such
20 authorized governmental agency, and receive within a
21 reasonable time after the completion of the investigation, not
22 to exceed 30 days, the information requested.

23 (g) Any information furnished pursuant to this Section
24 shall be privileged and not a part of any public record. Except
25 as otherwise provided by law, any authorized governmental
26 agency, insurer, or an agent authorized by an insurer to act on

1 its behalf which receives any information furnished pursuant to
2 this Section, shall not release such information to public
3 inspection. Such evidence or information shall not be subject
4 to subpoena duces tecum in a civil or criminal proceeding
5 unless, after reasonable notice to any insurer, agent
6 authorized by an insurer to act on its behalf and authorized
7 governmental agency which has an interest in such information
8 and a hearing, the court determines that the public interest
9 and any ongoing investigation by the authorized governmental
10 agency, insurer, or any agent authorized by an insurer to act
11 on its behalf will not be jeopardized by obedience to such a
12 subpoena duces tecum.

13 (h) No insurer, or agent authorized by an insurer on its
14 behalf, authorized governmental agency or their respective
15 employees shall be subject to any civil or criminal liability
16 in a cause of action of any kind for releasing or receiving any
17 information pursuant to this Section. Nothing herein is
18 intended to or does in any way or manner abrogate or lessen the
19 common and statutory law privileges and immunities of an
20 insurer, agent authorized by an insurer to act on its behalf or
21 authorized governmental agency or any of their respective
22 employees.

23 (Source: P.A. 92-233, eff. 1-1-02.)

24 (215 ILCS 5/401) (from Ch. 73, par. 1013)

25 Sec. 401. General powers of the director. The Director is

1 charged with the rights, powers and duties appertaining to the
2 enforcement and execution of all the insurance laws of this
3 State. He shall have the power

4 (a) to make reasonable rules and regulations as may be
5 necessary for making effective such laws;

6 (b) to conduct such investigations as may be necessary
7 to determine whether any person has violated any provision
8 of such insurance laws;

9 (c) to conduct such examinations, investigations and
10 hearings in addition to those specifically provided for, as
11 may be necessary and proper for the efficient
12 administration of the insurance laws of this State; and

13 (d) to institute such actions or other lawful
14 proceedings as he may deem necessary for the enforcement of
15 the Illinois Insurance Code or of any Order or action made
16 or taken by him under this Code. The Attorney General, upon
17 request of the Director, may proceed in the courts of this
18 State to enforce an Order or decision in any court
19 proceeding or in any administrative proceeding before the
20 Director.

21 Whenever the Director is authorized or required by law to
22 consider some aspect of criminal history record information for
23 the purpose of carrying out his statutory powers and
24 responsibilities, then, upon request and payment of fees in
25 conformance with the requirements of Section 2605-400 of the
26 Illinois ~~Department~~ of State Police Law ~~(20)~~ ILCS

1 ~~2605/2605-400~~), the Illinois ~~Department of~~ State Police is
2 authorized to furnish, pursuant to positive identification,
3 such information contained in State files as is necessary to
4 meet the requirements of such authorization or statutes.

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

6 (215 ILCS 5/1520)

7 Sec. 1520. Application for license.

8 (a) A person applying for a public adjuster license shall
9 make application to the Director on the appropriate uniform
10 application or other application prescribed by the Director.

11 (b) The applicant shall declare under penalty of perjury
12 and under penalty of refusal, suspension, or revocation of the
13 license that the statements made in the application are true,
14 correct, and complete to the best of the applicant's knowledge
15 and belief.

16 (c) In order to make a determination of license
17 eligibility, the Director is authorized to require all
18 applicants for licensing, including renewal applicants, to
19 undergo a fingerprint-based criminal history record check for
20 the first year following the effective date of this amendatory
21 Act of the 97th General Assembly. The fingerprints and the fee
22 required to perform the criminal history record checks shall be
23 submitted to the Illinois ~~Department of~~ State Police and the
24 Federal Bureau of Investigation (FBI) to conduct a State and
25 national criminal history record check. The Illinois

1 ~~Department of~~ State Police and the Federal Bureau of
2 Investigation shall furnish to the Department of Insurance all
3 records of convictions, unless or until expunged, pursuant to
4 the fingerprint-based criminal history records check. The
5 Illinois ~~Department of~~ State Police shall charge a fee for
6 conducting such checks, which fee shall be deposited into the
7 State Police Services Fund and shall not exceed the cost of the
8 inquiry. The applicant shall be required to pay all fees
9 associated with conducting the criminal history record check.

10 (d) The Director may adopt rules to establish procedures
11 necessary to carry out the requirements of subsection (c) of
12 this Section.

13 (e) The Director is authorized to submit electronic
14 fingerprint records and necessary identifying information to
15 the NAIC, its affiliates, or subsidiaries for permanent
16 retention in a centralized repository. The purpose of such a
17 centralized repository is to provide Directors with access to
18 fingerprint records in order to perform criminal history record
19 checks.

20 (f) Until such time as the Director can obtain and receive
21 national criminal history records, the applicant shall obtain a
22 copy of his or her fingerprints and complete criminal history
23 record from the FBI Criminal Justice Information Services
24 Division and the Illinois State Police and provide such
25 information to the Department of Insurance.

26 (Source: P.A. 96-1332, eff. 1-1-11; 97-207, eff. 7-28-11.)

1 Section 580. The Public Utilities Act is amended by
2 changing Section 4-101 as follows:

3 (220 ILCS 5/4-101) (from Ch. 111 2/3, par. 4-101)

4 Sec. 4-101. The Commerce Commission shall have general
5 supervision of all public utilities, except as otherwise
6 provided in this Act, shall inquire into the management of the
7 business thereof and shall keep itself informed as to the
8 manner and method in which the business is conducted. It shall
9 examine those public utilities and keep informed as to their
10 general condition, their franchises, capitalization, rates and
11 other charges, and the manner in which their plants, equipment
12 and other property owned, leased, controlled or operated are
13 managed, conducted and operated, not only with respect to the
14 adequacy, security and accommodation afforded by their service
15 but also with respect to their compliance with this Act and any
16 other law, with the orders of the Commission and with the
17 charter and franchise requirements.

18 Whenever the Commission is authorized or required by law to
19 consider some aspect of criminal history record information for
20 the purpose of carrying out its statutory powers and
21 responsibilities, then, upon request and payment of fees in
22 conformance with the requirements of Section 2605-400 of the
23 Illinois ~~Department of State Police Law (20 ILCS~~
24 ~~2605/2605-400)~~, the Illinois ~~Department of State Police~~ is

1 authorized to furnish, pursuant to positive identification,
2 such information contained in State files as is necessary to
3 fulfill the request.

4 The Commission shall require all public utilities to
5 establish a security policy that includes on-site safeguards to
6 restrict physical or electronic access to critical
7 infrastructure and computerized control and data systems. The
8 Commission shall maintain a record of and each regulated entity
9 shall provide to the Commission an annual affidavit signed by a
10 representative of the regulated entity that states:

- 11 (1) that the entity has a security policy in place;
- 12 (2) that the entity has conducted at least one practice
13 exercise based on the security policy within the 12 months
14 immediately preceding the date of the affidavit; and
- 15 (3) with respect to any entity that is an electric
16 public utility, that the entity follows, at a minimum, the
17 most current security standards set forth by the North
18 American Electric Reliability Council.

19 (Source: P.A. 94-480, eff. 1-1-06; 94-735, eff. 5-1-06.)

20 Section 585. The Child Care Act of 1969 is amended by
21 changing Section 4.1 as follows:

22 (225 ILCS 10/4.1) (from Ch. 23, par. 2214.1)

23 Sec. 4.1. Criminal Background Investigations. The
24 Department shall require that each child care facility license

1 applicant as part of the application process, and each employee
2 and volunteer of a child care facility or non-licensed service
3 provider, as a condition of employment, authorize an
4 investigation to determine if such applicant, employee, or
5 volunteer has ever been charged with a crime and if so, the
6 disposition of those charges; this authorization shall
7 indicate the scope of the inquiry and the agencies which may be
8 contacted. Upon this authorization, the Director shall request
9 and receive information and assistance from any federal, State
10 or local governmental agency as part of the authorized
11 investigation. Each applicant, employee, or volunteer of a
12 child care facility or non-licensed service provider shall
13 submit his or her fingerprints to the Illinois ~~Department of~~
14 State Police in the form and manner prescribed by the Illinois
15 ~~Department of~~ State Police. These fingerprints shall be checked
16 against the fingerprint records now and hereafter filed in the
17 Illinois ~~Department of~~ State Police and Federal Bureau of
18 Investigation criminal history records databases. The Illinois
19 ~~Department of~~ State Police shall charge a fee for conducting
20 the criminal history records check, which shall be deposited in
21 the State Police Services Fund and shall not exceed the actual
22 cost of the records check. The Illinois ~~Department of~~ State
23 Police shall provide information concerning any criminal
24 charges, and their disposition, now or hereafter filed, against
25 an applicant, employee, or volunteer of a child care facility
26 or non-licensed service provider upon request of the Department

1 of Children and Family Services when the request is made in the
2 form and manner required by the Illinois ~~Department of~~ State
3 Police.

4 Information concerning convictions of a license applicant,
5 employee, or volunteer of a child care facility or non-licensed
6 service provider investigated under this Section, including
7 the source of the information and any conclusions or
8 recommendations derived from the information, shall be
9 provided, upon request, to such applicant, employee, or
10 volunteer of a child care facility or non-licensed service
11 provider prior to final action by the Department on the
12 application. State conviction information provided by the
13 Illinois ~~Department of~~ State Police regarding employees,
14 prospective employees, or volunteers of non-licensed service
15 providers and child care facilities licensed under this Act
16 shall be provided to the operator of such facility, and, upon
17 request, to the employee, prospective employee, or volunteer of
18 a child care facility or non-licensed service provider. Any
19 information concerning criminal charges and the disposition of
20 such charges obtained by the Department shall be confidential
21 and may not be transmitted outside the Department, except as
22 required herein, and may not be transmitted to anyone within
23 the Department except as needed for the purpose of evaluating
24 an application or an employee or volunteer of a child care
25 facility or non-licensed service provider. Only information
26 and standards which bear a reasonable and rational relation to

1 the performance of a child care facility shall be used by the
2 Department or any licensee. Any employee of the Department of
3 Children and Family Services, Illinois ~~Department of~~ State
4 Police, or a child care facility receiving confidential
5 information under this Section who gives or causes to be given
6 any confidential information concerning any criminal
7 convictions of an applicant, employee, or volunteer of a child
8 care facility or non-licensed service provider, shall be guilty
9 of a Class A misdemeanor unless release of such information is
10 authorized by this Section.

11 A child care facility may hire, on a probationary basis,
12 any employee or volunteer of a child care facility or
13 non-licensed service provider authorizing a criminal
14 background investigation under this Section, pending the
15 result of such investigation. Employees and volunteers of a
16 child care facility or non-licensed service provider shall be
17 notified prior to hiring that such employment may be terminated
18 on the basis of criminal background information obtained by the
19 facility.

20 (Source: P.A. 98-570, eff. 8-27-13.)

21 Section 590. The Health Care Worker Background Check Act is
22 amended by changing Sections 15, 33, 45, 65, and 70 as follows:

23 (225 ILCS 46/15)

24 Sec. 15. Definitions. In this Act:

1 "Applicant" means an individual enrolling in a training
2 program, seeking employment, whether paid or on a volunteer
3 basis, with a health care employer who has received a bona fide
4 conditional offer of employment.

5 "Conditional offer of employment" means a bona fide offer
6 of employment by a health care employer to an applicant, which
7 is contingent upon the receipt of a report from the Department
8 of Public Health indicating that the applicant does not have a
9 record of conviction of any of the criminal offenses enumerated
10 in Section 25.

11 "Department" means the Department of Public Health.

12 "Direct care" means the provision of nursing care or
13 assistance with feeding, dressing, movement, bathing,
14 toileting, or other personal needs, including home services as
15 defined in the Home Health, Home Services, and Home Nursing
16 Agency Licensing Act. The entity responsible for inspecting and
17 licensing, certifying, or registering the health care employer
18 may, by administrative rule, prescribe guidelines for
19 interpreting this definition with regard to the health care
20 employers that it licenses.

21 "Director" means the Director of Public Health.

22 "Disqualifying offenses" means those offenses set forth in
23 Section 25 of this Act.

24 "Employee" means any individual hired, employed, or
25 retained, whether paid or on a volunteer basis, to which this
26 Act applies.

1 "Finding" means the Department's determination of whether
2 an allegation is verified and substantiated.

3 "Fingerprint-based criminal history records check" means a
4 livescan fingerprint-based criminal history records check
5 submitted as a fee applicant inquiry in the form and manner
6 prescribed by the Illinois ~~Department of~~ State Police.

7 "Health care employer" means:

8 (1) the owner or licensee of any of the following:

9 (i) a community living facility, as defined in the
10 Community Living Facilities Act;

11 (ii) a life care facility, as defined in the Life
12 Care Facilities Act;

13 (iii) a long-term care facility;

14 (iv) a home health agency, home services agency, or
15 home nursing agency as defined in the Home Health, Home
16 Services, and Home Nursing Agency Licensing Act;

17 (v) a hospice care program or volunteer hospice
18 program, as defined in the Hospice Program Licensing
19 Act;

20 (vi) a hospital, as defined in the Hospital
21 Licensing Act;

22 (vii) (blank);

23 (viii) a nurse agency, as defined in the Nurse
24 Agency Licensing Act;

25 (ix) a respite care provider, as defined in the
26 Respite Program Act;

1 (ix-a) an establishment licensed under the
2 Assisted Living and Shared Housing Act;

3 (x) a supportive living program, as defined in the
4 Illinois Public Aid Code;

5 (xi) early childhood intervention programs as
6 described in 59 Ill. Adm. Code 121;

7 (xii) the University of Illinois Hospital,
8 Chicago;

9 (xiii) programs funded by the Department on Aging
10 through the Community Care Program;

11 (xiv) programs certified to participate in the
12 Supportive Living Program authorized pursuant to
13 Section 5-5.01a of the Illinois Public Aid Code;

14 (xv) programs listed by the Emergency Medical
15 Services (EMS) Systems Act as Freestanding Emergency
16 Centers;

17 (xvi) locations licensed under the Alternative
18 Health Care Delivery Act;

19 (2) a day training program certified by the Department
20 of Human Services;

21 (3) a community integrated living arrangement operated
22 by a community mental health and developmental service
23 agency, as defined in the Community-Integrated Living
24 Arrangements Licensing and Certification Act; or

25 (4) the State Long Term Care Ombudsman Program,
26 including any regional long term care ombudsman programs

1 under Section 4.04 of the Illinois Act on the Aging, only
2 for the purpose of securing background checks.

3 "Initiate" means obtaining from a student, applicant, or
4 employee his or her social security number, demographics, a
5 disclosure statement, and an authorization for the Department
6 of Public Health or its designee to request a fingerprint-based
7 criminal history records check; transmitting this information
8 electronically to the Department of Public Health; conducting
9 Internet searches on certain web sites, including without
10 limitation the Illinois Sex Offender Registry, the Department
11 of Corrections' Sex Offender Search Engine, the Department of
12 Corrections' Inmate Search Engine, the Department of
13 Corrections Wanted Fugitives Search Engine, the National Sex
14 Offender Public Registry, and the List of Excluded Individuals
15 and Entities database on the website of the Health and Human
16 Services Office of Inspector General to determine if the
17 applicant has been adjudicated a sex offender, has been a
18 prison inmate, or has committed Medicare or Medicaid fraud, or
19 conducting similar searches as defined by rule; and having the
20 student, applicant, or employee's fingerprints collected and
21 transmitted electronically to the Illinois ~~Department of~~ State
22 Police.

23 "Livescan vendor" means an entity whose equipment has been
24 certified by the Illinois ~~Department of~~ State Police to collect
25 an individual's demographics and inkless fingerprints and, in a
26 manner prescribed by the Illinois ~~Department of~~ State Police

1 and the Department of Public Health, electronically transmit
2 the fingerprints and required data to the Illinois Department
3 ~~of~~ State Police and a daily file of required data to the
4 Department of Public Health. The Department of Public Health
5 shall negotiate a contract with one or more vendors that
6 effectively demonstrate that the vendor has 2 or more years of
7 experience transmitting fingerprints electronically to the
8 Illinois Department ~~of~~ State Police and that the vendor can
9 successfully transmit the required data in a manner prescribed
10 by the Department of Public Health. Vendor authorization may be
11 further defined by administrative rule.

12 "Long-term care facility" means a facility licensed by the
13 State or certified under federal law as a long-term care
14 facility, including without limitation facilities licensed
15 under the Nursing Home Care Act, the Specialized Mental Health
16 Rehabilitation Act of 2013, the ID/DD Community Care Act, or
17 the MC/DD Act, a supportive living facility, an assisted living
18 establishment, or a shared housing establishment or registered
19 as a board and care home.

20 "Resident" means a person, individual, or patient under the
21 direct care of a health care employer or who has been provided
22 goods or services by a health care employer.

23 (Source: P.A. 100-432, eff. 8-25-17; 101-176, eff. 7-31-19.)

24 (225 ILCS 46/33)

25 Sec. 33. Fingerprint-based criminal history records check.

1 (a) A fingerprint-based criminal history records check is
2 not required for health care employees who have been
3 continuously employed by a health care employer since October
4 1, 2007, have met the requirements for criminal history
5 background checks prior to October 1, 2007, and have no
6 disqualifying convictions or requested and received a waiver of
7 those disqualifying convictions. These employees shall be
8 retained on the Health Care Worker Registry as long as they
9 remain active. Nothing in this subsection (a) shall be
10 construed to prohibit a health care employer from initiating a
11 criminal history records check for these employees. Should
12 these employees seek a new position with a different health
13 care employer, then a fingerprint-based criminal history
14 records check shall be required.

15 (b) On October 1, 2007 or as soon thereafter as is
16 reasonably practical, in the discretion of the Director of
17 Public Health, and thereafter, any student, applicant, or
18 employee who desires to be included on the Department of Public
19 Health's Health Care Worker Registry shall authorize the
20 Department of Public Health or its designee to request a
21 fingerprint-based criminal history records check to determine
22 if the individual has a conviction for a disqualifying offense.
23 This authorization shall allow the Department of Public Health
24 to request and receive information and assistance from any
25 State or governmental agency. Each individual shall submit his
26 or her fingerprints to the Illinois ~~Department of~~ State Police

1 in an electronic format that complies with the form and manner
2 for requesting and furnishing criminal history record
3 information prescribed by the Illinois ~~Department of~~ State
4 Police. The fingerprints submitted under this Section shall be
5 checked against the fingerprint records now and hereafter filed
6 in the Illinois ~~Department of~~ State Police criminal history
7 record databases. The Illinois ~~Department of~~ State Police shall
8 charge a fee for conducting the criminal history records check,
9 which shall not exceed the actual cost of the records check.
10 The livescan vendor may act as the designee for individuals,
11 educational entities, or health care employers in the
12 collection of Illinois ~~Department of~~ State Police fees and
13 deposit those fees into the State Police Services Fund. The
14 Illinois ~~Department of~~ State Police shall provide information
15 concerning any criminal convictions, now or hereafter filed,
16 against the individual.

17 (c) On October 1, 2007 or as soon thereafter as is
18 reasonably practical, in the discretion of the Director of
19 Public Health, and thereafter, an educational entity, other
20 than a secondary school, conducting a nurse aide training
21 program shall initiate a fingerprint-based criminal history
22 records check required by this Act prior to entry of an
23 individual into the training program.

24 (d) On October 1, 2007 or as soon thereafter as is
25 reasonably practical, in the discretion of the Director of
26 Public Health, and thereafter, a health care employer who makes

1 a conditional offer of employment to an applicant for a
2 position as an employee shall initiate a fingerprint-based
3 criminal history record check, requested by the Department of
4 Public Health, on the applicant, if such a background check has
5 not been previously conducted. Workforce intermediaries and
6 organizations providing pro bono legal services may initiate a
7 fingerprint-based criminal history record check if a
8 conditional offer of employment has not been made and a
9 background check has not been previously conducted for an
10 individual who has a disqualifying conviction and is receiving
11 services from a workforce intermediary or an organization
12 providing pro bono legal services.

13 (e) When initiating a background check requested by the
14 Department of Public Health, an educational entity, health care
15 employer, workforce intermediary, or organization that
16 provides pro bono legal services shall electronically submit to
17 the Department of Public Health the student's, applicant's, or
18 employee's social security number, demographics, disclosure,
19 and authorization information in a format prescribed by the
20 Department of Public Health within 2 working days after the
21 authorization is secured. The student, applicant, or employee
22 shall have his or her fingerprints collected electronically and
23 transmitted to the Illinois Department of State Police within
24 10 working days. The educational entity, health care employer,
25 workforce intermediary, or organization that provides pro bono
26 legal services shall transmit all necessary information and

1 fees to the livescan vendor and Illinois ~~Department of~~ State
2 Police within 10 working days after receipt of the
3 authorization. This information and the results of the criminal
4 history record checks shall be maintained by the Department of
5 Public Health's Health Care Worker Registry.

6 (f) A direct care employer may initiate a fingerprint-based
7 background check required by this Act for any of its employees,
8 but may not use this process to initiate background checks for
9 residents. The results of any fingerprint-based background
10 check that is initiated with the Department as the requester
11 shall be entered in the Health Care Worker Registry.

12 (g) As long as the employee or trainee has had a
13 fingerprint-based criminal history record check required by
14 this Act and stays active on the Health Care Worker Registry,
15 no further criminal history record checks are required, as the
16 Illinois ~~Department of~~ State Police shall notify the Department
17 of Public Health of any additional convictions associated with
18 the fingerprints previously submitted. Health care employers
19 shall check the Health Care Worker Registry before hiring an
20 employee to determine that the individual has had a
21 fingerprint-based record check required by this Act and has no
22 disqualifying convictions or has been granted a waiver pursuant
23 to Section 40 of this Act. If the individual has not had such a
24 background check or is not active on the Health Care Worker
25 Registry, then the health care employer shall initiate a
26 fingerprint-based record check requested by the Department of

1 Public Health. If an individual is inactive on the Health Care
2 Worker Registry, that individual is prohibited from being hired
3 to work as a certified nursing assistant if, since the
4 individual's most recent completion of a competency test, there
5 has been a period of 24 consecutive months during which the
6 individual has not provided nursing or nursing-related
7 services for pay. If the individual can provide proof of having
8 retained his or her certification by not having a
9 24-consecutive-month break in service for pay, he or she may be
10 hired as a certified nursing assistant and that employment
11 information shall be entered into the Health Care Worker
12 Registry.

13 (h) On October 1, 2007 or as soon thereafter as is
14 reasonably practical, in the discretion of the Director of
15 Public Health, and thereafter, if the Illinois ~~Department of~~
16 State Police notifies the Department of Public Health that an
17 employee has a new conviction of a disqualifying offense, based
18 upon the fingerprints that were previously submitted, then (i)
19 the Health Care Worker Registry shall notify the employee's
20 last known employer of the offense, (ii) a record of the
21 employee's disqualifying offense shall be entered on the Health
22 Care Worker Registry, and (iii) the individual shall no longer
23 be eligible to work as an employee unless he or she obtains a
24 waiver pursuant to Section 40 of this Act.

25 (i) On October 1, 2007, or as soon thereafter, in the
26 discretion of the Director of Public Health, as is reasonably

1 practical, and thereafter, each direct care employer or its
2 designee shall provide an employment verification for each
3 employee no less than annually. The direct care employer or its
4 designee shall log into the Health Care Worker Registry through
5 a secure login. The health care employer or its designee shall
6 indicate employment and termination dates within 30 days after
7 hiring or terminating an employee, as well as the employment
8 category and type. Failure to comply with this subsection (i)
9 constitutes a licensing violation. A fine of up to \$500 may be
10 imposed for failure to maintain these records. This information
11 shall be used by the Department of Public Health to notify the
12 last known employer of any disqualifying offenses that are
13 reported by the Illinois ~~Department of~~ State Police.

14 (j) In the event that an applicant or employee has a waiver
15 for one or more disqualifying offenses pursuant to Section 40
16 of this Act and he or she is otherwise eligible to work, the
17 Health Care Worker Registry shall indicate that the applicant
18 or employee is eligible to work and that additional information
19 is available on the Health Care Worker Registry. The Health
20 Care Worker Registry may indicate that the applicant or
21 employee has received a waiver.

22 (k) The student, applicant, or employee shall be notified
23 of each of the following whenever a fingerprint-based criminal
24 history records check is required:

- 25 (1) That the educational entity, health care employer,
26 or long-term care facility shall initiate a

1 fingerprint-based criminal history record check required
2 by this Act of the student, applicant, or employee.

3 (2) That the student, applicant, or employee has a
4 right to obtain a copy of the criminal records report that
5 indicates a conviction for a disqualifying offense and
6 challenge the accuracy and completeness of the report
7 through an established Illinois ~~Department of~~ State Police
8 procedure of Access and Review.

9 (3) That the applicant, if hired conditionally, may be
10 terminated if the criminal records report indicates that
11 the applicant has a record of a conviction of any of the
12 criminal offenses enumerated in Section 25, unless the
13 applicant obtains a waiver pursuant to Section 40 of this
14 Act.

15 (4) That the applicant, if not hired conditionally,
16 shall not be hired if the criminal records report indicates
17 that the applicant has a record of a conviction of any of
18 the criminal offenses enumerated in Section 25, unless the
19 applicant obtains a waiver pursuant to Section 40 of this
20 Act.

21 (5) That the employee shall be terminated if the
22 criminal records report indicates that the employee has a
23 record of a conviction of any of the criminal offenses
24 enumerated in Section 25.

25 (6) If, after the employee has originally been
26 determined not to have disqualifying offenses, the

1 employer is notified that the employee has a new
2 conviction(s) of any of the criminal offenses enumerated in
3 Section 25, then the employee shall be terminated.

4 (l) A health care employer or long-term care facility may
5 conditionally employ an applicant for up to 3 months pending
6 the results of a fingerprint-based criminal history record
7 check requested by the Department of Public Health.

8 (m) The Department of Public Health or an entity
9 responsible for inspecting, licensing, certifying, or
10 registering the health care employer or long-term care facility
11 shall be immune from liability for notices given based on the
12 results of a fingerprint-based criminal history record check.

13 (n) As used in this Section:

14 "Workforce intermediaries" means organizations that
15 function to provide job training and employment services.
16 Workforce intermediaries include institutions of higher
17 education, faith-based and community organizations, and
18 workforce investment boards.

19 "Organizations providing pro bono legal services" means
20 legal services performed without compensation or at a
21 significantly reduced cost to the recipient that provide
22 services designed to help individuals overcome statutory
23 barriers that would prevent them from entering positions in the
24 healthcare industry.

25 (Source: P.A. 100-432, eff. 8-25-17; 101-176, eff. 7-31-19.)

1 (225 ILCS 46/45)

2 Sec. 45. Application fees. Except as otherwise provided in
3 this Act, the student, applicant, or employee, other than a
4 nurse aide, may be required to pay all related application and
5 fingerprinting fees including, but not limited to, the amounts
6 established by the Illinois ~~Department of~~ State Police to
7 process fingerprint-based criminal history records checks. If
8 a health care employer certified to participate in the Medicaid
9 program pays the fees, the fees shall be a direct pass-through
10 on the cost report submitted by the employer to the Medicaid
11 agency.

12 (Source: P.A. 95-120, eff. 8-13-07.)

13 (225 ILCS 46/65)

14 Sec. 65. Health Care Worker Task Force. A Health Care
15 Worker Task Force shall be appointed to study and make
16 recommendations on statutory changes to this Act.

17 (a) The Task Force shall monitor the status of the
18 implementation of this Act and monitor complaint
19 investigations relating to this Act by the Department on Aging,
20 Department of Public Health, Department of Professional
21 Regulation, and the Department of Human Services to determine
22 the criminal background, if any, of health care workers who
23 have had findings of abuse, theft, or exploitation.

24 (b) The Task Force shall make recommendations concerning
25 modifications to the list of offenses enumerated in Section 25,

1 including time limits on all or some of the disqualifying
2 offenses, and any other necessary or desirable changes to the
3 Act.

4 (c) In the event that proposed rules or changes are
5 properly submitted to the Task Force and the Task Force fails
6 to advise the Department within 90 days after receipt of the
7 proposed rules or changes, final action shall be deemed to have
8 been taken by the Task Force concerning the proposed rules or
9 changes.

10 (d) The Task Force shall be composed of the following
11 members, who shall serve without pay:

12 (1) a chairman knowledgeable about health care issues,
13 who shall be appointed by the Governor;

14 (2) the Director of Public Health or his or her
15 designee;

16 (3) the Director of the Illinois State Police or his or
17 her designee;

18 (3.5) the Director of Healthcare and Family Services or
19 his or her designee;

20 (3.6) the Secretary of Human Services or his or her
21 designee;

22 (3.7) the Director of Aging or his or her designee;

23 (4) 2 representatives of health care providers, who
24 shall be appointed by the Governor;

25 (5) 2 representatives of health care employees, who
26 shall be appointed by the Governor;

1 (5.5) a representative of a Community Care homemaker
2 program, who shall be appointed by the Governor;

3 (6) a representative of the general public who has an
4 interest in health care, who shall be appointed by the
5 Governor; and

6 (7) 4 members of the General Assembly, one appointed by
7 the Speaker of the House, one appointed by the House
8 Minority Leader, one appointed by the President of the
9 Senate, and one appointed by the Senate Minority Leader.

10 (e) The Task Force shall meet at least quarterly, and more
11 frequently at the discretion of the chairperson. Task Force
12 members shall serve until a replacement is sworn and qualified.
13 Nine members appointed to the Task Force constitutes a quorum.

14 (Source: P.A. 95-331, eff. 8-21-07; 95-987, eff. 10-3-08.)

15 (225 ILCS 46/70)

16 Sec. 70. Centers for Medicare and Medicaid Services (CMMS)
17 grant; Voluntary FBI Fingerprint Demonstration Project.

18 (a) The General Assembly authorizes the establishment of
19 the Voluntary FBI Fingerprint Demonstration Project
20 (Demonstration Project), which shall be consistent with the
21 provisions of the Centers for Medicare and Medicaid Services
22 grant awarded to and distributed by the Department of Public
23 Health pursuant to Title VI, Subtitle B, Part III, Subtitle C,
24 Section 6201 of the Affordable Care Act of 2010. The
25 Demonstration Project is authorized to operate for the period

1 of January 1, 2014 through December 31, 2014 and shall operate
2 until the conclusion of this grant period or until the
3 long-term care facility terminates its participation in the
4 Demonstration Project, whichever occurs sooner.

5 (b) The Long-Term Care Facility Advisory Board established
6 under the Nursing Home Care Act shall act in an advisory
7 capacity to the Demonstration Project.

8 (c) Long-term care facilities voluntarily participating in
9 the Demonstration Project shall, in addition to the provisions
10 of this Section, comply with all requirements set forth in this
11 Act. When conflict between the Act and the provisions of this
12 Section occurs, the provisions of this Section shall supersede
13 until the conclusion of the grant period or until the long-term
14 care facility terminates its participation in the
15 Demonstration Project, whichever occurs sooner.

16 (d) The Department of Public Health shall select at least
17 one facility in the State to participate in the Demonstration
18 Project.

19 (e) For the purposes of determining who shall be required
20 to undergo a State and an FBI fingerprint-based criminal
21 history records check under the Demonstration Project, "direct
22 access employee" means any individual who has access to a
23 patient or resident of a long-term care facility or provider
24 through employment or through a contract with a long-term care
25 facility or provider and has duties that involve or may involve
26 one-on-one contact with a resident of the facility or provider,

1 as determined by the State for purposes of the Demonstration
2 Project.

3 (f) All long-term care facilities licensed under the
4 Nursing Home Care Act are qualified to volunteer for the
5 Demonstration Project.

6 (g) The Department of Public Health shall notify qualified
7 long-term care facilities within 30 days after the effective
8 date of this amendatory Act of the 98th General Assembly of the
9 opportunity to volunteer for the Demonstration Project. The
10 notice shall include information concerning application
11 procedures and deadlines, termination rights, requirements for
12 participation, the selection process, and a
13 question-and-answer document addressing potential conflicts
14 between this Act and the provisions of this Section.

15 (h) Qualified long-term care facilities shall be given a
16 minimum of 30 days after the date of receiving the notice to
17 inform the Department of Public Health, in the form and manner
18 prescribed by the Department of Public Health, of their
19 interest in volunteering for the Demonstration Project.
20 Facilities selected for the Demonstration Project shall be
21 notified, within 30 days after the date of application, of the
22 effective date that their participation in the Demonstration
23 Project will begin, which may vary.

24 (i) The individual applicant shall be responsible for the
25 cost of each individual fingerprint inquiry, which may be
26 offset with grant funds, if available.

1 (j) Each applicant seeking employment in a position
2 described in subsection (e) of this Section with a selected
3 health care employer shall, as a condition of employment, have
4 his or her fingerprints submitted to the Illinois ~~Department of~~
5 State Police in an electronic format that complies with the
6 form and manner for requesting and furnishing criminal history
7 record information by the Illinois ~~Department of~~ State Police
8 and the Federal Bureau of Investigation criminal history record
9 databases now and hereafter filed. The Illinois ~~Department of~~
10 State Police shall forward the fingerprints to the Federal
11 Bureau of Investigation for a national criminal history records
12 check. The Illinois ~~Department of~~ State Police shall charge a
13 fee for conducting the criminal history records check, which
14 shall not exceed the actual cost of the records check and shall
15 be deposited into the State Police Services Fund. The Illinois
16 ~~Department of~~ State Police shall furnish, pursuant to positive
17 identification, records of Illinois convictions to the
18 Department of Public Health.

19 (k) A fingerprint-based criminal history records check
20 submitted in accordance with subsection (j) of this Section
21 shall be submitted as a fee applicant inquiry in the form and
22 manner prescribed by the Illinois ~~Department of~~ State Police.

23 (l) A long-term care facility may terminate its
24 participation in the Demonstration Project without prejudice
25 by providing the Department of Public Health with notice of its
26 intent to terminate at least 30 days prior to its voluntary

1 termination.

2 (m) This Section shall be inapplicable upon the conclusion
3 of the CMMS grant period.

4 (Source: P.A. 98-756, eff. 7-16-14; 98-1041, eff. 8-25-14;
5 99-78, eff. 7-20-15.)

6 Section 595. The Massage Licensing Act is amended by
7 changing Section 15 as follows:

8 (225 ILCS 57/15)

9 (Section scheduled to be repealed on January 1, 2022)

10 Sec. 15. Licensure requirements.

11 (a) Persons engaged in massage for compensation must be
12 licensed by the Department. The Department shall issue a
13 license to an individual who meets all of the following
14 requirements:

15 (1) The applicant has applied in writing on the
16 prescribed forms and has paid the required fees.

17 (2) The applicant is at least 18 years of age and of
18 good moral character. In determining good moral character,
19 the Department may take into consideration conviction of
20 any crime under the laws of the United States or any state
21 or territory thereof that is a felony or a misdemeanor or
22 any crime that is directly related to the practice of the
23 profession. Such a conviction shall not operate
24 automatically as a complete bar to a license, except in the

1 case of any conviction for prostitution, rape, or sexual
2 misconduct, or where the applicant is a registered sex
3 offender.

4 (3) The applicant has met one of the following
5 requirements:

6 (A) has successfully completed a massage therapy
7 program approved by the Department that requires a
8 minimum of 500 hours, except applicants applying on or
9 after January 1, 2014 shall meet a minimum requirement
10 of 600 hours, and has passed a competency examination
11 approved by the Department;

12 (B) holds a current license from another
13 jurisdiction having licensure requirements that
14 include the completion of a massage therapy program of
15 at least 500 hours; or

16 (C) (blank).

17 (b) Each applicant for licensure as a massage therapist
18 shall have his or her fingerprints submitted to the Illinois
19 ~~Department of~~ State Police in an electronic format that
20 complies with the form and manner for requesting and furnishing
21 criminal history record information as prescribed by the
22 Illinois ~~Department of~~ State Police. These fingerprints shall
23 be checked against the Illinois ~~Department of~~ State Police and
24 Federal Bureau of Investigation criminal history record
25 databases now and hereafter filed. The Illinois ~~Department of~~
26 State Police shall charge applicants a fee for conducting the

1 criminal history records check, which shall be deposited into
2 the State Police Services Fund and shall not exceed the actual
3 cost of the records check. The Illinois ~~Department of State~~
4 Police shall furnish, pursuant to positive identification,
5 records of Illinois convictions to the Department. The
6 Department may require applicants to pay a separate
7 fingerprinting fee, either to the Department or to a vendor.
8 The Department, in its discretion, may allow an applicant who
9 does not have reasonable access to a designated vendor to
10 provide his or her fingerprints in an alternative manner. The
11 Department may adopt any rules necessary to implement this
12 Section.

13 (Source: P.A. 97-514, eff. 8-23-11.)

14 Section 600. The Medical Practice Act of 1987 is amended by
15 changing Sections 7, 9.7, and 65 as follows:

16 (225 ILCS 60/7) (from Ch. 111, par. 4400-7)

17 (Section scheduled to be repealed on January 1, 2022)

18 Sec. 7. Medical Disciplinary Board.

19 (A) There is hereby created the Illinois State Medical
20 Disciplinary Board. The Disciplinary Board shall consist of 11
21 members, to be appointed by the Governor by and with the advice
22 and consent of the Senate. All members shall be residents of
23 the State, not more than 6 of whom shall be members of the same
24 political party. All members shall be voting members. Five

1 members shall be physicians licensed to practice medicine in
2 all of its branches in Illinois possessing the degree of doctor
3 of medicine. One member shall be a physician licensed to
4 practice medicine in all its branches in Illinois possessing
5 the degree of doctor of osteopathy or osteopathic medicine. One
6 member shall be a chiropractic physician licensed to practice
7 in Illinois and possessing the degree of doctor of
8 chiropractic. Four members shall be members of the public, who
9 shall not be engaged in any way, directly or indirectly, as
10 providers of health care.

11 (B) Members of the Disciplinary Board shall be appointed
12 for terms of 4 years. Upon the expiration of the term of any
13 member, his or her ~~their~~ successor shall be appointed for a
14 term of 4 years by the Governor by and with the advice and
15 consent of the Senate. The Governor shall fill any vacancy for
16 the remainder of the unexpired term with the advice and consent
17 of the Senate. Upon recommendation of the Board, any member of
18 the Disciplinary Board may be removed by the Governor for
19 misfeasance, malfeasance, or willful ~~wilful~~ neglect of duty,
20 after notice, and a public hearing, unless such notice and
21 hearing shall be expressly waived in writing. Each member shall
22 serve on the Disciplinary Board until their successor is
23 appointed and qualified. No member of the Disciplinary Board
24 shall serve more than 2 consecutive 4 year terms.

25 In making appointments the Governor shall attempt to insure
26 that the various social and geographic regions of the State of

1 Illinois are properly represented.

2 In making the designation of persons to act for the several
3 professions represented on the Disciplinary Board, the
4 Governor shall give due consideration to recommendations by
5 members of the respective professions and by organizations
6 therein.

7 (C) The Disciplinary Board shall annually elect one of its
8 voting members as chairperson and one as vice chairperson. No
9 officer shall be elected more than twice in succession to the
10 same office. Each officer shall serve until their successor has
11 been elected and qualified.

12 (D) (Blank).

13 (E) Six voting members of the Disciplinary Board, at least
14 4 of whom are physicians, shall constitute a quorum. A vacancy
15 in the membership of the Disciplinary Board shall not impair
16 the right of a quorum to exercise all the rights and perform
17 all the duties of the Disciplinary Board. Any action taken by
18 the Disciplinary Board under this Act may be authorized by
19 resolution at any regular or special meeting and each such
20 resolution shall take effect immediately. The Disciplinary
21 Board shall meet at least quarterly.

22 (F) Each member, and member-officer, of the Disciplinary
23 Board shall receive a per diem stipend as the Secretary shall
24 determine. Each member shall be paid their necessary expenses
25 while engaged in the performance of their duties.

26 (G) The Secretary shall select a Chief Medical Coordinator

1 and not less than 2 Deputy Medical Coordinators who shall not
2 be members of the Disciplinary Board. Each medical coordinator
3 shall be a physician licensed to practice medicine in all of
4 its branches, and the Secretary shall set their rates of
5 compensation. The Secretary shall assign at least one medical
6 coordinator to a region composed of Cook County and such other
7 counties as the Secretary may deem appropriate, and such
8 medical coordinator or coordinators shall locate their office
9 in Chicago. The Secretary shall assign at least one medical
10 coordinator to a region composed of the balance of counties in
11 the State, and such medical coordinator or coordinators shall
12 locate their office in Springfield. The Chief Medical
13 Coordinator shall be the chief enforcement officer of this Act.
14 None of the functions, powers, or duties of the Department with
15 respect to policies regarding enforcement or discipline under
16 this Act, including the adoption of such rules as may be
17 necessary for the administration of this Act, shall be
18 exercised by the Department except upon review of the
19 Disciplinary Board.

20 The Secretary shall employ, in conformity with the
21 Personnel Code, investigators who are college graduates with at
22 least 2 years of investigative experience or one year of
23 advanced medical education. Upon the written request of the
24 Disciplinary Board, the Secretary shall employ, in conformity
25 with the Personnel Code, such other professional, technical,
26 investigative, and clerical help, either on a full or part-time

1 basis as the Disciplinary Board deems necessary for the proper
2 performance of its duties.

3 (H) Upon the specific request of the Disciplinary Board,
4 signed by either the chairperson, vice chairperson, or a
5 medical coordinator of the Disciplinary Board, the Department
6 of Human Services, the Department of Healthcare and Family
7 Services, the Illinois ~~Department of~~ State Police, or any other
8 law enforcement agency located in this State shall make
9 available any and all information that they have in their
10 possession regarding a particular case then under
11 investigation by the Disciplinary Board.

12 (I) Members of the Disciplinary Board shall be immune from
13 suit in any action based upon any disciplinary proceedings or
14 other acts performed in good faith as members of the
15 Disciplinary Board.

16 (J) The Disciplinary Board may compile and establish a
17 statewide roster of physicians and other medical
18 professionals, including the several medical specialties, of
19 such physicians and medical professionals, who have agreed to
20 serve from time to time as advisors to the medical
21 coordinators. Such advisors shall assist the medical
22 coordinators or the Disciplinary Board in their investigations
23 and participation in complaints against physicians. Such
24 advisors shall serve under contract and shall be reimbursed at
25 a reasonable rate for the services provided, plus reasonable
26 expenses incurred. While serving in this capacity, the advisor,

1 for any act undertaken in good faith and in the conduct of his
2 or her duties under this Section, shall be immune from civil
3 suit.

4 (Source: P.A. 97-622, eff. 11-23-11; 98-1140, eff. 12-30-14.)

5 (225 ILCS 60/9.7)

6 (Section scheduled to be repealed on January 1, 2022)

7 Sec. 9.7. Criminal history records background check. Each
8 applicant for licensure or permit under Sections 9, 18, and 19
9 shall have his or her fingerprints submitted to the Illinois
10 ~~Department of~~ State Police in an electronic format that
11 complies with the form and manner for requesting and furnishing
12 criminal history record information as prescribed by the
13 Illinois ~~Department of~~ State Police. These fingerprints shall
14 be checked against the Illinois ~~Department of~~ State Police and
15 Federal Bureau of Investigation criminal history record
16 databases now and hereafter filed. The Illinois ~~Department of~~
17 State Police shall charge applicants a fee for conducting the
18 criminal history records check, which shall be deposited into
19 the State Police Services Fund and shall not exceed the actual
20 cost of the records check. The Illinois ~~Department of~~ State
21 Police shall furnish, pursuant to positive identification,
22 records of Illinois convictions to the Department. The
23 Department may require applicants to pay a separate
24 fingerprinting fee, either to the Department or to a Department
25 designated or approved vendor. The Department, in its

1 discretion, may allow an applicant who does not have reasonable
2 access to a designated vendor to provide his or her
3 fingerprints in an alternative manner. The Department may adopt
4 any rules necessary to implement this Section.

5 (Source: P.A. 97-622, eff. 11-23-11.)

6 (225 ILCS 60/65)

7 (Section scheduled to be repealed on January 1, 2022)

8 Sec. 65. Annie LeGere Law; epinephrine auto-injector. A
9 licensee under this Act may not be subject to discipline for
10 providing a standing order or prescription for an epinephrine
11 auto-injector in accordance with Section 40 of the Illinois
12 State Police Act or Section 10.19 of the Illinois Police
13 Training Act.

14 (Source: P.A. 100-648, eff. 7-31-18.)

15 Section 605. The Nurse Practice Act is amended by changing
16 Section 50-35 as follows:

17 (225 ILCS 65/50-35) (was 225 ILCS 65/5-23)

18 (Section scheduled to be repealed on January 1, 2028)

19 Sec. 50-35. Criminal history records background check.
20 Each applicant for licensure by examination or restoration
21 shall have his or her fingerprints submitted to the Illinois
22 ~~Department of~~ State Police in an electronic format that
23 complies with the form and manner for requesting and furnishing

1 criminal history record information as prescribed by the
2 Illinois ~~Department of~~ State Police. These fingerprints shall
3 be checked against the Illinois ~~Department of~~ State Police and
4 Federal Bureau of Investigation criminal history record
5 databases now and hereafter filed. The Illinois ~~Department of~~
6 State Police shall charge applicants a fee for conducting the
7 criminal history records check, which shall be deposited into
8 the State Police Services Fund and shall not exceed the actual
9 cost of the records check. The Illinois ~~Department of~~ State
10 Police shall furnish, pursuant to positive identification,
11 records of Illinois convictions to the Department. The
12 Department may require applicants to pay a separate
13 fingerprinting fee, either to the Department or to a vendor.
14 The Department, in its discretion, may allow an applicant who
15 does not have reasonable access to a designated vendor to
16 provide his or her fingerprints in an alternative manner. The
17 Department may adopt any rules necessary to implement this
18 Section.

19 (Source: P.A. 95-639, eff. 10-5-07.)

20 Section 610. The Nursing Home Administrators Licensing and
21 Disciplinary Act is amended by changing Section 5.1 as follows:

22 (225 ILCS 70/5.1)

23 (Section scheduled to be repealed on January 1, 2028)

24 Sec. 5.1. Powers and duties; rules. The Department shall

1 exercise the powers and duties prescribed by the Civil
2 Administrative Code of Illinois for administration of
3 licensing acts and shall exercise such other powers and duties
4 necessary for effectuating the purposes of this Act. The
5 Department shall adopt rules to implement, interpret, make
6 specific the provisions and purposes of this Act, and may
7 prescribe forms that shall be issued in connection with
8 rulemaking. The Department shall transmit the proposed
9 rulemaking to the Board.

10 The Department may solicit the advice of the Board on any
11 matter relating to the administration and enforcement of this
12 Act.

13 Upon the written request of the Department, the Department
14 of Public Health, the Department of Human Services or the
15 Illinois Department of State Police may cooperate and assist in
16 any investigation undertaken by the Board.

17 (Source: P.A. 100-675, eff. 8-3-18.)

18 Section 615. The Wholesale Drug Distribution Licensing Act
19 is amended by changing Section 25 as follows:

20 (225 ILCS 120/25) (from Ch. 111, par. 8301-25)

21 (Section scheduled to be repealed on January 1, 2023)

22 Sec. 25. Wholesale drug distributor licensing
23 requirements.

24 (a) Every resident wholesale distributor who engages in the

1 wholesale distribution of prescription drugs must be licensed
2 by the Department, and every non-resident wholesale
3 distributor must be licensed in this State if it ships
4 prescription drugs into this State, in accordance with this
5 Act, before engaging in wholesale distributions of wholesale
6 prescription drugs.

7 (b) The Department shall require without limitation all of
8 the following information from each applicant for licensure
9 under this Act:

10 (1) The name, full business address, and telephone
11 number of the licensee.

12 (2) All trade or business names used by the licensee.

13 (3) Addresses, telephone numbers, and the names of
14 contact persons for all facilities used by the licensee for
15 the storage, handling, and distribution of prescription
16 drugs.

17 (4) The type of ownership or operation, such as a
18 partnership, corporation, or sole proprietorship.

19 (5) The name of the owner or operator of the wholesale
20 distributor, including:

21 (A) if a natural person, the name of the natural
22 person;

23 (B) if a partnership, the name of each partner and
24 the name of the partnership;

25 (C) if a corporation, the name and title of each
26 corporate officer and director, the corporate names,

1 and the name of the state of incorporation; and

2 (D) if a sole proprietorship, the full name of the
3 sole proprietor and the name of the business entity.

4 (6) A list of all licenses and permits issued to the
5 applicant by any other state that authorizes the applicant
6 to purchase or possess prescription drugs.

7 (7) The name of the designated representative for the
8 wholesale distributor, together with the personal
9 information statement and fingerprints, as required under
10 subsection (c) of this Section.

11 (8) Minimum liability insurance and other insurance as
12 defined by rule.

13 (9) Any additional information required by the
14 Department.

15 (c) Each wholesale distributor must designate an
16 individual representative who shall serve as the contact person
17 for the Department. This representative must provide the
18 Department with all of the following information:

19 (1) Information concerning whether the person has been
20 enjoined, either temporarily or permanently, by a court of
21 competent jurisdiction from violating any federal or State
22 law regulating the possession, control, or distribution of
23 prescription drugs or criminal violations, together with
24 details concerning any such event.

25 (2) A description of any involvement by the person with
26 any business, including any investments, other than the

1 ownership of stock in a publicly traded company or mutual
2 fund which manufactured, administered, prescribed,
3 distributed, or stored pharmaceutical products and any
4 lawsuits in which such businesses were named as a party.

5 (3) A description of any misdemeanor or felony criminal
6 offense of which the person, as an adult, was found guilty,
7 regardless of whether adjudication of guilt was withheld or
8 whether the person pled guilty or nolo contendere. If the
9 person indicates that a criminal conviction is under appeal
10 and submits a copy of the notice of appeal of that criminal
11 offense, the applicant must, within 15 days after the
12 disposition of the appeal, submit to the Department a copy
13 of the final written order of disposition.

14 (4) The designated representative of an applicant for
15 licensure as a wholesale drug distributor shall have his or
16 her fingerprints submitted to the Illinois ~~Department of~~
17 State Police in an electronic format that complies with the
18 form and manner for requesting and furnishing criminal
19 history record information as prescribed by the Illinois
20 ~~Department of~~ State Police. These fingerprints shall be
21 checked against the Illinois ~~Department of~~ State Police and
22 Federal Bureau of Investigation criminal history record
23 databases now and hereafter filed. The Illinois ~~Department~~
24 ~~of~~ State Police shall charge applicants a fee for
25 conducting the criminal history records check, which shall
26 be deposited into the State Police Services Fund and shall

1 not exceed the actual cost of the records check. The
2 Illinois ~~Department of~~ State Police shall furnish,
3 pursuant to positive identification, records of Illinois
4 convictions to the Department. The Department may require
5 applicants to pay a separate fingerprinting fee, either to
6 the Department or to a vendor. The Department, in its
7 discretion, may allow an applicant who does not have
8 reasonable access to a designated vendor to provide his or
9 her fingerprints in an alternative manner. The Department
10 may adopt any rules necessary to implement this Section.

11 The designated representative of a licensee shall
12 receive and complete continuing training in applicable
13 federal and State laws governing the wholesale
14 distribution of prescription drugs.

15 (d) The Department may not issue a wholesale distributor
16 license to an applicant, unless the Department first:

17 (1) ensures that a physical inspection of the facility
18 satisfactory to the Department has occurred at the address
19 provided by the applicant, as required under item (1) of
20 subsection (b) of this Section; and

21 (2) determines that the designated representative
22 meets each of the following qualifications:

23 (A) He or she is at least 21 years of age.

24 (B) He or she has been employed full-time for at
25 least 3 years in a pharmacy or with a wholesale
26 distributor in a capacity related to the dispensing and

1 distribution of, and recordkeeping relating to,
2 prescription drugs.

3 (C) He or she is employed by the applicant full
4 time in a managerial level position.

5 (D) He or she is actively involved in and aware of
6 the actual daily operation of the wholesale
7 distributor.

8 (E) He or she is physically present at the facility
9 of the applicant during regular business hours, except
10 when the absence of the designated representative is
11 authorized, including without limitation sick leave
12 and vacation leave.

13 (F) He or she is serving in the capacity of a
14 designated representative for only one applicant at a
15 time, except where more than one licensed wholesale
16 distributor is co-located in the same facility and such
17 wholesale distributors are members of an affiliated
18 group, as defined in Section 1504 of the Internal
19 Revenue Code.

20 (e) If a wholesale distributor distributes prescription
21 drugs from more than one facility, the wholesale distributor
22 shall obtain a license for each facility.

23 (f) The information provided under this Section may not be
24 disclosed to any person or entity other than the Department or
25 another government entity in need of such information for
26 licensing or monitoring purposes.

1 (Source: P.A. 97-804, eff. 1-1-13.)

2 Section 625. The Pyrotechnic Distributor and Operator
3 Licensing Act is amended by changing Sections 40 and 45 as
4 follows:

5 (225 ILCS 227/40)

6 Sec. 40. Fingerprint card; fees. The Office may require
7 each applicant to file with his or her application a
8 fingerprint card in the form and manner required by the
9 Illinois ~~Department of~~ State Police to enable the Illinois
10 ~~Department of~~ State Police to conduct a criminal history check
11 on the applicant.

12 The Office may require each applicant to submit, in
13 addition to the license fee, a fee specified by the Illinois
14 ~~Department of~~ State Police for processing fingerprint cards,
15 which may be made payable to the State Police Services Fund and
16 shall be remitted to the Illinois ~~Department of~~ State Police
17 for deposit into that Fund.

18 (Source: P.A. 93-263, eff. 7-22-03.)

19 (225 ILCS 227/45)

20 Sec. 45. Investigation. Upon receipt of an application, the
21 Office shall investigate the eligibility of the applicant. The
22 Office has authority to request and receive from any federal,
23 state or local governmental agency such information and

1 assistance as will enable it to carry out its powers and duties
2 under this Act. The Illinois ~~Department of~~ State Police shall
3 cause the fingerprints of each applicant to be compared with
4 fingerprints of criminals filed with the Illinois ~~Department of~~
5 State Police or with federal law enforcement agencies
6 maintaining official fingerprint files.

7 (Source: P.A. 93-263, eff. 7-22-03.)

8 Section 635. The Private Detective, Private Alarm, Private
9 Security, Fingerprint Vendor, and Locksmith Act of 2004 is
10 amended by changing Sections 5-10, 10-5, 10-25, 31-5, 31-10,
11 31-15, 31-20, 31-25, 35-30, and 40-10 as follows:

12 (225 ILCS 447/5-10)

13 (Section scheduled to be repealed on January 1, 2024)

14 Sec. 5-10. Definitions. As used in this Act:

15 "Address of record" means the designated address recorded
16 by the Department in the applicant's application file or the
17 licensee's license file, as maintained by the Department's
18 licensure maintenance unit.

19 "Advertisement" means any public media, including printed
20 or electronic material, that is published or displayed in a
21 phone book, newspaper, magazine, pamphlet, newsletter,
22 website, or other similar type of publication or electronic
23 format that is intended to either attract business or merely
24 provide contact information to the public for an agency or

1 licensee. Advertisement shall not include a licensee's or an
2 agency's letterhead, business cards, or other stationery used
3 in routine business correspondence or customary name, address,
4 and number type listings in a telephone directory.

5 "Alarm system" means any system, including an electronic
6 access control system, a surveillance video system, a security
7 video system, a burglar alarm system, a fire alarm system, or
8 any other electronic system that activates an audible, visible,
9 remote, or recorded signal that is designed for the protection
10 or detection of intrusion, entry, theft, fire, vandalism,
11 escape, or trespass, or other electronic systems designed for
12 the protection of life by indicating the existence of an
13 emergency situation. "Alarm system" also includes an emergency
14 communication system and a mass notification system.

15 "Applicant" means a person or business applying for
16 licensure, registration, or authorization under this Act. Any
17 applicant or person who holds himself or herself out as an
18 applicant is considered a licensee or registrant for the
19 purposes of enforcement, investigation, hearings, and the
20 Illinois Administrative Procedure Act.

21 "Armed employee" means a licensee or registered person who
22 is employed by an agency licensed or an armed proprietary
23 security force registered under this Act who carries a weapon
24 while engaged in the performance of official duties within the
25 course and scope of his or her employment during the hours and
26 times the employee is scheduled to work or is commuting between

1 his or her home or place of employment.

2 "Armed proprietary security force" means a security force
3 made up of one or more armed individuals employed by a
4 commercial or industrial operation or by a financial
5 institution as security officers for the protection of persons
6 or property.

7 "Board" means the Private Detective, Private Alarm,
8 Private Security, Fingerprint Vendor, and Locksmith Board.

9 "Branch office" means a business location removed from the
10 place of business for which an agency license has been issued,
11 including, but not limited to, locations where active employee
12 records that are required to be maintained under this Act are
13 kept, where prospective new employees are processed, or where
14 members of the public are invited in to transact business. A
15 branch office does not include an office or other facility
16 located on the property of an existing client that is utilized
17 solely for the benefit of that client and is not owned or
18 leased by the agency.

19 "Canine handler" means a person who uses or handles a
20 trained dog to protect persons or property or to conduct
21 investigations.

22 "Canine handler authorization card" means a card issued by
23 the Department that authorizes the holder to use or handle a
24 trained dog to protect persons or property or to conduct
25 investigations during the performance of his or her duties as
26 specified in this Act.

1 "Canine trainer" means a person who acts as a dog trainer
2 for the purpose of training dogs to protect persons or property
3 or to conduct investigations.

4 "Canine trainer authorization card" means a card issued by
5 the Department that authorizes the holder to train a dog to
6 protect persons or property or to conduct investigations during
7 the performance of his or her duties as specified in this Act.

8 "Canine training facility" means a facility operated by a
9 licensed private detective agency or private security
10 contractor agency wherein dogs are trained for the purposes of
11 protecting persons or property or to conduct investigations.

12 "Corporation" means an artificial person or legal entity
13 created by or under the authority of the laws of a state,
14 including without limitation a corporation, limited liability
15 company, or any other legal entity.

16 "Department" means the Department of Financial and
17 Professional Regulation.

18 "Emergency communication system" means any system that
19 communicates information about emergencies, including but not
20 limited to fire, terrorist activities, shootings, other
21 dangerous situations, accidents, and natural disasters.

22 "Employee" means a person who works for a person or agency
23 that has the right to control the details of the work performed
24 and is not dependent upon whether or not federal or state
25 payroll taxes are withheld.

26 "Fingerprint vendor" means a person that offers,

1 advertises, or provides services to fingerprint individuals,
2 through electronic or other means, for the purpose of providing
3 fingerprint images and associated demographic data to the
4 Illinois Department of State Police for processing fingerprint
5 based criminal history record information inquiries.

6 "Fingerprint vendor agency" means a person, firm,
7 corporation, or other legal entity that engages in the
8 fingerprint vendor business and employs, in addition to the
9 fingerprint vendor licensee-in-charge, at least one other
10 person in conducting that business.

11 "Fingerprint vendor licensee-in-charge" means a person who
12 has been designated by a fingerprint vendor agency to be the
13 licensee-in-charge of an agency who is a full-time management
14 employee or owner who assumes sole responsibility for
15 maintaining all records required by this Act and who assumes
16 sole responsibility for assuring the licensed agency's
17 compliance with its responsibilities as stated in this Act. The
18 Department shall adopt rules mandating licensee-in-charge
19 participation in agency affairs.

20 "Fire alarm system" means any system that is activated by
21 an automatic or manual device in the detection of smoke, heat,
22 or fire that activates an audible, visible, or remote signal
23 requiring a response.

24 "Firearm control card" means a card issued by the
25 Department that authorizes the holder, who has complied with
26 the training and other requirements of this Act, to carry a

1 weapon during the performance of his or her duties as specified
2 in this Act.

3 "Firm" means an unincorporated business entity, including
4 but not limited to proprietorships and partnerships.

5 "Licensee" means a person or business licensed under this
6 Act. Anyone who holds himself or herself out as a licensee or
7 who is accused of unlicensed practice is considered a licensee
8 for purposes of enforcement, investigation, hearings, and the
9 Illinois Administrative Procedure Act.

10 "Locksmith" means a person who engages in a business or
11 holds himself out to the public as providing a service that
12 includes, but is not limited to, the servicing, installing,
13 originating first keys, re-coding, repairing, maintaining,
14 manipulating, or bypassing of a mechanical or electronic
15 locking device, access control or video surveillance system at
16 premises, vehicles, safes, vaults, safe deposit boxes, or
17 automatic teller machines.

18 "Locksmith agency" means a person, firm, corporation, or
19 other legal entity that engages in the locksmith business and
20 employs, in addition to the locksmith licensee-in-charge, at
21 least one other person in conducting such business.

22 "Locksmith licensee-in-charge" means a person who has been
23 designated by agency to be the licensee-in-charge of an agency,
24 who is a full-time management employee or owner who assumes
25 sole responsibility for maintaining all records required by
26 this Act, and who assumes sole responsibility for assuring the

1 licensed agency's compliance with its responsibilities as
2 stated in this Act. The Department shall adopt rules mandating
3 licensee-in-charge participation in agency affairs.

4 "Mass notification system" means any system that is used to
5 provide information and instructions to people in a building or
6 other space using voice communications, including visible
7 signals, text, graphics, tactile, or other communication
8 methods.

9 "Peace officer" or "police officer" means a person who, by
10 virtue of office or public employment, is vested by law with a
11 duty to maintain public order or to make arrests for offenses,
12 whether that duty extends to all offenses or is limited to
13 specific offenses. Officers, agents, or employees of the
14 federal government commissioned by federal statute to make
15 arrests for violations of federal laws are considered peace
16 officers.

17 "Permanent employee registration card" means a card issued
18 by the Department to an individual who has applied to the
19 Department and meets the requirements for employment by a
20 licensed agency under this Act.

21 "Person" means a natural person.

22 "Private alarm contractor" means a person who engages in a
23 business that individually or through others undertakes,
24 offers to undertake, purports to have the capacity to
25 undertake, or submits a bid to sell, install, design, monitor,
26 maintain, alter, repair, replace, or service alarm and other

1 security-related systems or parts thereof, including fire
2 alarm systems, at protected premises or premises to be
3 protected or responds to alarm systems at a protected premises
4 on an emergency basis and not as a full-time security officer.
5 "Private alarm contractor" does not include a person, firm, or
6 corporation that manufactures or sells alarm systems only from
7 its place of business and does not sell, install, monitor,
8 maintain, alter, repair, replace, service, or respond to alarm
9 systems at protected premises or premises to be protected.

10 "Private alarm contractor agency" means a person,
11 corporation, or other entity that engages in the private alarm
12 contracting business and employs, in addition to the private
13 alarm contractor-in-charge, at least one other person in
14 conducting such business.

15 "Private alarm contractor licensee-in-charge" means a
16 person who has been designated by an agency to be the
17 licensee-in-charge of an agency, who is a full-time management
18 employee or owner who assumes sole responsibility for
19 maintaining all records required by this Act, and who assumes
20 sole responsibility for assuring the licensed agency's
21 compliance with its responsibilities as stated in this Act. The
22 Department shall adopt rules mandating licensee-in-charge
23 participation in agency affairs.

24 "Private detective" means any person who by any means,
25 including, but not limited to, manual, canine odor detection,
26 or electronic methods, engages in the business of, accepts

1 employment to furnish, or agrees to make or makes
2 investigations for a fee or other consideration to obtain
3 information relating to:

4 (1) Crimes or wrongs done or threatened against the
5 United States, any state or territory of the United States,
6 or any local government of a state or territory.

7 (2) The identity, habits, conduct, business
8 occupation, honesty, integrity, credibility, knowledge,
9 trustworthiness, efficiency, loyalty, activity, movements,
10 whereabouts, affiliations, associations, transactions,
11 acts, reputation, or character of any person, firm, or
12 other entity by any means, manual or electronic.

13 (3) The location, disposition, or recovery of lost or
14 stolen property.

15 (4) The cause, origin, or responsibility for fires,
16 accidents, or injuries to individuals or real or personal
17 property.

18 (5) The truth or falsity of any statement or
19 representation.

20 (6) Securing evidence to be used before any court,
21 board, or investigating body.

22 (7) The protection of individuals from bodily harm or
23 death (bodyguard functions).

24 (8) Service of process in criminal and civil
25 proceedings.

26 "Private detective agency" means a person, firm,

1 corporation, or other legal entity that engages in the private
2 detective business and employs, in addition to the
3 licensee-in-charge, one or more persons in conducting such
4 business.

5 "Private detective licensee-in-charge" means a person who
6 has been designated by an agency to be the licensee-in-charge
7 of an agency, who is a full-time management employee or owner
8 who assumes sole responsibility for maintaining all records
9 required by this Act, and who assumes sole responsibility for
10 assuring the licensed agency's compliance with its
11 responsibilities as stated in this Act. The Department shall
12 adopt rules mandating licensee-in-charge participation in
13 agency affairs.

14 "Private security contractor" means a person who engages in
15 the business of providing a private security officer, watchman,
16 patrol, guard dog, canine odor detection, or a similar service
17 by any other title or name on a contractual basis for another
18 person, firm, corporation, or other entity for a fee or other
19 consideration and performing one or more of the following
20 functions:

21 (1) The prevention or detection of intrusion, entry,
22 theft, vandalism, abuse, fire, or trespass on private or
23 governmental property.

24 (2) The prevention, observation, or detection of any
25 unauthorized activity on private or governmental property.

26 (3) The protection of persons authorized to be on the

1 premises of the person, firm, or other entity for which the
2 security contractor contractually provides security
3 services.

4 (4) The prevention of the misappropriation or
5 concealment of goods, money, bonds, stocks, notes,
6 documents, or papers.

7 (5) The control, regulation, or direction of the
8 movement of the public for the time specifically required
9 for the protection of property owned or controlled by the
10 client.

11 (6) The protection of individuals from bodily harm or
12 death (bodyguard functions).

13 "Private security contractor agency" means a person, firm,
14 corporation, or other legal entity that engages in the private
15 security contractor business and that employs, in addition to
16 the licensee-in-charge, one or more persons in conducting such
17 business.

18 "Private security contractor licensee-in-charge" means a
19 person who has been designated by an agency to be the
20 licensee-in-charge of an agency, who is a full-time management
21 employee or owner who assumes sole responsibility for
22 maintaining all records required by this Act, and who assumes
23 sole responsibility for assuring the licensed agency's
24 compliance with its responsibilities as stated in this Act. The
25 Department shall adopt rules mandating licensee-in-charge
26 participation in agency affairs.

1 "Public member" means a person who is not a licensee or
2 related to a licensee, or who is not an employer or employee of
3 a licensee. The term "related to" shall be determined by the
4 rules of the Department.

5 "Secretary" means the Secretary of the Department of
6 Financial and Professional Regulation.

7 (Source: P.A. 98-253, eff. 8-9-13.)

8 (225 ILCS 447/10-5)

9 (Section scheduled to be repealed on January 1, 2024)

10 Sec. 10-5. Requirement of license.

11 (a) It is unlawful for a person to act as or provide the
12 functions of a private detective, private security contractor,
13 private alarm contractor, fingerprint vendor, or locksmith or
14 to advertise or to assume to act as any one of these, or to use
15 these or any other title implying that the person is engaged in
16 any of these activities unless licensed as such by the
17 Department. An individual or sole proprietor who does not
18 employ any employees other than himself or herself may operate
19 under a "doing business as" or assumed name certification
20 without having to obtain an agency license, so long as the
21 assumed name is first registered with the Department.

22 (b) It is unlawful for a person, firm, corporation, or
23 other legal entity to act as an agency licensed under this Act,
24 to advertise, or to assume to act as a licensed agency or to
25 use a title implying that the person, firm, or other entity is

1 engaged in the practice as a private detective agency, private
2 security contractor agency, private alarm contractor agency,
3 fingerprint vendor agency, or locksmith agency unless licensed
4 by the Department.

5 (c) No agency shall operate a branch office without first
6 applying for and receiving a branch office license for each
7 location.

8 (d) Beginning 12 months after the adoption of rules
9 providing for the licensure of fingerprint vendors under this
10 Act, it is unlawful for a person to operate live scan
11 fingerprint equipment or other equipment designed to obtain
12 fingerprint images for the purpose of providing fingerprint
13 images and associated demographic data to the Illinois
14 ~~Department of~~ State Police, unless he or she has successfully
15 completed a fingerprint training course conducted or
16 authorized by the Illinois ~~Department of~~ State Police and is
17 licensed as a fingerprint vendor.

18 (e) Beginning 12 months after the adoption of rules
19 providing for the licensure of canine handlers and canine
20 trainers under this Act, no person shall operate a canine
21 training facility unless licensed as a private detective agency
22 or private security contractor agency under this Act, and no
23 person shall act as a canine trainer unless he or she is
24 licensed as a private detective or private security contractor
25 or is a registered employee of a private detective agency or
26 private security contractor agency approved by the Department.

1 (Source: P.A. 95-613, eff. 9-11-07.)

2 (225 ILCS 447/10-25)

3 (Section scheduled to be repealed on January 1, 2024)

4 Sec. 10-25. Issuance of license; renewal; fees.

5 (a) The Department shall, upon the applicant's
6 satisfactory completion of the requirements set forth in this
7 Act and upon receipt of the fee, issue the license indicating
8 the name and business location of the licensee and the date of
9 expiration.

10 (b) An applicant may, upon satisfactory completion of the
11 requirements set forth in this Act and upon receipt of fees
12 related to the application and testing for licensure, elect to
13 defer the issuance of the applicant's initial license for a
14 period not longer than 3 years. An applicant who fails to
15 request issuance of his or her initial license or agency
16 license and to remit the fees required for that license within
17 3 years shall be required to resubmit an application together
18 with all required fees.

19 (c) The expiration date, renewal period, and conditions for
20 renewal and restoration of each license, permanent employee
21 registration card, canine handler authorization card, canine
22 trainer authorization card, and firearm control card shall be
23 set by rule. The holder may renew the license, permanent
24 employee registration card, canine handler authorization card,
25 canine trainer authorization card, or firearm control card

1 during the 30 days preceding its expiration by paying the
2 required fee and by meeting conditions that the Department may
3 specify. Any license holder who notifies the Department on
4 forms prescribed by the Department may place his or her license
5 on inactive status for a period of not longer than 3 years and
6 shall, subject to the rules of the Department, be excused from
7 payment of renewal fees until the license holder notifies the
8 Department, in writing, of an intention to resume active
9 status. Practice while on inactive status constitutes
10 unlicensed practice. A non-renewed license that has lapsed for
11 less than 3 years may be restored upon payment of the
12 restoration fee and all lapsed renewal fees. A license that has
13 lapsed for more than 3 years may be restored by paying the
14 required restoration fee and all lapsed renewal fees and by
15 providing evidence of competence to resume practice
16 satisfactory to the Department and the Board, which may include
17 passing a written examination. All restoration fees and lapsed
18 renewal fees shall be waived for an applicant whose license
19 lapsed while on active duty in the armed forces of the United
20 States if application for restoration is made within 12 months
21 after discharge from the service.

22 Any person seeking renewal or restoration under this
23 subsection (c) shall be subject to the continuing education
24 requirements established pursuant to Section 10-27 of this Act.

25 (d) Any permanent employee registration card expired for
26 less than one year may be restored upon payment of lapsed

1 renewal fees. Any permanent employee registration card expired
2 for one year or more may be restored by making application to
3 the Department and filing proof acceptable to the Department of
4 the licensee's fitness to have the permanent employee
5 registration card restored, including verification of
6 fingerprint processing through the Illinois ~~Department of~~
7 State Police and Federal Bureau of Investigation and paying the
8 restoration fee.

9 (Source: P.A. 98-253, eff. 8-9-13.)

10 (225 ILCS 447/31-5)

11 (Section scheduled to be repealed on January 1, 2024)

12 Sec. 31-5. Exemptions.

13 (a) The provisions of this Act regarding fingerprint
14 vendors do not apply to any of the following, if the person
15 performing the service does not hold himself or herself out as
16 a fingerprint vendor or fingerprint vendor agency:

17 (1) An employee of the United States, Illinois, or a
18 political subdivision, including public school districts,
19 of either while the employee is engaged in the performance
20 of his or her official duties within the scope of his or
21 her employment. However, any such person who offers his or
22 her services as a fingerprint vendor or uses a similar
23 title when these services are performed for compensation or
24 other consideration, whether received directly or
25 indirectly, is subject to this Act.

1 (2) A person employed exclusively by only one employer
2 in connection with the exclusive activities of that
3 employer, provided that person does not hold himself or
4 herself out to the public as a fingerprint vendor.

5 (3) Any member of local law enforcement in the
6 performance of his or her duties for criminal justice
7 purposes, notwithstanding whether the local law
8 enforcement agency charges a reasonable fee related to the
9 cost of offering fingerprinting services.

10 (b) The provisions of this Act regarding fingerprint
11 vendors do not apply to any member of a local law enforcement
12 agency, acting on behalf of the local law enforcement agency
13 that is registered with the Illinois ~~Department of~~ State Police
14 to provide fingerprinting services for non-criminal justice
15 purposes, notwithstanding whether the local law enforcement
16 agency charges a reasonable fee related to the cost of offering
17 fingerprinting services.

18 (Source: P.A. 98-294, eff. 8-9-13; 98-600, eff. 12-6-13.)

19 (225 ILCS 447/31-10)

20 (Section scheduled to be repealed on January 1, 2024)

21 Sec. 31-10. Qualifications for licensure as a fingerprint
22 vendor.

23 (a) A person is qualified for licensure as a fingerprint
24 vendor if he or she meets all of the following requirements:

25 (1) Is at least 18 years of age.

1 (2) Has not been convicted of any felony in any
2 jurisdiction or at least 10 years have elapsed since the
3 time of full discharge from a sentence imposed for a felony
4 conviction.

5 (3) Is of good moral character. Good moral character is
6 a continuing requirement of licensure. Conviction of
7 crimes other than felonies may be used in determining moral
8 character, but shall not constitute an absolute bar to
9 licensure, except where the applicant is a registered sex
10 offender.

11 (4) Has not been declared by any court of competent
12 jurisdiction to be incompetent by reason of mental or
13 physical defect or disease, unless a court has subsequently
14 declared him or her to be competent.

15 (5) Is not suffering from dependence on alcohol or from
16 narcotic addiction or dependence.

17 (6) Has not been dishonorably discharged from the armed
18 forces of the United States.

19 (7) Submits certification issued by the Illinois
20 ~~Department of~~ State Police that the applicant has
21 successfully completed a fingerprint vendor training
22 course conducted or authorized by the Illinois ~~Department~~
23 ~~of~~ State Police.

24 (8) Submits his or her fingerprints, in accordance with
25 subsection (b) of this Section.

26 (9) Has not violated any provision of this Act or any

1 rule adopted under this Act.

2 (10) Provides evidence satisfactory to the Department
3 that the applicant has obtained general liability
4 insurance in an amount and with coverage as determined by
5 rule. Failure to maintain general liability insurance and
6 failure to provide the Department with written proof of the
7 insurance, upon request, shall result in cancellation of
8 the license without hearing. A fingerprint vendor employed
9 by a licensed fingerprint vendor agency may provide proof
10 that his or her actions as a fingerprint vendor are covered
11 by the liability insurance of his or her employer.

12 (11) Pays the required licensure fee.

13 (12) (Blank).

14 (13) Submits proof that the applicant maintains a
15 business office located in the State of Illinois.

16 (14) Provides proof of compliance with subsection (e)
17 of Section 31-15 of this Act if the applicant is not
18 required to obtain a fingerprint vendor agency license
19 pursuant to subsection (b) of Section 31-15 of this Act.

20 (b) Each applicant for a fingerprint vendor license shall
21 have his or her fingerprints submitted to the Illinois
22 ~~Department of~~ State Police in an electronic format that
23 complies with the form and manner for requesting and furnishing
24 criminal history record information as prescribed by the
25 Illinois ~~Department of~~ State Police. These fingerprints shall
26 be checked against the Illinois ~~Department of~~ State Police and

1 Federal Bureau of Investigation criminal history record
2 databases now and hereafter filed. The Illinois ~~Department of~~
3 State Police shall charge applicants a fee for conducting the
4 criminal history records check, which shall be deposited in the
5 State Police Services Fund and shall not exceed the actual cost
6 of the records check. The Illinois ~~Department of~~ State Police
7 shall furnish, pursuant to positive identification, records of
8 Illinois convictions to the Department. The Department may
9 require applicants to pay a separate fingerprinting fee, either
10 to the Department or directly to the vendor. The Department, in
11 its discretion, may allow an applicant who does not have
12 reasonable access to a designated vendor to provide his or her
13 fingerprints in an alternative manner. The Department, in its
14 discretion, may also use other procedures in performing or
15 obtaining criminal background checks of applicants. Instead of
16 submitting his or her fingerprints, an individual may submit
17 proof that is satisfactory to the Department that an equivalent
18 security clearance has been conducted. Also, an individual who
19 has retired as a peace officer within 12 months of application
20 may submit verification, on forms provided by the Department
21 and signed by his or her employer, of his or her previous
22 full-time employment as a peace officer.

23 (Source: P.A. 100-44, eff. 8-11-17.)

24 (225 ILCS 447/31-15)

25 (Section scheduled to be repealed on January 1, 2024)

1 Sec. 31-15. Qualifications for licensure as a fingerprint
2 vendor agency.

3 (a) Upon receipt of the required fee, compliance with
4 subsection (e) of this Section, and proof that the applicant
5 has a full-time Illinois licensed fingerprint vendor
6 licensee-in-charge, which is a continuing requirement for
7 agency licensure, the Department may issue a license as a
8 fingerprint vendor agency to any of the following:

9 (1) An individual who submits an application and is a
10 licensed fingerprint vendor under this Act.

11 (2) A firm that submits an application and all of the
12 members of the firm are licensed fingerprint vendors under
13 this Act.

14 (3) A corporation or limited liability company doing
15 business in Illinois that is authorized to engage in the
16 business of conducting a fingerprint vendor agency if at
17 least one officer or executive employee is a licensed
18 fingerprint vendor under this Act and all unlicensed
19 officers and directors of the corporation or limited
20 liability company are determined by the Department to be
21 persons of good moral character.

22 (b) An individual licensed as a fingerprint vendor
23 operating under a business name other than the licensed
24 fingerprint vendor's own name shall not be required to obtain a
25 fingerprint vendor agency license if that licensed fingerprint
26 vendor does not employ any persons to provide fingerprinting

1 services. However, in either circumstance, the individual
2 shall comply with the requirements of subsection (e) of this
3 Section as a requirement for licensure.

4 (c) No fingerprint vendor may be the licensee-in-charge for
5 more than one fingerprint vendor agency. Upon written request
6 by a representative of the agency, within 10 days after the
7 loss of a licensee-in-charge of an agency because of the death
8 of that individual or because of the termination of the
9 employment of that individual, the Department shall issue a
10 temporary certificate of authority allowing the continuing
11 operation of the licensed agency. No temporary certificate of
12 authority shall be valid for more than 90 days. An extension of
13 an additional 90 days may be granted upon written request by
14 the representative of the agency. Not more than 2 extensions
15 may be granted to any agency. No temporary permit shall be
16 issued for loss of the licensee-in-charge because of
17 disciplinary action by the Department related to his or her
18 conduct on behalf of the agency.

19 (d) Upon issuance of the temporary certificate of authority
20 as provided for in subsection (c) of this Section and at any
21 time thereafter while the temporary certificate of authority is
22 in effect, the Department may request in writing additional
23 information from the agency regarding the loss of its
24 licensee-in-charge, the selection of a new licensee-in-charge,
25 and the management of the agency. Failure of the agency to
26 respond or respond to the satisfaction of the Department shall

1 cause the Department to deny any extension of the temporary
2 certificate of authority. While the temporary certificate of
3 authority is in effect, the Department may disapprove the
4 selection of a new licensee-in-charge by the agency if the
5 person's license is not operative or the Department has good
6 cause to believe that the person selected will not fully
7 exercise the responsibilities of a licensee-in-charge. If the
8 Department has disapproved the selection of a new
9 licensee-in-charge and the temporary certificate of authority
10 expires or is about to expire without the agency selecting
11 another new licensee-in-charge, the Department shall grant an
12 extension of the temporary certificate of authority for an
13 additional 90 days, except as otherwise prohibited in
14 subsection (c) or this subsection (d).

15 (e) An applicant shall submit certification issued by the
16 Illinois ~~Department of~~ State Police that the applicant's
17 fingerprinting equipment and software meets all specifications
18 required by the Illinois ~~Department of~~ State Police. Compliance
19 with Illinois ~~Department of~~ State Police fingerprinting
20 equipment and software specifications is a continuing
21 requirement for licensure.

22 (Source: P.A. 100-44, eff. 8-11-17.)

23 (225 ILCS 447/31-20)

24 (Section scheduled to be repealed on January 1, 2024)

25 Sec. 31-20. Training; fingerprint vendor and employees.

1 (a) Registered employees of a licensed fingerprint vendor
2 agency shall complete a minimum of 20 hours of training
3 provided by a qualified instructor within 30 days of their
4 employment. The substance of the training shall be prescribed
5 by rule.

6 (b) It is the responsibility of the employer to certify, on
7 a form provided by the Department, that the employee has
8 successfully completed the training. The form shall be a
9 permanent record of training completed by the employee and
10 shall be placed in the employee's file with the employer for
11 the period the employee remains with the employer. An agency
12 may place a notarized copy of the Department form, in lieu of
13 the original, into the permanent employee registration card
14 file. The original form shall be given to the employee when his
15 or her employment is terminated. Failure to return the original
16 form to the employee is grounds for disciplinary action. The
17 employee shall not be required to repeat the required training
18 once the employee has been issued the form. An employer may
19 provide or require additional training.

20 (c) Any certification of completion of the 20-hour basic
21 training issued under the Private Detective, Private Alarm,
22 Private Security, and Locksmith Act of 2004 or any prior Act
23 shall be accepted as proof of training under this Act.

24 (d) No registered employee of a licensed fingerprint vendor
25 agency may operate live scan fingerprint equipment or other
26 equipment designed to obtain fingerprint images for the purpose

1 of providing fingerprint images and associated demographic
2 data to the Illinois ~~Department of~~ State Police.

3 (Source: P.A. 95-613, eff. 9-11-07.)

4 (225 ILCS 447/31-25)

5 (Section scheduled to be repealed on January 1, 2024)

6 Sec. 31-25. Customer identification; record keeping. A
7 fingerprint vendor or fingerprint vendor agency shall document
8 in the form of a work order when and where each and every
9 fingerprint service is provided. The work order shall also
10 include the name, address, date of birth, telephone number, and
11 driver's license number or other identification number of the
12 person requesting the service to be done, the signature of that
13 person, the routing number and any other information or
14 documentation as provided by rule. All work orders shall be
15 kept by the licensed fingerprint vendor for a period of 2 years
16 from the date of service and shall include the name and license
17 number of the fingerprint vendor and, if applicable, the name
18 and identification number of the registered employee who
19 performed the services. Work order forms required to be kept
20 under this Section shall be available for inspection by the
21 Department or by the Illinois ~~Department of~~ State Police.

22 (Source: P.A. 95-613, eff. 9-11-07.)

23 (225 ILCS 447/35-30)

24 (Section scheduled to be repealed on January 1, 2024)

1 Sec. 35-30. Employee requirements. All employees of a
2 licensed agency, other than those exempted, shall apply for a
3 permanent employee registration card. The holder of an agency
4 license issued under this Act, known in this Section as
5 "employer", may employ in the conduct of his or her business
6 employees under the following provisions:

7 (a) No person shall be issued a permanent employee
8 registration card who:

9 (1) Is younger than 18 years of age.

10 (2) Is younger than 21 years of age if the services
11 will include being armed.

12 (3) Has been determined by the Department to be unfit
13 by reason of conviction of an offense in this or another
14 state, including registration as a sex offender, but not
15 including a traffic offense. Persons convicted of felonies
16 involving bodily harm, weapons, violence, or theft within
17 the previous 10 years shall be presumed to be unfit for
18 registration. The Department shall adopt rules for making
19 those determinations that shall afford the applicant due
20 process of law.

21 (4) Has had a license or permanent employee
22 registration card denied, suspended, or revoked under this
23 Act (i) within one year before the date the person's
24 application for permanent employee registration card is
25 received by the Department; and (ii) that refusal, denial,
26 suspension, or revocation was based on any provision of

1 this Act other than Section 40-50, item (6) or (8) of
2 subsection (a) of Section 15-10, subsection (b) of Section
3 15-10, item (6) or (8) of subsection (a) of Section 20-10,
4 subsection (b) of Section 20-10, item (6) or (8) of
5 subsection (a) of Section 25-10, subsection (b) of Section
6 25-10, item (7) of subsection (a) of Section 30-10,
7 subsection (b) of Section 30-10, or Section 10-40.

8 (5) Has been declared incompetent by any court of
9 competent jurisdiction by reason of mental disease or
10 defect and has not been restored.

11 (6) Has been dishonorably discharged from the armed
12 services of the United States.

13 (b) No person may be employed by a private detective
14 agency, private security contractor agency, private alarm
15 contractor agency, fingerprint vendor agency, or locksmith
16 agency under this Section until he or she has executed and
17 furnished to the employer, on forms furnished by the
18 Department, a verified statement to be known as "Employee's
19 Statement" setting forth:

20 (1) The person's full name, age, and residence address.

21 (2) The business or occupation engaged in for the 5
22 years immediately before the date of the execution of the
23 statement, the place where the business or occupation was
24 engaged in, and the names of employers, if any.

25 (3) That the person has not had a license or employee
26 registration denied, revoked, or suspended under this Act

1 (i) within one year before the date the person's
2 application for permanent employee registration card is
3 received by the Department; and (ii) that refusal, denial,
4 suspension, or revocation was based on any provision of
5 this Act other than Section 40-50, item (6) or (8) of
6 subsection (a) of Section 15-10, subsection (b) of Section
7 15-10, item (6) or (8) of subsection (a) of Section 20-10,
8 subsection (b) of Section 20-10, item (6) or (8) of
9 subsection (a) of Section 25-10, subsection (b) of Section
10 25-10, item (7) of subsection (a) of Section 30-10,
11 subsection (b) of Section 30-10, or Section 10-40.

12 (4) Any conviction of a felony or misdemeanor.

13 (5) Any declaration of incompetence by a court of
14 competent jurisdiction that has not been restored.

15 (6) Any dishonorable discharge from the armed services
16 of the United States.

17 (7) Any other information as may be required by any
18 rule of the Department to show the good character,
19 competency, and integrity of the person executing the
20 statement.

21 (c) Each applicant for a permanent employee registration
22 card shall have his or her fingerprints submitted to the
23 Illinois ~~Department of~~ State Police in an electronic format
24 that complies with the form and manner for requesting and
25 furnishing criminal history record information as prescribed
26 by the Illinois ~~Department of~~ State Police. These fingerprints

1 shall be checked against the Illinois ~~Department of~~ State
2 Police and Federal Bureau of Investigation criminal history
3 record databases now and hereafter filed. The Illinois
4 ~~Department of~~ State Police shall charge applicants a fee for
5 conducting the criminal history records check, which shall be
6 deposited in the State Police Services Fund and shall not
7 exceed the actual cost of the records check. The Illinois
8 ~~Department of~~ State Police shall furnish, pursuant to positive
9 identification, records of Illinois convictions to the
10 Department. The Department may require applicants to pay a
11 separate fingerprinting fee, either to the Department or
12 directly to the vendor. The Department, in its discretion, may
13 allow an applicant who does not have reasonable access to a
14 designated vendor to provide his or her fingerprints in an
15 alternative manner. The Department, in its discretion, may also
16 use other procedures in performing or obtaining criminal
17 background checks of applicants. Instead of submitting his or
18 her fingerprints, an individual may submit proof that is
19 satisfactory to the Department that an equivalent security
20 clearance has been conducted. Also, an individual who has
21 retired as a peace officer within 12 months of application may
22 submit verification, on forms provided by the Department and
23 signed by his or her employer, of his or her previous full-time
24 employment as a peace officer.

25 (d) The Department shall issue a permanent employee
26 registration card, in a form the Department prescribes, to all

1 qualified applicants. The holder of a permanent employee
2 registration card shall carry the card at all times while
3 actually engaged in the performance of the duties of his or her
4 employment. Expiration and requirements for renewal of
5 permanent employee registration cards shall be established by
6 rule of the Department. Possession of a permanent employee
7 registration card does not in any way imply that the holder of
8 the card is employed by an agency unless the permanent employee
9 registration card is accompanied by the employee
10 identification card required by subsection (f) of this Section.

11 (e) Each employer shall maintain a record of each employee
12 that is accessible to the duly authorized representatives of
13 the Department. The record shall contain the following
14 information:

15 (1) A photograph taken within 10 days of the date that
16 the employee begins employment with the employer. The
17 photograph shall be replaced with a current photograph
18 every 3 calendar years.

19 (2) The Employee's Statement specified in subsection
20 (b) of this Section.

21 (3) All correspondence or documents relating to the
22 character and integrity of the employee received by the
23 employer from any official source or law enforcement
24 agency.

25 (4) In the case of former employees, the employee
26 identification card of that person issued under subsection

1 (f) of this Section. Each employee record shall duly note
2 if the employee is employed in an armed capacity. Armed
3 employee files shall contain a copy of an active firearm
4 owner's identification card and a copy of an active firearm
5 control card. Each employer shall maintain a record for
6 each armed employee of each instance in which the
7 employee's weapon was discharged during the course of his
8 or her professional duties or activities. The record shall
9 be maintained on forms provided by the Department, a copy
10 of which must be filed with the Department within 15 days
11 of an instance. The record shall include the date and time
12 of the occurrence, the circumstances involved in the
13 occurrence, and any other information as the Department may
14 require. Failure to provide this information to the
15 Department or failure to maintain the record as a part of
16 each armed employee's permanent file is grounds for
17 disciplinary action. The Department, upon receipt of a
18 report, shall have the authority to make any investigation
19 it considers appropriate into any occurrence in which an
20 employee's weapon was discharged and to take disciplinary
21 action as may be appropriate.

22 (5) A copy of the employee's permanent employee
23 registration card or a copy of the Department's "License
24 Lookup" Webpage showing that the employee has been issued a
25 valid permanent employee registration card by the
26 Department.

1 The Department may, by rule, prescribe further record
2 requirements.

3 (f) Every employer shall furnish an employee
4 identification card to each of his or her employees. This
5 employee identification card shall contain a recent photograph
6 of the employee, the employee's name, the name and agency
7 license number of the employer, the employee's personal
8 description, the signature of the employer, the signature of
9 that employee, the date of issuance, and an employee
10 identification card number.

11 (g) No employer may issue an employee identification card
12 to any person who is not employed by the employer in accordance
13 with this Section or falsely state or represent that a person
14 is or has been in his or her employ. It is unlawful for an
15 applicant for registered employment to file with the Department
16 the fingerprints of a person other than himself or herself.

17 (h) Every employer shall obtain the identification card of
18 every employee who terminates employment with him or her.

19 (i) Every employer shall maintain a separate roster of the
20 names of all employees currently working in an armed capacity
21 and submit the roster to the Department on request.

22 (j) No agency may employ any person to perform a licensed
23 activity under this Act unless the person possesses a valid
24 permanent employee registration card or a valid license under
25 this Act, or is exempt pursuant to subsection (n).

26 (k) Notwithstanding the provisions of subsection (j), an

1 agency may employ a person in a temporary capacity if all of
2 the following conditions are met:

3 (1) The agency completes in its entirety and submits to
4 the Department an application for a permanent employee
5 registration card, including the required fingerprint
6 receipt and fees.

7 (2) The agency has verification from the Department
8 that the applicant has no record of any criminal conviction
9 pursuant to the criminal history check conducted by the
10 Illinois ~~Department of~~ State Police. The agency shall
11 maintain the verification of the results of the Illinois
12 ~~Department of~~ State Police criminal history check as part
13 of the employee record as required under subsection (e) of
14 this Section.

15 (3) The agency exercises due diligence to ensure that
16 the person is qualified under the requirements of the Act
17 to be issued a permanent employee registration card.

18 (4) The agency maintains a separate roster of the names
19 of all employees whose applications are currently pending
20 with the Department and submits the roster to the
21 Department on a monthly basis. Rosters are to be maintained
22 by the agency for a period of at least 24 months.

23 An agency may employ only a permanent employee applicant
24 for which it either submitted a permanent employee application
25 and all required forms and fees or it confirms with the
26 Department that a permanent employee application and all

1 required forms and fees have been submitted by another agency,
2 licensee or the permanent employee and all other requirements
3 of this Section are met.

4 The Department shall have the authority to revoke, without
5 a hearing, the temporary authority of an individual to work
6 upon receipt of Federal Bureau of Investigation fingerprint
7 data or a report of another official authority indicating a
8 criminal conviction. If the Department has not received a
9 temporary employee's Federal Bureau of Investigation
10 fingerprint data within 120 days of the date the Department
11 received the Illinois ~~Department of~~ State Police fingerprint
12 data, the Department may, at its discretion, revoke the
13 employee's temporary authority to work with 15 days written
14 notice to the individual and the employing agency.

15 An agency may not employ a person in a temporary capacity
16 if it knows or reasonably should have known that the person has
17 been convicted of a crime under the laws of this State, has
18 been convicted in another state of any crime that is a crime
19 under the laws of this State, has been convicted of any crime
20 in a federal court, or has been posted as an unapproved
21 applicant by the Department. Notice by the Department to the
22 agency, via certified mail, personal delivery, electronic
23 mail, or posting on the Department's Internet site accessible
24 to the agency that the person has been convicted of a crime
25 shall be deemed constructive knowledge of the conviction on the
26 part of the agency. The Department may adopt rules to implement

1 this subsection (k).

2 (1) No person may be employed under this Section in any
3 capacity if:

4 (1) the person, while so employed, is being paid by the
5 United States or any political subdivision for the time so
6 employed in addition to any payments he or she may receive
7 from the employer; or

8 (2) the person wears any portion of his or her official
9 uniform, emblem of authority, or equipment while so
10 employed.

11 (m) If information is discovered affecting the
12 registration of a person whose fingerprints were submitted
13 under this Section, the Department shall so notify the agency
14 that submitted the fingerprints on behalf of that person.

15 (n) Peace officers shall be exempt from the requirements of
16 this Section relating to permanent employee registration
17 cards. The agency shall remain responsible for any peace
18 officer employed under this exemption, regardless of whether
19 the peace officer is compensated as an employee or as an
20 independent contractor and as further defined by rule.

21 (o) Persons who have no access to confidential or security
22 information, who do not go to a client's or prospective
23 client's residence or place of business, and who otherwise do
24 not provide traditional security services are exempt from
25 employee registration. Examples of exempt employees include,
26 but are not limited to, employees working in the capacity of

1 ushers, directors, ticket takers, cashiers, drivers, and
2 reception personnel. Confidential or security information is
3 that which pertains to employee files, scheduling, client
4 contracts, or technical security and alarm data.

5 (p) An applicant who is 21 years of age or older seeking a
6 religious exemption to the photograph requirement of this
7 Section shall furnish with the application an approved copy of
8 United States Department of the Treasury Internal Revenue
9 Service Form 4029. Regardless of age, an applicant seeking a
10 religious exemption to this photograph requirement shall
11 submit fingerprints in a form and manner prescribed by the
12 Department with his or her application in lieu of a photograph.
13 (Source: P.A. 98-253, eff. 8-9-13; 98-848, eff. 1-1-15.)

14 (225 ILCS 447/40-10)

15 (Section scheduled to be repealed on January 1, 2024)

16 Sec. 40-10. Disciplinary sanctions.

17 (a) The Department may deny issuance, refuse to renew, or
18 restore or may reprimand, place on probation, suspend, revoke,
19 or take other disciplinary or non-disciplinary action against
20 any license, registration, permanent employee registration
21 card, canine handler authorization card, canine trainer
22 authorization card, or firearm control card, may impose a fine
23 not to exceed \$10,000 for each violation, and may assess costs
24 as provided for under Section 45-60, for any of the following:

25 (1) Fraud, deception, or misrepresentation in

1 obtaining or renewing of a license or registration.

2 (2) Professional incompetence as manifested by poor
3 standards of service.

4 (3) Engaging in dishonorable, unethical, or
5 unprofessional conduct of a character likely to deceive,
6 defraud, or harm the public.

7 (4) Conviction of or plea of guilty or plea of nolo
8 contendere to a felony or misdemeanor in this State or any
9 other jurisdiction or the entry of an administrative
10 sanction by a government agency in this State or any other
11 jurisdiction; action taken under this paragraph (4) for a
12 misdemeanor or an administrative sanction is limited to a
13 misdemeanor or administrative sanction that has as an
14 essential element of dishonesty or fraud or involves
15 larceny, embezzlement, or obtaining money, property, or
16 credit by false pretenses or by means of a confidence game.

17 (5) Performing any services in a grossly negligent
18 manner or permitting any of a licensee's employees to
19 perform services in a grossly negligent manner, regardless
20 of whether actual damage to the public is established.

21 (6) Continued practice, although the person has become
22 unfit to practice due to any of the following:

23 (A) Physical illness, mental illness, or other
24 impairment, including, but not limited to,
25 deterioration through the aging process or loss of
26 motor skills that results in the inability to serve the

1 public with reasonable judgment, skill, or safety.

2 (B) (Blank).

3 (C) Habitual or excessive use or abuse of drugs
4 defined in law as controlled substances, alcohol, or
5 any other substance that results in the inability to
6 practice with reasonable judgment, skill, or safety.

7 (7) Receiving, directly or indirectly, compensation
8 for any services not rendered.

9 (8) Willfully deceiving or defrauding the public on a
10 material matter.

11 (9) Failing to account for or remit any moneys or
12 documents coming into the licensee's possession that
13 belong to another person or entity.

14 (10) Discipline by another United States jurisdiction,
15 foreign nation, or governmental agency, if at least one of
16 the grounds for the discipline is the same or substantially
17 equivalent to those set forth in this Act.

18 (11) Giving differential treatment to a person that is
19 to that person's detriment because of race, color, creed,
20 sex, religion, or national origin.

21 (12) Engaging in false or misleading advertising.

22 (13) Aiding, assisting, or willingly permitting
23 another person to violate this Act or rules promulgated
24 under it.

25 (14) Performing and charging for services without
26 authorization to do so from the person or entity serviced.

1 (15) Directly or indirectly offering or accepting any
2 benefit to or from any employee, agent, or fiduciary
3 without the consent of the latter's employer or principal
4 with intent to or the understanding that this action will
5 influence his or her conduct in relation to his or her
6 employer's or principal's affairs.

7 (16) Violation of any disciplinary order imposed on a
8 licensee by the Department.

9 (17) Performing any act or practice that is a violation
10 of this Act or the rules for the administration of this
11 Act, or having a conviction or administrative finding of
12 guilty as a result of violating any federal or State laws,
13 rules, or regulations that apply exclusively to the
14 practices of private detectives, private alarm
15 contractors, private security contractors, fingerprint
16 vendors, or locksmiths.

17 (18) Conducting an agency without a valid license.

18 (19) Revealing confidential information, except as
19 required by law, including but not limited to information
20 available under Section 2-123 of the Illinois Vehicle Code.

21 (20) Failing to make available to the Department, upon
22 request, any books, records, or forms required by this Act.

23 (21) Failing, within 30 days, to respond to a written
24 request for information from the Department.

25 (22) Failing to provide employment information or
26 experience information required by the Department

1 regarding an applicant for licensure.

2 (23) Failing to make available to the Department at the
3 time of the request any indicia of licensure or
4 registration issued under this Act.

5 (24) Purporting to be a licensee-in-charge of an agency
6 without active participation in the agency.

7 (25) A finding by the Department that the licensee,
8 after having his or her license placed on probationary
9 status, has violated the terms of probation.

10 (26) Violating subsection (f) of Section 30-30.

11 (27) A firearm control card holder having more firearms
12 in his or her immediate possession than he or she can
13 reasonably exercise control over.

14 (28) Failure to report in writing to the Department,
15 within 60 days of an entry of a settlement or a verdict in
16 excess of \$10,000, any legal action in which the quality of
17 the licensee's or registrant's professional services was
18 the subject of the legal action.

19 (b) All fines imposed under this Section shall be paid
20 within 60 days after the effective date of the order imposing
21 the fine.

22 (c) The Department shall adopt rules that set forth
23 standards of service for the following: (i) acceptable error
24 rate in the transmission of fingerprint images and other data
25 to the Illinois ~~Department of~~ State Police; (ii) acceptable
26 error rate in the collection and documentation of information

1 used to generate fingerprint work orders; and (iii) any other
2 standard of service that affects fingerprinting services as
3 determined by the Department.

4 The determination by a circuit court that a licensee is
5 subject to involuntary admission or judicial admission, as
6 provided in the Mental Health and Developmental Disabilities
7 Code, operates as an automatic suspension. The suspension will
8 end only upon a finding by a court that the patient is no
9 longer subject to involuntary admission or judicial admission
10 and the issuance of an order so finding and discharging the
11 patient.

12 (Source: P.A. 98-253, eff. 8-9-13; 99-174, eff. 7-29-15.)

13 Section 640. The Real Estate Appraiser Licensing Act of
14 2002 is amended by changing Section 5-22 as follows:

15 (225 ILCS 458/5-22)

16 (Section scheduled to be repealed on January 1, 2022)

17 Sec. 5-22. Criminal history records check.

18 (a) Each applicant for licensure by examination or
19 restoration shall have his or her fingerprints submitted to the
20 Illinois ~~Department of~~ State Police in an electronic format
21 that complies with the form and manner for requesting and
22 furnishing criminal history record information as prescribed
23 by the Illinois ~~Department of~~ State Police. These fingerprints
24 shall be checked against the Illinois ~~Department of~~ State

1 Police and Federal Bureau of Investigation criminal history
2 record databases now and hereafter filed. The Illinois
3 ~~Department of~~ State Police shall charge applicants a fee for
4 conducting the criminal history records check, which shall be
5 deposited into the State Police Services Fund and shall not
6 exceed the actual cost of the records check. The Illinois
7 ~~Department of~~ State Police shall furnish, pursuant to positive
8 identification, records of Illinois convictions to the
9 Department. The Department may require applicants to pay a
10 separate fingerprinting fee, either to the Department or to a
11 vendor. The Department may adopt any rules necessary to
12 implement this Section.

13 (b) The Secretary may designate a multi-state licensing
14 system to perform the functions described in subsection (a).
15 The Department may require applicants to pay a separate
16 fingerprinting fee, either to the Department or to the
17 multi-state licensing system. The Department may adopt any
18 rules necessary to implement this subsection.

19 (Source: P.A. 100-604, eff. 7-13-18.)

20 Section 645. The Appraisal Management Company Registration
21 Act is amended by changing Section 68 as follows:

22 (225 ILCS 459/68)

23 Sec. 68. Criminal history records background check. Each
24 individual applicant or controlling person on behalf of a

1 business entity that applies for registration or restoration
2 shall have his or her fingerprints submitted to the Illinois
3 ~~Department of~~ State Police in an electronic format that
4 complies with the form and manner for requesting and furnishing
5 criminal history record information as prescribed by the
6 Illinois ~~Department of~~ State Police, or through a multi-state
7 licensing system as designated by the Secretary. These
8 fingerprints shall be checked against the Illinois ~~Department~~
9 ~~of~~ State Police and Federal Bureau of Investigation criminal
10 history record databases now and hereafter filed. The Illinois
11 ~~Department of~~ State Police shall charge applicants a fee for
12 conducting the criminal history records background check,
13 which shall be deposited into the State Police Services Fund
14 and shall not exceed the actual cost of the criminal history
15 records background check. The Illinois ~~Department of~~ State
16 Police shall furnish, pursuant to positive identification,
17 records of Illinois convictions to the Department. The
18 Department may require an applicant to pay a separate
19 fingerprinting fee, either to the Department or to a vendor.
20 The Department may adopt any rules necessary to implement this
21 Section.

22 (Source: P.A. 100-604, eff. 7-13-18.)

23 Section 650. The Solicitation for Charity Act is amended by
24 changing Section 16.5 as follows:

1 (225 ILCS 460/16.5)

2 Sec. 16.5. Terrorist acts.

3 (a) Any person or organization subject to registration
4 under this Act, who knowingly acts to further, directly or
5 indirectly, or knowingly uses charitable assets to conduct or
6 further, directly or indirectly, an act or actions as set forth
7 in Article 29D of the Criminal Code of 2012, is thereby engaged
8 in an act or actions contrary to public policy and antithetical
9 to charity, and all of the funds, assets, and records of the
10 person or organization shall be subject to temporary and
11 permanent injunction from use or expenditure and the
12 appointment of a temporary and permanent receiver to take
13 possession of all of the assets and related records.

14 (b) An ex parte action may be commenced by the Attorney
15 General, and, upon a showing of probable cause of a violation
16 of this Section or Article 29D of the Criminal Code of 2012, an
17 immediate seizure of books and records by the Attorney General
18 by and through his or her assistants or investigators or the
19 Illinois Department of State Police and freezing of all assets
20 shall be made by order of a court to protect the public,
21 protect the assets, and allow a full review of the records.

22 (c) Upon a finding by a court after a hearing that a person
23 or organization has acted or is in violation of this Section,
24 the person or organization shall be permanently enjoined from
25 soliciting funds from the public, holding charitable funds, or
26 acting as a trustee or fiduciary within Illinois. Upon a

1 finding of violation all assets and funds held by the person or
2 organization shall be forfeited to the People of the State of
3 Illinois or otherwise ordered by the court to be accounted for
4 and marshaled and then delivered to charitable causes and uses
5 within the State of Illinois by court order.

6 (d) A determination under this Section may be made by any
7 court separate and apart from any criminal proceedings and the
8 standard of proof shall be that for civil proceedings.

9 (e) Any knowing use of charitable assets to conduct or
10 further, directly or indirectly, an act or actions set forth in
11 Article 29D of the Criminal Code of 2012 shall be a misuse of
12 charitable assets and breach of fiduciary duty relative to all
13 other Sections of this Act.

14 (Source: P.A. 97-1150, eff. 1-25-13.)

15 Section 655. The Illinois Horse Racing Act of 1975 is
16 amended by changing Sections 9, 15, 28, 34, and 45 as follows:

17 (230 ILCS 5/9) (from Ch. 8, par. 37-9)

18 Sec. 9. The Board shall have all powers necessary and
19 proper to fully and effectively execute the provisions of this
20 Act, including, but not limited to, the following:

21 (a) The Board is vested with jurisdiction and supervision
22 over all race meetings in this State, over all licensees doing
23 business in this State, over all occupation licensees, and over
24 all persons on the facilities of any licensee. Such

1 jurisdiction shall include the power to issue licenses to the
2 Illinois Department of Agriculture authorizing the pari-mutuel
3 system of wagering on harness and Quarter Horse races held (1)
4 at the Illinois State Fair in Sangamon County, and (2) at the
5 DuQuoin State Fair in Perry County. The jurisdiction of the
6 Board shall also include the power to issue licenses to county
7 fairs which are eligible to receive funds pursuant to the
8 Agricultural Fair Act, as now or hereafter amended, or their
9 agents, authorizing the pari-mutuel system of wagering on horse
10 races conducted at the county fairs receiving such licenses.
11 Such licenses shall be governed by subsection (n) of this
12 Section.

13 Upon application, the Board shall issue a license to the
14 Illinois Department of Agriculture to conduct harness and
15 Quarter Horse races at the Illinois State Fair and at the
16 DuQuoin State Fairgrounds during the scheduled dates of each
17 fair. The Board shall not require and the Department of
18 Agriculture shall be exempt from the requirements of Sections
19 15.3, 18 and 19, paragraphs (a)(2), (b), (c), (d), (e), (e-5),
20 (e-10), (f), (g), and (h) of Section 20, and Sections 21, 24
21 and 25. The Board and the Department of Agriculture may extend
22 any or all of these exemptions to any contractor or agent
23 engaged by the Department of Agriculture to conduct its race
24 meetings when the Board determines that this would best serve
25 the public interest and the interest of horse racing.

26 Notwithstanding any provision of law to the contrary, it

1 shall be lawful for any licensee to operate pari-mutuel
2 wagering or contract with the Department of Agriculture to
3 operate pari-mutuel wagering at the DuQuoin State Fairgrounds
4 or for the Department to enter into contracts with a licensee,
5 employ its owners, employees or agents and employ such other
6 occupation licensees as the Department deems necessary in
7 connection with race meetings and wagerings.

8 (b) The Board is vested with the full power to promulgate
9 reasonable rules and regulations for the purpose of
10 administering the provisions of this Act and to prescribe
11 reasonable rules, regulations and conditions under which all
12 horse race meetings or wagering in the State shall be
13 conducted. Such reasonable rules and regulations are to provide
14 for the prevention of practices detrimental to the public
15 interest and to promote the best interests of horse racing and
16 to impose penalties for violations thereof.

17 (c) The Board, and any person or persons to whom it
18 delegates this power, is vested with the power to enter the
19 facilities and other places of business of any licensee to
20 determine whether there has been compliance with the provisions
21 of this Act and its rules and regulations.

22 (d) The Board, and any person or persons to whom it
23 delegates this power, is vested with the authority to
24 investigate alleged violations of the provisions of this Act,
25 its reasonable rules and regulations, orders and final
26 decisions; the Board shall take appropriate disciplinary

1 action against any licensee or occupation licensee for
2 violation thereof or institute appropriate legal action for the
3 enforcement thereof.

4 (e) The Board, and any person or persons to whom it
5 delegates this power, may eject or exclude from any race
6 meeting or the facilities of any licensee, or any part thereof,
7 any occupation licensee or any other individual whose conduct
8 or reputation is such that his presence on those facilities
9 may, in the opinion of the Board, call into question the
10 honesty and integrity of horse racing or wagering or interfere
11 with the orderly conduct of horse racing or wagering; provided,
12 however, that no person shall be excluded or ejected from the
13 facilities of any licensee solely on the grounds of race,
14 color, creed, national origin, ancestry, or sex. The power to
15 eject or exclude an occupation licensee or other individual may
16 be exercised for just cause by the licensee or the Board,
17 subject to subsequent hearing by the Board as to the propriety
18 of said exclusion.

19 (f) The Board is vested with the power to acquire,
20 establish, maintain and operate (or provide by contract to
21 maintain and operate) testing laboratories and related
22 facilities, for the purpose of conducting saliva, blood, urine
23 and other tests on the horses run or to be run in any horse race
24 meeting, including races run at county fairs, and to purchase
25 all equipment and supplies deemed necessary or desirable in
26 connection with any such testing laboratories and related

1 facilities and all such tests.

2 (g) The Board may require that the records, including
3 financial or other statements of any licensee or any person
4 affiliated with the licensee who is involved directly or
5 indirectly in the activities of any licensee as regulated under
6 this Act to the extent that those financial or other statements
7 relate to such activities be kept in such manner as prescribed
8 by the Board, and that Board employees shall have access to
9 those records during reasonable business hours. Within 120 days
10 of the end of its fiscal year, each licensee shall transmit to
11 the Board an audit of the financial transactions and condition
12 of the licensee's total operations. All audits shall be
13 conducted by certified public accountants. Each certified
14 public accountant must be registered in the State of Illinois
15 under the Illinois Public Accounting Act. The compensation for
16 each certified public accountant shall be paid directly by the
17 licensee to the certified public accountant. A licensee shall
18 also submit any other financial or related information the
19 Board deems necessary to effectively administer this Act and
20 all rules, regulations, and final decisions promulgated under
21 this Act.

22 (h) The Board shall name and appoint in the manner provided
23 by the rules and regulations of the Board: an Executive
24 Director; a State director of mutuels; State veterinarians and
25 representatives to take saliva, blood, urine and other tests on
26 horses; licensing personnel; revenue inspectors; and State

1 seasonal employees (excluding admission ticket sellers and
2 mutuel clerks). All of those named and appointed as provided in
3 this subsection shall serve during the pleasure of the Board;
4 their compensation shall be determined by the Board and be paid
5 in the same manner as other employees of the Board under this
6 Act.

7 (i) The Board shall require that there shall be 3 stewards
8 at each horse race meeting, at least 2 of whom shall be named
9 and appointed by the Board. Stewards appointed or approved by
10 the Board, while performing duties required by this Act or by
11 the Board, shall be entitled to the same rights and immunities
12 as granted to Board members and Board employees in Section 10
13 of this Act.

14 (j) The Board may discharge any Board employee who fails or
15 refuses for any reason to comply with the rules and regulations
16 of the Board, or who, in the opinion of the Board, is guilty of
17 fraud, dishonesty or who is proven to be incompetent. The Board
18 shall have no right or power to determine who shall be
19 officers, directors or employees of any licensee, or their
20 salaries except the Board may, by rule, require that all or any
21 officials or employees in charge of or whose duties relate to
22 the actual running of races be approved by the Board.

23 (k) The Board is vested with the power to appoint delegates
24 to execute any of the powers granted to it under this Section
25 for the purpose of administering this Act and any rules or
26 regulations promulgated in accordance with this Act.

1 (1) The Board is vested with the power to impose civil
2 penalties of up to \$5,000 against an individual and up to
3 \$10,000 against a licensee for each violation of any provision
4 of this Act, any rules adopted by the Board, any order of the
5 Board or any other action which, in the Board's discretion, is
6 a detriment or impediment to horse racing or wagering.
7 Beginning on the date when any organization licensee begins
8 conducting gaming pursuant to an organization gaming license
9 issued under the Illinois Gambling Act, the power granted to
10 the Board pursuant to this subsection (1) shall authorize the
11 Board to impose penalties of up to \$10,000 against an
12 individual and up to \$25,000 against a licensee. All such civil
13 penalties shall be deposited into the Horse Racing Fund.

14 (m) The Board is vested with the power to prescribe a form
15 to be used by licensees as an application for employment for
16 employees of each licensee.

17 (n) The Board shall have the power to issue a license to
18 any county fair, or its agent, authorizing the conduct of the
19 pari-mutuel system of wagering. The Board is vested with the
20 full power to promulgate reasonable rules, regulations and
21 conditions under which all horse race meetings licensed
22 pursuant to this subsection shall be held and conducted,
23 including rules, regulations and conditions for the conduct of
24 the pari-mutuel system of wagering. The rules, regulations and
25 conditions shall provide for the prevention of practices
26 detrimental to the public interest and for the best interests

1 of horse racing, and shall prescribe penalties for violations
2 thereof. Any authority granted the Board under this Act shall
3 extend to its jurisdiction and supervision over county fairs,
4 or their agents, licensed pursuant to this subsection. However,
5 the Board may waive any provision of this Act or its rules or
6 regulations which would otherwise apply to such county fairs or
7 their agents.

8 (o) Whenever the Board is authorized or required by law to
9 consider some aspect of criminal history record information for
10 the purpose of carrying out its statutory powers and
11 responsibilities, then, upon request and payment of fees in
12 conformance with the requirements of Section 2605-400 of the
13 Illinois Department of State Police Law ~~(20 ILCS~~
14 ~~2605/2605-400)~~, the Illinois Department of State Police is
15 authorized to furnish, pursuant to positive identification,
16 such information contained in State files as is necessary to
17 fulfill the request.

18 (p) To insure the convenience, comfort, and wagering
19 accessibility of race track patrons, to provide for the
20 maximization of State revenue, and to generate increases in
21 purse allotments to the horsemen, the Board shall require any
22 licensee to staff the pari-mutuel department with adequate
23 personnel.

24 (Source: P.A. 101-31, eff. 6-28-19.)

25 (230 ILCS 5/15) (from Ch. 8, par. 37-15)

1 Sec. 15. (a) The Board shall, in its discretion, issue
2 occupation licenses to horse owners, trainers, harness
3 drivers, jockeys, agents, apprentices, grooms, stable foremen,
4 exercise persons, veterinarians, valets, blacksmiths,
5 concessionaires and others designated by the Board whose work,
6 in whole or in part, is conducted upon facilities within the
7 State. Such occupation licenses will be obtained prior to the
8 persons engaging in their vocation upon such facilities. The
9 Board shall not license pari-mutuel clerks, parking
10 attendants, security guards and employees of concessionaires.
11 No occupation license shall be required of any person who works
12 at facilities within this State as a pari-mutuel clerk, parking
13 attendant, security guard or as an employee of a
14 concessionaire. Concessionaires of the Illinois State Fair and
15 DuQuoin State Fair and employees of the Illinois Department of
16 Agriculture shall not be required to obtain an occupation
17 license by the Board.

18 (b) Each application for an occupation license shall be on
19 forms prescribed by the Board. Such license, when issued, shall
20 be for the period ending December 31 of each year, except that
21 the Board in its discretion may grant 3-year licenses. The
22 application shall be accompanied by a fee of not more than \$25
23 per year or, in the case of 3-year occupation license
24 applications, a fee of not more than \$60. Each applicant shall
25 set forth in the application his full name and address, and if
26 he had been issued prior occupation licenses or has been

1 licensed in any other state under any other name, such name,
2 his age, whether or not a permit or license issued to him in
3 any other state has been suspended or revoked and if so whether
4 such suspension or revocation is in effect at the time of the
5 application, and such other information as the Board may
6 require. Fees for registration of stable names shall not exceed
7 \$50.00. Beginning on the date when any organization licensee
8 begins conducting gaming pursuant to an organization gaming
9 license issued under the Illinois Gambling Act, the fee for
10 registration of stable names shall not exceed \$150, and the
11 application fee for an occupation license shall not exceed \$75,
12 per year or, in the case of a 3-year occupation license
13 application, the fee shall not exceed \$180.

14 (c) The Board may in its discretion refuse an occupation
15 license to any person:

- 16 (1) who has been convicted of a crime;
- 17 (2) who is unqualified to perform the duties required
18 of such applicant;
- 19 (3) who fails to disclose or states falsely any
20 information called for in the application;
- 21 (4) who has been found guilty of a violation of this
22 Act or of the rules and regulations of the Board; or
- 23 (5) whose license or permit has been suspended, revoked
24 or denied for just cause in any other state.

25 (d) The Board may suspend or revoke any occupation license:

- 26 (1) for violation of any of the provisions of this Act;

1 or

2 (2) for violation of any of the rules or regulations of
3 the Board; or

4 (3) for any cause which, if known to the Board, would
5 have justified the Board in refusing to issue such
6 occupation license; or

7 (4) for any other just cause.

8 (e) Each applicant shall submit his or her fingerprints
9 to the Illinois ~~Department of~~ State Police in the form and
10 manner prescribed by the Illinois ~~Department of~~ State Police.
11 These fingerprints shall be checked against the fingerprint
12 records now and hereafter filed in the Illinois ~~Department of~~
13 State Police and Federal Bureau of Investigation criminal
14 history records databases. The Illinois ~~Department of~~ State
15 Police shall charge a fee for conducting the criminal history
16 records check, which shall be deposited in the State Police
17 Services Fund and shall not exceed the actual cost of the
18 records check. The Illinois ~~Department of~~ State Police shall
19 furnish, pursuant to positive identification, records of
20 conviction to the Board. Each applicant for licensure shall
21 submit with his occupation license application, on forms
22 provided by the Board, 2 sets of his fingerprints. All such
23 applicants shall appear in person at the location designated by
24 the Board for the purpose of submitting such sets of
25 fingerprints; however, with the prior approval of a State
26 steward, an applicant may have such sets of fingerprints taken

1 by an official law enforcement agency and submitted to the
2 Board.

3 (f) The Board may, in its discretion, issue an occupation
4 license without submission of fingerprints if an applicant has
5 been duly licensed in another recognized racing jurisdiction
6 after submitting fingerprints that were subjected to a Federal
7 Bureau of Investigation criminal history background check in
8 that jurisdiction.

9 (g) Beginning on the date when any organization licensee
10 begins conducting gaming pursuant to an organization gaming
11 license issued under the Illinois Gambling Act, the Board may
12 charge each applicant a reasonable nonrefundable fee to defray
13 the costs associated with the background investigation
14 conducted by the Board. This fee shall be exclusive of any
15 other fee or fees charged in connection with an application for
16 and, if applicable, the issuance of, an organization gaming
17 license. If the costs of the investigation exceed the amount of
18 the fee charged, the Board shall immediately notify the
19 applicant of the additional amount owed, payment of which must
20 be submitted to the Board within 7 days after such
21 notification. All information, records, interviews, reports,
22 statements, memoranda, or other data supplied to or used by the
23 Board in the course of its review or investigation of an
24 applicant for a license or renewal under this Act shall be
25 privileged, strictly confidential, and shall be used only for
26 the purpose of evaluating an applicant for a license or a

1 renewal. Such information, records, interviews, reports,
2 statements, memoranda, or other data shall not be admissible as
3 evidence, nor discoverable, in any action of any kind in any
4 court or before any tribunal, board, agency, or person, except
5 for any action deemed necessary by the Board.

6 (Source: P.A. 101-31, eff. 6-28-19.)

7 (230 ILCS 5/28) (from Ch. 8, par. 37-28)

8 Sec. 28. Except as provided in subsection (g) of Section 27
9 of this Act, moneys collected shall be distributed according to
10 the provisions of this Section 28.

11 (a) Thirty per cent of the total of all monies received by
12 the State as privilege taxes shall be paid into the
13 Metropolitan Exposition, Auditorium and Office Building Fund
14 in the State Treasury.

15 (b) In addition, 4.5% of the total of all monies received
16 by the State as privilege taxes shall be paid into the State
17 treasury into a special Fund to be known as the Metropolitan
18 Exposition, Auditorium and Office Building Fund.

19 (c) Fifty per cent of the total of all monies received by
20 the State as privilege taxes under the provisions of this Act
21 shall be paid into the Agricultural Premium Fund.

22 (d) Seven per cent of the total of all monies received by
23 the State as privilege taxes shall be paid into the Fair and
24 Exposition Fund in the State treasury; provided, however, that
25 when all bonds issued prior to July 1, 1984 by the Metropolitan

1 Fair and Exposition Authority shall have been paid or payment
2 shall have been provided for upon a refunding of those bonds,
3 thereafter 1/12 of \$1,665,662 of such monies shall be paid each
4 month into the Build Illinois Fund, and the remainder into the
5 Fair and Exposition Fund. All excess monies shall be allocated
6 to the Department of Agriculture for distribution to county
7 fairs for premiums and rehabilitation as set forth in the
8 Agricultural Fair Act.

9 (e) The monies provided for in Section 30 shall be paid
10 into the Illinois Thoroughbred Breeders Fund.

11 (f) The monies provided for in Section 31 shall be paid
12 into the Illinois Standardbred Breeders Fund.

13 (g) Until January 1, 2000, that part representing 1/2 of
14 the total breakage in Thoroughbred, Harness, Appaloosa,
15 Arabian, and Quarter Horse racing in the State shall be paid
16 into the Illinois Race Track Improvement Fund as established in
17 Section 32.

18 (h) All other monies received by the Board under this Act
19 shall be paid into the Horse Racing Fund.

20 (i) The salaries of the Board members, secretary, stewards,
21 directors of mutuels, veterinarians, representatives,
22 accountants, clerks, stenographers, inspectors and other
23 employees of the Board, and all expenses of the Board incident
24 to the administration of this Act, including, but not limited
25 to, all expenses and salaries incident to the taking of saliva
26 and urine samples in accordance with the rules and regulations

1 of the Board shall be paid out of the Agricultural Premium
2 Fund.

3 (j) The Agricultural Premium Fund shall also be used:

4 (1) for the expenses of operating the Illinois State
5 Fair and the DuQuoin State Fair, including the payment of
6 prize money or premiums;

7 (2) for the distribution to county fairs, vocational
8 agriculture section fairs, agricultural societies, and
9 agricultural extension clubs in accordance with the
10 Agricultural Fair Act, as amended;

11 (3) for payment of prize monies and premiums awarded
12 and for expenses incurred in connection with the
13 International Livestock Exposition and the Mid-Continent
14 Livestock Exposition held in Illinois, which premiums, and
15 awards must be approved, and paid by the Illinois
16 Department of Agriculture;

17 (4) for personal service of county agricultural
18 advisors and county home advisors;

19 (5) for distribution to agricultural home economic
20 extension councils in accordance with "An Act in relation
21 to additional support and finance for the Agricultural and
22 Home Economic Extension Councils in the several counties in
23 this State and making an appropriation therefor", approved
24 July 24, 1967, as amended;

25 (6) for research on equine disease, including a
26 development center therefor;

1 (7) for training scholarships for study on equine
2 diseases to students at the University of Illinois College
3 of Veterinary Medicine;

4 (8) for the rehabilitation, repair and maintenance of
5 the Illinois and DuQuoin State Fair Grounds and the
6 structures and facilities thereon and the construction of
7 permanent improvements on such Fair Grounds, including
8 such structures, facilities and property located on such
9 State Fair Grounds which are under the custody and control
10 of the Department of Agriculture;

11 (9) (blank);

12 (10) for the expenses of the Department of Commerce and
13 Economic Opportunity under Sections 605-620, 605-625, and
14 605-630 of the Department of Commerce and Economic
15 Opportunity Law ~~(20 ILCS 605/605-620, 605/605-625, and~~
16 ~~605/605-630)~~;

17 (11) for remodeling, expanding, and reconstructing
18 facilities destroyed by fire of any Fair and Exposition
19 Authority in counties with a population of 1,000,000 or
20 more inhabitants;

21 (12) for the purpose of assisting in the care and
22 general rehabilitation of veterans with disabilities of
23 any war and their surviving spouses and orphans;

24 (13) for expenses of the Illinois ~~Department of~~ State
25 Police for duties performed under this Act;

26 (14) for the Department of Agriculture for soil surveys

1 and soil and water conservation purposes;

2 (15) for the Department of Agriculture for grants to
3 the City of Chicago for conducting the Chicagofest;

4 (16) for the State Comptroller for grants and operating
5 expenses authorized by the Illinois Global Partnership
6 Act.

7 (k) To the extent that monies paid by the Board to the
8 Agricultural Premium Fund are in the opinion of the Governor in
9 excess of the amount necessary for the purposes herein stated,
10 the Governor shall notify the Comptroller and the State
11 Treasurer of such fact, who, upon receipt of such notification,
12 shall transfer such excess monies from the Agricultural Premium
13 Fund to the General Revenue Fund.

14 (Source: P.A. 99-143, eff. 7-27-15; 99-933, eff. 1-27-17;
15 100-110, eff. 8-15-17; 100-863, eff. 8-14-18.)

16 (230 ILCS 5/34) (from Ch. 8, par. 37-34)

17 Sec. 34. (a) The Illinois ~~Department of~~ State Police shall
18 enforce the racing statutes of the State and provide
19 investigative services during all horse racing meetings
20 conducted in this State. Each licensee shall provide and
21 maintain his own security personnel.

22 (b) Each licensee shall submit a request for the
23 investigative services to the Illinois ~~Department of~~ State
24 Police. The Illinois ~~Department of~~ State Police shall determine
25 each licensee's pro rata share of the Department's expenses for

1 investigative services rendered to race tracks on a fiscal year
2 basis, and bill each licensee, except the Illinois Department
3 of Agriculture or their contractor, for such expenses. Upon
4 receipt of such billing, the licensee shall pay the amount
5 billed into the Agricultural Premium Fund. It shall be the duty
6 of the General Assembly in subsequent years to review the
7 operation of the Illinois ~~Department of~~ State Police and make
8 consistent increases or, if the situation necessitates,
9 decreases in the number of personnel necessary in order to
10 fully assure that the Illinois ~~Department of~~ State Police is at
11 such a strength as to effectively carry out the purposes of
12 this Act.

13 (Source: P.A. 89-16, eff. 5-30-95.)

14 (230 ILCS 5/45) (from Ch. 8, par. 37-45)

15 Sec. 45. It shall be the duty of the Attorney General and
16 the various State's attorneys in this State in cooperation with
17 the Illinois ~~Department of~~ State Police to enforce this Act.
18 The Governor may, upon request of the Illinois ~~Department of~~
19 State Police, order the law enforcing officers of the various
20 cities and counties to assign a sufficient number of deputies
21 to aid members of the Illinois ~~Department of~~ State Police in
22 preventing horse racing at any track within the respective
23 jurisdiction of such cities or counties an organization license
24 for which has been refused, suspended or revoked by the Board.
25 The Governor may similarly assign such deputies to aid the

1 ~~Illinois Department of~~ State Police when, by his determination,
2 additional forces are needed to preserve the health, welfare or
3 safety of any person or animal within the grounds of any race
4 track in the State.

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

6 Section 700. The Illinois Gambling Act is amended by
7 changing Sections 5, 6, 7.7, 9, 11, 13, and 22 as follows:

8 (230 ILCS 10/5) (from Ch. 120, par. 2405)

9 Sec. 5. Gaming Board.

10 (a) (1) There is hereby established the Illinois Gaming
11 Board, which shall have the powers and duties specified in this
12 Act, and all other powers necessary and proper to fully and
13 effectively execute this Act for the purpose of administering,
14 regulating, and enforcing the system of riverboat and casino
15 gambling established by this Act and gaming pursuant to an
16 organization gaming license issued under this Act. Its
17 jurisdiction shall extend under this Act to every person,
18 association, corporation, partnership and trust involved in
19 riverboat and casino gambling operations and gaming pursuant to
20 an organization gaming license issued under this Act in the
21 State of Illinois.

22 (2) The Board shall consist of 5 members to be appointed by
23 the Governor with the advice and consent of the Senate, one of
24 whom shall be designated by the Governor to be chairperson.

1 Each member shall have a reasonable knowledge of the practice,
2 procedure and principles of gambling operations. Each member
3 shall either be a resident of Illinois or shall certify that he
4 or she will become a resident of Illinois before taking office.

5 On and after the effective date of this amendatory Act of
6 the 101st General Assembly, new appointees to the Board must
7 include the following:

8 (A) One member who has received, at a minimum, a
9 bachelor's degree from an accredited school and at least 10
10 years of verifiable experience in the fields of
11 investigation and law enforcement.

12 (B) One member who is a certified public accountant
13 with experience in auditing and with knowledge of complex
14 corporate structures and transactions.

15 (C) One member who has 5 years' experience as a
16 principal, senior officer, or director of a company or
17 business with either material responsibility for the daily
18 operations and management of the overall company or
19 business or material responsibility for the policy making
20 of the company or business.

21 (D) One member who is an attorney licensed to practice
22 law in Illinois for at least 5 years.

23 Notwithstanding any provision of this subsection (a), the
24 requirements of subparagraphs (A) through (D) of this paragraph
25 (2) shall not apply to any person reappointed pursuant to
26 paragraph (3).

1 No more than 3 members of the Board may be from the same
2 political party. No Board member shall, within a period of one
3 year immediately preceding nomination, have been employed or
4 received compensation or fees for services from a person or
5 entity, or its parent or affiliate, that has engaged in
6 business with the Board, a licensee, or a licensee under the
7 Illinois Horse Racing Act of 1975. Board members must publicly
8 disclose all prior affiliations with gaming interests,
9 including any compensation, fees, bonuses, salaries, and other
10 reimbursement received from a person or entity, or its parent
11 or affiliate, that has engaged in business with the Board, a
12 licensee, or a licensee under the Illinois Horse Racing Act of
13 1975. This disclosure must be made within 30 days after
14 nomination but prior to confirmation by the Senate and must be
15 made available to the members of the Senate.

16 (3) The terms of office of the Board members shall be 3
17 years, except that the terms of office of the initial Board
18 members appointed pursuant to this Act will commence from the
19 effective date of this Act and run as follows: one for a term
20 ending July 1, 1991, 2 for a term ending July 1, 1992, and 2 for
21 a term ending July 1, 1993. Upon the expiration of the
22 foregoing terms, the successors of such members shall serve a
23 term for 3 years and until their successors are appointed and
24 qualified for like terms. Vacancies in the Board shall be
25 filled for the unexpired term in like manner as original
26 appointments. Each member of the Board shall be eligible for

1 reappointment at the discretion of the Governor with the advice
2 and consent of the Senate.

3 (4) Each member of the Board shall receive \$300 for each
4 day the Board meets and for each day the member conducts any
5 hearing pursuant to this Act. Each member of the Board shall
6 also be reimbursed for all actual and necessary expenses and
7 disbursements incurred in the execution of official duties.

8 (5) No person shall be appointed a member of the Board or
9 continue to be a member of the Board who is, or whose spouse,
10 child or parent is, a member of the board of directors of, or a
11 person financially interested in, any gambling operation
12 subject to the jurisdiction of this Board, or any race track,
13 race meeting, racing association or the operations thereof
14 subject to the jurisdiction of the Illinois Racing Board. No
15 Board member shall hold any other public office. No person
16 shall be a member of the Board who is not of good moral
17 character or who has been convicted of, or is under indictment
18 for, a felony under the laws of Illinois or any other state, or
19 the United States.

20 (5.5) No member of the Board shall engage in any political
21 activity. For the purposes of this Section, "political" means
22 any activity in support of or in connection with any campaign
23 for federal, State, or local elective office or any political
24 organization, but does not include activities (i) relating to
25 the support or opposition of any executive, legislative, or
26 administrative action (as those terms are defined in Section 2

1 of the Lobbyist Registration Act), (ii) relating to collective
2 bargaining, or (iii) that are otherwise in furtherance of the
3 person's official State duties or governmental and public
4 service functions.

5 (6) Any member of the Board may be removed by the Governor
6 for neglect of duty, misfeasance, malfeasance, or nonfeasance
7 in office or for engaging in any political activity.

8 (7) Before entering upon the discharge of the duties of his
9 office, each member of the Board shall take an oath that he
10 will faithfully execute the duties of his office according to
11 the laws of the State and the rules and regulations adopted
12 therewith and shall give bond to the State of Illinois,
13 approved by the Governor, in the sum of \$25,000. Every such
14 bond, when duly executed and approved, shall be recorded in the
15 office of the Secretary of State. Whenever the Governor
16 determines that the bond of any member of the Board has become
17 or is likely to become invalid or insufficient, he shall
18 require such member forthwith to renew his bond, which is to be
19 approved by the Governor. Any member of the Board who fails to
20 take oath and give bond within 30 days from the date of his
21 appointment, or who fails to renew his bond within 30 days
22 after it is demanded by the Governor, shall be guilty of
23 neglect of duty and may be removed by the Governor. The cost of
24 any bond given by any member of the Board under this Section
25 shall be taken to be a part of the necessary expenses of the
26 Board.

1 (7.5) For the examination of all mechanical,
2 electromechanical, or electronic table games, slot machines,
3 slot accounting systems, sports wagering systems, and other
4 electronic gaming equipment, and the field inspection of such
5 systems, games, and machines, for compliance with this Act, the
6 Board shall utilize the services of independent outside testing
7 laboratories that have been accredited in accordance with
8 ISO/IEC 17025 by an accreditation body that is a signatory to
9 the International Laboratory Accreditation Cooperation Mutual
10 Recognition Agreement signifying they are qualified to perform
11 such examinations. Notwithstanding any law to the contrary, the
12 Board shall consider the licensing of independent outside
13 testing laboratory applicants in accordance with procedures
14 established by the Board by rule. The Board shall not withhold
15 its approval of an independent outside testing laboratory
16 license applicant that has been accredited as required under
17 this paragraph (7.5) and is licensed in gaming jurisdictions
18 comparable to Illinois. Upon the finalization of required
19 rules, the Board shall license independent testing
20 laboratories and accept the test reports of any licensed
21 testing laboratory of the system's, game's, or machine
22 manufacturer's choice, notwithstanding the existence of
23 contracts between the Board and any independent testing
24 laboratory.

25 (8) The Board shall employ such personnel as may be
26 necessary to carry out its functions and shall determine the

1 salaries of all personnel, except those personnel whose
2 salaries are determined under the terms of a collective
3 bargaining agreement. No person shall be employed to serve the
4 Board who is, or whose spouse, parent or child is, an official
5 of, or has a financial interest in or financial relation with,
6 any operator engaged in gambling operations within this State
7 or any organization engaged in conducting horse racing within
8 this State. For the one year immediately preceding employment,
9 an employee shall not have been employed or received
10 compensation or fees for services from a person or entity, or
11 its parent or affiliate, that has engaged in business with the
12 Board, a licensee, or a licensee under the Illinois Horse
13 Racing Act of 1975. Any employee violating these prohibitions
14 shall be subject to termination of employment.

15 (9) An Administrator shall perform any and all duties that
16 the Board shall assign him. The salary of the Administrator
17 shall be determined by the Board and, in addition, he shall be
18 reimbursed for all actual and necessary expenses incurred by
19 him in discharge of his official duties. The Administrator
20 shall keep records of all proceedings of the Board and shall
21 preserve all records, books, documents and other papers
22 belonging to the Board or entrusted to its care. The
23 Administrator shall devote his full time to the duties of the
24 office and shall not hold any other office or employment.

25 (b) The Board shall have general responsibility for the
26 implementation of this Act. Its duties include, without

1 limitation, the following:

2 (1) To decide promptly and in reasonable order all
3 license applications. Any party aggrieved by an action of
4 the Board denying, suspending, revoking, restricting or
5 refusing to renew a license may request a hearing before
6 the Board. A request for a hearing must be made to the
7 Board in writing within 5 days after service of notice of
8 the action of the Board. Notice of the action of the Board
9 shall be served either by personal delivery or by certified
10 mail, postage prepaid, to the aggrieved party. Notice
11 served by certified mail shall be deemed complete on the
12 business day following the date of such mailing. The Board
13 shall conduct any such hearings promptly and in reasonable
14 order;

15 (2) To conduct all hearings pertaining to civil
16 violations of this Act or rules and regulations promulgated
17 hereunder;

18 (3) To promulgate such rules and regulations as in its
19 judgment may be necessary to protect or enhance the
20 credibility and integrity of gambling operations
21 authorized by this Act and the regulatory process
22 hereunder;

23 (4) To provide for the establishment and collection of
24 all license and registration fees and taxes imposed by this
25 Act and the rules and regulations issued pursuant hereto.
26 All such fees and taxes shall be deposited into the State

1 Gaming Fund;

2 (5) To provide for the levy and collection of penalties
3 and fines for the violation of provisions of this Act and
4 the rules and regulations promulgated hereunder. All such
5 fines and penalties shall be deposited into the Education
6 Assistance Fund, created by Public Act 86-0018, of the
7 State of Illinois;

8 (6) To be present through its inspectors and agents any
9 time gambling operations are conducted on any riverboat, in
10 any casino, or at any organization gaming facility for the
11 purpose of certifying the revenue thereof, receiving
12 complaints from the public, and conducting such other
13 investigations into the conduct of the gambling games and
14 the maintenance of the equipment as from time to time the
15 Board may deem necessary and proper;

16 (7) To review and rule upon any complaint by a licensee
17 regarding any investigative procedures of the State which
18 are unnecessarily disruptive of gambling operations. The
19 need to inspect and investigate shall be presumed at all
20 times. The disruption of a licensee's operations shall be
21 proved by clear and convincing evidence, and establish
22 that: (A) the procedures had no reasonable law enforcement
23 purposes, and (B) the procedures were so disruptive as to
24 unreasonably inhibit gambling operations;

25 (8) To hold at least one meeting each quarter of the
26 fiscal year. In addition, special meetings may be called by

1 the Chairman or any 2 Board members upon 72 hours written
2 notice to each member. All Board meetings shall be subject
3 to the Open Meetings Act. Three members of the Board shall
4 constitute a quorum, and 3 votes shall be required for any
5 final determination by the Board. The Board shall keep a
6 complete and accurate record of all its meetings. A
7 majority of the members of the Board shall constitute a
8 quorum for the transaction of any business, for the
9 performance of any duty, or for the exercise of any power
10 which this Act requires the Board members to transact,
11 perform or exercise en banc, except that, upon order of the
12 Board, one of the Board members or an administrative law
13 judge designated by the Board may conduct any hearing
14 provided for under this Act or by Board rule and may
15 recommend findings and decisions to the Board. The Board
16 member or administrative law judge conducting such hearing
17 shall have all powers and rights granted to the Board in
18 this Act. The record made at the time of the hearing shall
19 be reviewed by the Board, or a majority thereof, and the
20 findings and decision of the majority of the Board shall
21 constitute the order of the Board in such case;

22 (9) To maintain records which are separate and distinct
23 from the records of any other State board or commission.
24 Such records shall be available for public inspection and
25 shall accurately reflect all Board proceedings;

26 (10) To file a written annual report with the Governor

1 on or before July 1 each year and such additional reports
2 as the Governor may request. The annual report shall
3 include a statement of receipts and disbursements by the
4 Board, actions taken by the Board, and any additional
5 information and recommendations which the Board may deem
6 valuable or which the Governor may request;

7 (11) (Blank);

8 (12) (Blank);

9 (13) To assume responsibility for administration and
10 enforcement of the Video Gaming Act;

11 (13.1) To assume responsibility for the administration
12 and enforcement of operations at organization gaming
13 facilities pursuant to this Act and the Illinois Horse
14 Racing Act of 1975;

15 (13.2) To assume responsibility for the administration
16 and enforcement of the Sports Wagering Act; and

17 (14) To adopt, by rule, a code of conduct governing
18 Board members and employees that ensure, to the maximum
19 extent possible, that persons subject to this Code avoid
20 situations, relationships, or associations that may
21 represent or lead to a conflict of interest.

22 Internal controls and changes submitted by licensees must
23 be reviewed and either approved or denied with cause within 90
24 days after receipt of submission is deemed final by the
25 Illinois Gaming Board. In the event an internal control
26 submission or change does not meet the standards set by the

1 Board, staff of the Board must provide technical assistance to
2 the licensee to rectify such deficiencies within 90 days after
3 the initial submission and the revised submission must be
4 reviewed and approved or denied with cause within 90 days after
5 the date the revised submission is deemed final by the Board.
6 For the purposes of this paragraph, "with cause" means that the
7 approval of the submission would jeopardize the integrity of
8 gaming. In the event the Board staff has not acted within the
9 timeframe, the submission shall be deemed approved.

10 (c) The Board shall have jurisdiction over and shall
11 supervise all gambling operations governed by this Act. The
12 Board shall have all powers necessary and proper to fully and
13 effectively execute the provisions of this Act, including, but
14 not limited to, the following:

15 (1) To investigate applicants and determine the
16 eligibility of applicants for licenses and to select among
17 competing applicants the applicants which best serve the
18 interests of the citizens of Illinois.

19 (2) To have jurisdiction and supervision over all
20 riverboat gambling operations authorized under this Act
21 and all persons in places where gambling operations are
22 conducted.

23 (3) To promulgate rules and regulations for the purpose
24 of administering the provisions of this Act and to
25 prescribe rules, regulations and conditions under which
26 all gambling operations subject to this Act shall be

1 conducted. Such rules and regulations are to provide for
2 the prevention of practices detrimental to the public
3 interest and for the best interests of riverboat gambling,
4 including rules and regulations regarding the inspection
5 of organization gaming facilities, casinos, and
6 riverboats, and the review of any permits or licenses
7 necessary to operate a riverboat, casino, or organization
8 gaming facility under any laws or regulations applicable to
9 riverboats, casinos, or organization gaming facilities and
10 to impose penalties for violations thereof.

11 (4) To enter the office, riverboats, casinos,
12 organization gaming facilities, and other facilities, or
13 other places of business of a licensee, where evidence of
14 the compliance or noncompliance with the provisions of this
15 Act is likely to be found.

16 (5) To investigate alleged violations of this Act or
17 the rules of the Board and to take appropriate disciplinary
18 action against a licensee or a holder of an occupational
19 license for a violation, or institute appropriate legal
20 action for enforcement, or both.

21 (6) To adopt standards for the licensing of all persons
22 and entities under this Act, as well as for electronic or
23 mechanical gambling games, and to establish fees for such
24 licenses.

25 (7) To adopt appropriate standards for all
26 organization gaming facilities, riverboats, casinos, and

1 other facilities authorized under this Act.

2 (8) To require that the records, including financial or
3 other statements of any licensee under this Act, shall be
4 kept in such manner as prescribed by the Board and that any
5 such licensee involved in the ownership or management of
6 gambling operations submit to the Board an annual balance
7 sheet and profit and loss statement, list of the
8 stockholders or other persons having a 1% or greater
9 beneficial interest in the gambling activities of each
10 licensee, and any other information the Board deems
11 necessary in order to effectively administer this Act and
12 all rules, regulations, orders and final decisions
13 promulgated under this Act.

14 (9) To conduct hearings, issue subpoenas for the
15 attendance of witnesses and subpoenas duces tecum for the
16 production of books, records and other pertinent documents
17 in accordance with the Illinois Administrative Procedure
18 Act, and to administer oaths and affirmations to the
19 witnesses, when, in the judgment of the Board, it is
20 necessary to administer or enforce this Act or the Board
21 rules.

22 (10) To prescribe a form to be used by any licensee
23 involved in the ownership or management of gambling
24 operations as an application for employment for their
25 employees.

26 (11) To revoke or suspend licenses, as the Board may

1 see fit and in compliance with applicable laws of the State
2 regarding administrative procedures, and to review
3 applications for the renewal of licenses. The Board may
4 suspend an owners license or an organization gaming license
5 without notice or hearing upon a determination that the
6 safety or health of patrons or employees is jeopardized by
7 continuing a gambling operation conducted under that
8 license. The suspension may remain in effect until the
9 Board determines that the cause for suspension has been
10 abated. The Board may revoke an owners license or
11 organization gaming license upon a determination that the
12 licensee has not made satisfactory progress toward abating
13 the hazard.

14 (12) To eject or exclude or authorize the ejection or
15 exclusion of, any person from gambling facilities where
16 that person is in violation of this Act, rules and
17 regulations thereunder, or final orders of the Board, or
18 where such person's conduct or reputation is such that his
19 or her presence within the gambling facilities may, in the
20 opinion of the Board, call into question the honesty and
21 integrity of the gambling operations or interfere with the
22 orderly conduct thereof; provided that the propriety of
23 such ejection or exclusion is subject to subsequent hearing
24 by the Board.

25 (13) To require all licensees of gambling operations to
26 utilize a cashless wagering system whereby all players'

1 money is converted to tokens, electronic cards, or chips
2 which shall be used only for wagering in the gambling
3 establishment.

4 (14) (Blank).

5 (15) To suspend, revoke or restrict licenses, to
6 require the removal of a licensee or an employee of a
7 licensee for a violation of this Act or a Board rule or for
8 engaging in a fraudulent practice, and to impose civil
9 penalties of up to \$5,000 against individuals and up to
10 \$10,000 or an amount equal to the daily gross receipts,
11 whichever is larger, against licensees for each violation
12 of any provision of the Act, any rules adopted by the
13 Board, any order of the Board or any other action which, in
14 the Board's discretion, is a detriment or impediment to
15 gambling operations.

16 (16) To hire employees to gather information, conduct
17 investigations and carry out any other tasks contemplated
18 under this Act.

19 (17) To establish minimum levels of insurance to be
20 maintained by licensees.

21 (18) To authorize a licensee to sell or serve alcoholic
22 liquors, wine or beer as defined in the Liquor Control Act
23 of 1934 on board a riverboat or in a casino and to have
24 exclusive authority to establish the hours for sale and
25 consumption of alcoholic liquor on board a riverboat or in
26 a casino, notwithstanding any provision of the Liquor

1 Control Act of 1934 or any local ordinance, and regardless
2 of whether the riverboat makes excursions. The
3 establishment of the hours for sale and consumption of
4 alcoholic liquor on board a riverboat or in a casino is an
5 exclusive power and function of the State. A home rule unit
6 may not establish the hours for sale and consumption of
7 alcoholic liquor on board a riverboat or in a casino. This
8 subdivision (18) is a denial and limitation of home rule
9 powers and functions under subsection (h) of Section 6 of
10 Article VII of the Illinois Constitution.

11 (19) After consultation with the U.S. Army Corps of
12 Engineers, to establish binding emergency orders upon the
13 concurrence of a majority of the members of the Board
14 regarding the navigability of water, relative to
15 excursions, in the event of extreme weather conditions,
16 acts of God or other extreme circumstances.

17 (20) To delegate the execution of any of its powers
18 under this Act for the purpose of administering and
19 enforcing this Act and the rules adopted by the Board.

20 (20.5) To approve any contract entered into on its
21 behalf.

22 (20.6) To appoint investigators to conduct
23 investigations, searches, seizures, arrests, and other
24 duties imposed under this Act, as deemed necessary by the
25 Board. These investigators have and may exercise all of the
26 rights and powers of peace officers, provided that these

1 powers shall be limited to offenses or violations occurring
2 or committed in a casino, in an organization gaming
3 facility, or on a riverboat or dock, as defined in
4 subsections (d) and (f) of Section 4, or as otherwise
5 provided by this Act or any other law.

6 (20.7) To contract with the Illinois ~~Department of~~
7 State Police for the use of trained and qualified State
8 police officers and with the Department of Revenue for the
9 use of trained and qualified Department of Revenue
10 investigators to conduct investigations, searches,
11 seizures, arrests, and other duties imposed under this Act
12 and to exercise all of the rights and powers of peace
13 officers, provided that the powers of Department of Revenue
14 investigators under this subdivision (20.7) shall be
15 limited to offenses or violations occurring or committed in
16 a casino, in an organization gaming facility, or on a
17 riverboat or dock, as defined in subsections (d) and (f) of
18 Section 4, or as otherwise provided by this Act or any
19 other law. In the event the Illinois ~~Department of~~ State
20 Police or the Department of Revenue is unable to fill
21 contracted police or investigative positions, the Board
22 may appoint investigators to fill those positions pursuant
23 to subdivision (20.6).

24 (21) To adopt rules concerning the conduct of gaming
25 pursuant to an organization gaming license issued under
26 this Act.

1 (22) To have the same jurisdiction and supervision over
2 casinos and organization gaming facilities as the Board has
3 over riverboats, including, but not limited to, the power
4 to (i) investigate, review, and approve contracts as that
5 power is applied to riverboats, (ii) adopt rules for
6 administering the provisions of this Act, (iii) adopt
7 standards for the licensing of all persons involved with a
8 casino or organization gaming facility, (iv) investigate
9 alleged violations of this Act by any person involved with
10 a casino or organization gaming facility, and (v) require
11 that records, including financial or other statements of
12 any casino or organization gaming facility, shall be kept
13 in such manner as prescribed by the Board.

14 (23) To take any other action as may be reasonable or
15 appropriate to enforce this Act and the rules adopted by
16 the Board.

17 (d) The Board may seek and shall receive the cooperation of
18 the Illinois ~~Department of~~ State Police in conducting
19 background investigations of applicants and in fulfilling its
20 responsibilities under this Section. Costs incurred by the
21 Illinois ~~Department of~~ State Police as a result of such
22 cooperation shall be paid by the Board in conformance with the
23 requirements of Section 2605-400 of the Illinois ~~Department of~~
24 State Police Law.

25 (e) The Board must authorize to each investigator and to
26 any other employee of the Board exercising the powers of a

1 peace officer a distinct badge that, on its face, (i) clearly
2 states that the badge is authorized by the Board and (ii)
3 contains a unique identifying number. No other badge shall be
4 authorized by the Board.

5 (Source: P.A. 100-1152, eff. 12-14-18; 101-31, eff. 6-28-19.)

6 (230 ILCS 10/6) (from Ch. 120, par. 2406)

7 Sec. 6. Application for owners license.

8 (a) A qualified person may apply to the Board for an owners
9 license to conduct a gambling operation as provided in this
10 Act. The application shall be made on forms provided by the
11 Board and shall contain such information as the Board
12 prescribes, including but not limited to the identity of the
13 riverboat on which such gambling operation is to be conducted,
14 if applicable, and the exact location where such riverboat or
15 casino will be located, a certification that the riverboat will
16 be registered under this Act at all times during which gambling
17 operations are conducted on board, detailed information
18 regarding the ownership and management of the applicant, and
19 detailed personal information regarding the applicant. Any
20 application for an owners license to be re-issued on or after
21 June 1, 2003 shall also include the applicant's license bid in
22 a form prescribed by the Board. Information provided on the
23 application shall be used as a basis for a thorough background
24 investigation which the Board shall conduct with respect to
25 each applicant. An incomplete application shall be cause for

1 denial of a license by the Board.

2 (a-5) In addition to any other information required under
3 this Section, each application for an owners license must
4 include the following information:

5 (1) The history and success of the applicant and each
6 person and entity disclosed under subsection (c) of this
7 Section in developing tourism facilities ancillary to
8 gaming, if applicable.

9 (2) The likelihood that granting a license to the
10 applicant will lead to the creation of quality, living wage
11 jobs and permanent, full-time jobs for residents of the
12 State and residents of the unit of local government that is
13 designated as the home dock of the proposed facility where
14 gambling is to be conducted by the applicant.

15 (3) The projected number of jobs that would be created
16 if the license is granted and the projected number of new
17 employees at the proposed facility where gambling is to be
18 conducted by the applicant.

19 (4) The record, if any, of the applicant and its
20 developer in meeting commitments to local agencies,
21 community-based organizations, and employees at other
22 locations where the applicant or its developer has
23 performed similar functions as they would perform if the
24 applicant were granted a license.

25 (5) Identification of adverse effects that might be
26 caused by the proposed facility where gambling is to be

1 conducted by the applicant, including the costs of meeting
2 increased demand for public health care, child care, public
3 transportation, affordable housing, and social services,
4 and a plan to mitigate those adverse effects.

5 (6) The record, if any, of the applicant and its
6 developer regarding compliance with:

7 (A) federal, state, and local discrimination, wage
8 and hour, disability, and occupational and
9 environmental health and safety laws; and

10 (B) state and local labor relations and employment
11 laws.

12 (7) The applicant's record, if any, in dealing with its
13 employees and their representatives at other locations.

14 (8) A plan concerning the utilization of
15 minority-owned and women-owned businesses and concerning
16 the hiring of minorities and women.

17 (9) Evidence the applicant used its best efforts to
18 reach a goal of 25% ownership representation by minority
19 persons and 5% ownership representation by women.

20 (b) Applicants shall submit with their application all
21 documents, resolutions, and letters of support from the
22 governing body that represents the municipality or county
23 wherein the licensee will be located.

24 (c) Each applicant shall disclose the identity of every
25 person or entity having a greater than 1% direct or indirect
26 pecuniary interest in the gambling operation with respect to

1 which the license is sought. If the disclosed entity is a
2 trust, the application shall disclose the names and addresses
3 of all beneficiaries; if a corporation, the names and addresses
4 of all stockholders and directors; if a partnership, the names
5 and addresses of all partners, both general and limited.

6 (d) An application shall be filed and considered in
7 accordance with the rules of the Board. Each application shall
8 be accompanied by a nonrefundable application fee of \$250,000.
9 In addition, a nonrefundable fee of \$50,000 shall be paid at
10 the time of filing to defray the costs associated with the
11 background investigation conducted by the Board. If the costs
12 of the investigation exceed \$50,000, the applicant shall pay
13 the additional amount to the Board within 7 days after
14 requested by the Board. If the costs of the investigation are
15 less than \$50,000, the applicant shall receive a refund of the
16 remaining amount. All information, records, interviews,
17 reports, statements, memoranda or other data supplied to or
18 used by the Board in the course of its review or investigation
19 of an application for a license or a renewal under this Act
20 shall be privileged, strictly confidential and shall be used
21 only for the purpose of evaluating an applicant for a license
22 or a renewal. Such information, records, interviews, reports,
23 statements, memoranda or other data shall not be admissible as
24 evidence, nor discoverable in any action of any kind in any
25 court or before any tribunal, board, agency or person, except
26 for any action deemed necessary by the Board. The application

1 fee shall be deposited into the State Gaming Fund.

2 (e) The Board shall charge each applicant a fee set by the
3 Illinois ~~Department of~~ State Police to defray the costs
4 associated with the search and classification of fingerprints
5 obtained by the Board with respect to the applicant's
6 application. These fees shall be paid into the State Police
7 Services Fund. In order to expedite the application process,
8 the Board may establish rules allowing applicants to acquire
9 criminal background checks and financial integrity reviews as
10 part of the initial application process from a list of vendors
11 approved by the Board.

12 (f) The licensed owner shall be the person primarily
13 responsible for the boat or casino itself. Only one gambling
14 operation may be authorized by the Board on any riverboat or in
15 any casino. The applicant must identify the riverboat or
16 premises it intends to use and certify that the riverboat or
17 premises: (1) has the authorized capacity required in this Act;
18 (2) is accessible to persons with disabilities; and (3) is
19 fully registered and licensed in accordance with any applicable
20 laws.

21 (g) A person who knowingly makes a false statement on an
22 application is guilty of a Class A misdemeanor.

23 (Source: P.A. 101-31, eff. 6-28-19.)

24 (230 ILCS 10/7.7)

25 Sec. 7.7. Organization gaming licenses.

1 (a) The Illinois Gaming Board shall award one organization
2 gaming license to each person or entity having operating
3 control of a racetrack that applies under Section 56 of the
4 Illinois Horse Racing Act of 1975, subject to the application
5 and eligibility requirements of this Section. Within 60 days
6 after the effective date of this amendatory Act of the 101st
7 General Assembly, a person or entity having operating control
8 of a racetrack may submit an application for an organization
9 gaming license. The application shall be made on such forms as
10 provided by the Board and shall contain such information as the
11 Board prescribes, including, but not limited to, the identity
12 of any racetrack at which gaming will be conducted pursuant to
13 an organization gaming license, detailed information regarding
14 the ownership and management of the applicant, and detailed
15 personal information regarding the applicant. The application
16 shall specify the number of gaming positions the applicant
17 intends to use and the place where the organization gaming
18 facility will operate. A person who knowingly makes a false
19 statement on an application is guilty of a Class A misdemeanor.

20 Each applicant shall disclose the identity of every person
21 or entity having a direct or indirect pecuniary interest
22 greater than 1% in any racetrack with respect to which the
23 license is sought. If the disclosed entity is a corporation,
24 the applicant shall disclose the names and addresses of all
25 officers, stockholders, and directors. If the disclosed entity
26 is a limited liability company, the applicant shall disclose

1 the names and addresses of all members and managers. If the
2 disclosed entity is a partnership, the applicant shall disclose
3 the names and addresses of all partners, both general and
4 limited. If the disclosed entity is a trust, the applicant
5 shall disclose the names and addresses of all beneficiaries.

6 An application shall be filed and considered in accordance
7 with the rules of the Board. Each application for an
8 organization gaming license shall include a nonrefundable
9 application fee of \$250,000. In addition, a nonrefundable fee
10 of \$50,000 shall be paid at the time of filing to defray the
11 costs associated with background investigations conducted by
12 the Board. If the costs of the background investigation exceed
13 \$50,000, the applicant shall pay the additional amount to the
14 Board within 7 days after a request by the Board. If the costs
15 of the investigation are less than \$50,000, the applicant shall
16 receive a refund of the remaining amount. All information,
17 records, interviews, reports, statements, memoranda, or other
18 data supplied to or used by the Board in the course of this
19 review or investigation of an applicant for an organization
20 gaming license under this Act shall be privileged and strictly
21 confidential and shall be used only for the purpose of
22 evaluating an applicant for an organization gaming license or a
23 renewal. Such information, records, interviews, reports,
24 statements, memoranda, or other data shall not be admissible as
25 evidence nor discoverable in any action of any kind in any
26 court or before any tribunal, board, agency or person, except

1 for any action deemed necessary by the Board. The application
2 fee shall be deposited into the State Gaming Fund.

3 Any applicant or key person, including the applicant's
4 owners, officers, directors (if a corporation), managers and
5 members (if a limited liability company), and partners (if a
6 partnership), for an organization gaming license shall have his
7 or her fingerprints submitted to the Illinois ~~Department of~~
8 State Police in an electronic format that complies with the
9 form and manner for requesting and furnishing criminal history
10 record information as prescribed by the Illinois ~~Department of~~
11 State Police. These fingerprints shall be checked against the
12 Illinois ~~Department of~~ State Police and Federal Bureau of
13 Investigation criminal history record databases now and
14 hereafter filed, including, but not limited to, civil,
15 criminal, and latent fingerprint databases. The Illinois
16 ~~Department of~~ State Police shall charge applicants a fee for
17 conducting the criminal history records check, which shall be
18 deposited into the State Police Services Fund and shall not
19 exceed the actual cost of the records check. The Illinois
20 ~~Department of~~ State Police shall furnish, pursuant to positive
21 identification, records of Illinois criminal history to the
22 Department.

23 (b) The Board shall determine within 120 days after
24 receiving an application for an organization gaming license
25 whether to grant an organization gaming license to the
26 applicant. If the Board does not make a determination within

1 that time period, then the Board shall give a written
2 explanation to the applicant as to why it has not reached a
3 determination and when it reasonably expects to make a
4 determination.

5 The organization gaming licensee shall purchase up to the
6 amount of gaming positions authorized under this Act within 120
7 days after receiving its organization gaming license. If an
8 organization gaming licensee is prepared to purchase the gaming
9 positions, but is temporarily prohibited from doing so by order
10 of a court of competent jurisdiction or the Board, then the
11 120-day period is tolled until a resolution is reached.

12 An organization gaming license shall authorize its holder
13 to conduct gaming under this Act at its racetracks on the same
14 days of the year and hours of the day that owners licenses are
15 allowed to operate under approval of the Board.

16 An organization gaming license and any renewal of an
17 organization gaming license shall authorize gaming pursuant to
18 this Section for a period of 4 years. The fee for the issuance
19 or renewal of an organization gaming license shall be \$250,000.

20 All payments by licensees under this subsection (b) shall
21 be deposited into the Rebuild Illinois Projects Fund.

22 (c) To be eligible to conduct gaming under this Section, a
23 person or entity having operating control of a racetrack must
24 (i) obtain an organization gaming license, (ii) hold an
25 organization license under the Illinois Horse Racing Act of
26 1975, (iii) hold an inter-track wagering license, (iv) pay an

1 initial fee of \$30,000 per gaming position from organization
2 gaming licensees where gaming is conducted in Cook County and,
3 except as provided in subsection (c-5), \$17,500 for
4 organization gaming licensees where gaming is conducted
5 outside of Cook County before beginning to conduct gaming plus
6 make the reconciliation payment required under subsection (k),
7 (v) conduct live racing in accordance with subsections (e-1),
8 (e-2), and (e-3) of Section 20 of the Illinois Horse Racing Act
9 of 1975, (vi) meet the requirements of subsection (a) of
10 Section 56 of the Illinois Horse Racing Act of 1975, (vii) for
11 organization licensees conducting standardbred race meetings,
12 keep backstretch barns and dormitories open and operational
13 year-round unless a lesser schedule is mutually agreed to by
14 the organization licensee and the horsemen association racing
15 at that organization licensee's race meeting, (viii) for
16 organization licensees conducting thoroughbred race meetings,
17 the organization licensee must maintain accident medical
18 expense liability insurance coverage of \$1,000,000 for
19 jockeys, and (ix) meet all other requirements of this Act that
20 apply to owners licensees.

21 An organization gaming licensee may enter into a joint
22 venture with a licensed owner to own, manage, conduct, or
23 otherwise operate the organization gaming licensee's
24 organization gaming facilities, unless the organization gaming
25 licensee has a parent company or other affiliated company that
26 is, directly or indirectly, wholly owned by a parent company

1 that is also licensed to conduct organization gaming, casino
2 gaming, or their equivalent in another state.

3 All payments by licensees under this subsection (c) shall
4 be deposited into the Rebuild Illinois Projects Fund.

5 (c-5) A person or entity having operating control of a
6 racetrack located in Madison County shall only pay the initial
7 fees specified in subsection (c) for 540 of the gaming
8 positions authorized under the license.

9 (d) A person or entity is ineligible to receive an
10 organization gaming license if:

11 (1) the person or entity has been convicted of a felony
12 under the laws of this State, any other state, or the
13 United States, including a conviction under the Racketeer
14 Influenced and Corrupt Organizations Act;

15 (2) the person or entity has been convicted of any
16 violation of Article 28 of the Criminal Code of 2012, or
17 substantially similar laws of any other jurisdiction;

18 (3) the person or entity has submitted an application
19 for a license under this Act that contains false
20 information;

21 (4) the person is a member of the Board;

22 (5) a person defined in (1), (2), (3), or (4) of this
23 subsection (d) is an officer, director, or managerial
24 employee of the entity;

25 (6) the person or entity employs a person defined in
26 (1), (2), (3), or (4) of this subsection (d) who

1 participates in the management or operation of gambling
2 operations authorized under this Act; or

3 (7) a license of the person or entity issued under this
4 Act or a license to own or operate gambling facilities in
5 any other jurisdiction has been revoked.

6 (e) The Board may approve gaming positions pursuant to an
7 organization gaming license statewide as provided in this
8 Section. The authority to operate gaming positions under this
9 Section shall be allocated as follows: up to 1,200 gaming
10 positions for any organization gaming licensee in Cook County
11 and up to 900 gaming positions for any organization gaming
12 licensee outside of Cook County.

13 (f) Each applicant for an organization gaming license shall
14 specify in its application for licensure the number of gaming
15 positions it will operate, up to the applicable limitation set
16 forth in subsection (e) of this Section. Any unreserved gaming
17 positions that are not specified shall be forfeited and
18 retained by the Board. For the purposes of this subsection (f),
19 an organization gaming licensee that did not conduct live
20 racing in 2010 and is located within 3 miles of the Mississippi
21 River may reserve up to 900 positions and shall not be
22 penalized under this Section for not operating those positions
23 until it meets the requirements of subsection (e) of this
24 Section, but such licensee shall not request unreserved gaming
25 positions under this subsection (f) until its 900 positions are
26 all operational.

1 Thereafter, the Board shall publish the number of
2 unreserved gaming positions and shall accept requests for
3 additional positions from any organization gaming licensee
4 that initially reserved all of the positions that were offered.
5 The Board shall allocate expeditiously the unreserved gaming
6 positions to requesting organization gaming licensees in a
7 manner that maximizes revenue to the State. The Board may
8 allocate any such unused gaming positions pursuant to an open
9 and competitive bidding process, as provided under Section 7.5
10 of this Act. This process shall continue until all unreserved
11 gaming positions have been purchased. All positions obtained
12 pursuant to this process and all positions the organization
13 gaming licensee specified it would operate in its application
14 must be in operation within 18 months after they were obtained
15 or the organization gaming licensee forfeits the right to
16 operate those positions, but is not entitled to a refund of any
17 fees paid. The Board may, after holding a public hearing, grant
18 extensions so long as the organization gaming licensee is
19 working in good faith to make the positions operational. The
20 extension may be for a period of 6 months. If, after the period
21 of the extension, the organization gaming licensee has not made
22 the positions operational, then another public hearing must be
23 held by the Board before it may grant another extension.

24 Unreserved gaming positions retained from and allocated to
25 organization gaming licensees by the Board pursuant to this
26 subsection (f) shall not be allocated to owners licensees under

1 this Act.

2 For the purpose of this subsection (f), the unreserved
3 gaming positions for each organization gaming licensee shall be
4 the applicable limitation set forth in subsection (e) of this
5 Section, less the number of reserved gaming positions by such
6 organization gaming licensee, and the total unreserved gaming
7 positions shall be the aggregate of the unreserved gaming
8 positions for all organization gaming licensees.

9 (g) An organization gaming licensee is authorized to
10 conduct the following at a racetrack:

11 (1) slot machine gambling;

12 (2) video game of chance gambling;

13 (3) gambling with electronic gambling games as defined
14 in this Act or defined by the Illinois Gaming Board; and

15 (4) table games.

16 (h) Subject to the approval of the Illinois Gaming Board,
17 an organization gaming licensee may make modification or
18 additions to any existing buildings and structures to comply
19 with the requirements of this Act. The Illinois Gaming Board
20 shall make its decision after consulting with the Illinois
21 Racing Board. In no case, however, shall the Illinois Gaming
22 Board approve any modification or addition that alters the
23 grounds of the organization licensee such that the act of live
24 racing is an ancillary activity to gaming authorized under this
25 Section. Gaming authorized under this Section may take place in
26 existing structures where inter-track wagering is conducted at

1 the racetrack or a facility within 300 yards of the racetrack
2 in accordance with the provisions of this Act and the Illinois
3 Horse Racing Act of 1975.

4 (i) An organization gaming licensee may conduct gaming at a
5 temporary facility pending the construction of a permanent
6 facility or the remodeling or relocation of an existing
7 facility to accommodate gaming participants for up to 24 months
8 after the temporary facility begins to conduct gaming
9 authorized under this Section. Upon request by an organization
10 gaming licensee and upon a showing of good cause by the
11 organization gaming licensee, the Board shall extend the period
12 during which the licensee may conduct gaming authorized under
13 this Section at a temporary facility by up to 12 months. The
14 Board shall make rules concerning the conduct of gaming
15 authorized under this Section from temporary facilities.

16 The gaming authorized under this Section may take place in
17 existing structures where inter-track wagering is conducted at
18 the racetrack or a facility within 300 yards of the racetrack
19 in accordance with the provisions of this Act and the Illinois
20 Horse Racing Act of 1975.

21 (i-5) Under no circumstances shall an organization gaming
22 licensee conduct gaming at any State or county fair.

23 (j) The Illinois Gaming Board must adopt emergency rules in
24 accordance with Section 5-45 of the Illinois Administrative
25 Procedure Act as necessary to ensure compliance with the
26 provisions of this amendatory Act of the 101st General Assembly

1 concerning the conduct of gaming by an organization gaming
2 licensee. The adoption of emergency rules authorized by this
3 subsection (j) shall be deemed to be necessary for the public
4 interest, safety, and welfare.

5 (k) Each organization gaming licensee who obtains gaming
6 positions must make a reconciliation payment 3 years after the
7 date the organization gaming licensee begins operating the
8 positions in an amount equal to 75% of the difference between
9 its adjusted gross receipts from gaming authorized under this
10 Section and amounts paid to its purse accounts pursuant to item
11 (1) of subsection (b) of Section 56 of the Illinois Horse
12 Racing Act of 1975 for the 12-month period for which such
13 difference was the largest, minus an amount equal to the
14 initial per position fee paid by the organization gaming
15 licensee. If this calculation results in a negative amount,
16 then the organization gaming licensee is not entitled to any
17 reimbursement of fees previously paid. This reconciliation
18 payment may be made in installments over a period of no more
19 than 2 years, subject to Board approval. Any installment
20 payments shall include an annual market interest rate as
21 determined by the Board.

22 All payments by licensees under this subsection (k) shall
23 be deposited into the Rebuild Illinois Projects Fund.

24 (l) As soon as practical after a request is made by the
25 Illinois Gaming Board, to minimize duplicate submissions by the
26 applicant, the Illinois Racing Board must provide information

1 on an applicant for an organization gaming license to the
2 Illinois Gaming Board.

3 (Source: P.A. 101-31, eff. 6-28-19; 101-597, eff. 12-6-19.)

4 (230 ILCS 10/9) (from Ch. 120, par. 2409)

5 Sec. 9. Occupational licenses.

6 (a) The Board may issue an occupational license to an
7 applicant upon the payment of a non-refundable fee set by the
8 Board, upon a determination by the Board that the applicant is
9 eligible for an occupational license and upon payment of an
10 annual license fee in an amount to be established. To be
11 eligible for an occupational license, an applicant must:

12 (1) be at least 21 years of age if the applicant will
13 perform any function involved in gaming by patrons. Any
14 applicant seeking an occupational license for a non-gaming
15 function shall be at least 18 years of age;

16 (2) not have been convicted of a felony offense, a
17 violation of Article 28 of the Criminal Code of 1961 or the
18 Criminal Code of 2012, or a similar statute of any other
19 jurisdiction;

20 (2.5) not have been convicted of a crime, other than a
21 crime described in item (2) of this subsection (a),
22 involving dishonesty or moral turpitude, except that the
23 Board may, in its discretion, issue an occupational license
24 to a person who has been convicted of a crime described in
25 this item (2.5) more than 10 years prior to his or her

1 application and has not subsequently been convicted of any
2 other crime;

3 (3) have demonstrated a level of skill or knowledge
4 which the Board determines to be necessary in order to
5 operate gambling aboard a riverboat, in a casino, or at an
6 organization gaming facility; and

7 (4) have met standards for the holding of an
8 occupational license as adopted by rules of the Board. Such
9 rules shall provide that any person or entity seeking an
10 occupational license to manage gambling operations under
11 this Act shall be subject to background inquiries and
12 further requirements similar to those required of
13 applicants for an owners license. Furthermore, such rules
14 shall provide that each such entity shall be permitted to
15 manage gambling operations for only one licensed owner.

16 (b) Each application for an occupational license shall be
17 on forms prescribed by the Board and shall contain all
18 information required by the Board. The applicant shall set
19 forth in the application: whether he has been issued prior
20 gambling related licenses; whether he has been licensed in any
21 other state under any other name, and, if so, such name and his
22 age; and whether or not a permit or license issued to him in
23 any other state has been suspended, restricted or revoked, and,
24 if so, for what period of time.

25 (c) Each applicant shall submit with his application, on
26 forms provided by the Board, 2 sets of his fingerprints. The

1 Board shall charge each applicant a fee set by the Illinois
2 ~~Department of~~ State Police to defray the costs associated with
3 the search and classification of fingerprints obtained by the
4 Board with respect to the applicant's application. These fees
5 shall be paid into the State Police Services Fund.

6 (d) The Board may in its discretion refuse an occupational
7 license to any person: (1) who is unqualified to perform the
8 duties required of such applicant; (2) who fails to disclose or
9 states falsely any information called for in the application;
10 (3) who has been found guilty of a violation of this Act or
11 whose prior gambling related license or application therefor
12 has been suspended, restricted, revoked or denied for just
13 cause in any other state; or (4) for any other just cause.

14 (e) The Board may suspend, revoke or restrict any
15 occupational licensee: (1) for violation of any provision of
16 this Act; (2) for violation of any of the rules and regulations
17 of the Board; (3) for any cause which, if known to the Board,
18 would have disqualified the applicant from receiving such
19 license; or (4) for default in the payment of any obligation or
20 debt due to the State of Illinois; or (5) for any other just
21 cause.

22 (f) A person who knowingly makes a false statement on an
23 application is guilty of a Class A misdemeanor.

24 (g) Any license issued pursuant to this Section shall be
25 valid for a period of one year from the date of issuance.

26 (h) Nothing in this Act shall be interpreted to prohibit a

1 licensed owner or organization gaming licensee from entering
2 into an agreement with a public community college or a school
3 approved under the Private Business and Vocational Schools Act
4 of 2012 for the training of any occupational licensee. Any
5 training offered by such a school shall be in accordance with a
6 written agreement between the licensed owner or organization
7 gaming licensee and the school.

8 (i) Any training provided for occupational licensees may be
9 conducted either at the site of the gambling facility or at a
10 school with which a licensed owner or organization gaming
11 licensee has entered into an agreement pursuant to subsection
12 (h).

13 (Source: P.A. 101-31, eff. 6-28-19.)

14 (230 ILCS 10/11) (from Ch. 120, par. 2411)

15 Sec. 11. Conduct of gambling. Gambling may be conducted by
16 licensed owners or licensed managers on behalf of the State
17 aboard riverboats. Gambling may be conducted by organization
18 gaming licensees at organization gaming facilities. Gambling
19 authorized under this Section is subject to the following
20 standards:

21 (1) A licensee may conduct riverboat gambling
22 authorized under this Act regardless of whether it conducts
23 excursion cruises. A licensee may permit the continuous
24 ingress and egress of patrons on a riverboat not used for
25 excursion cruises for the purpose of gambling. Excursion

1 cruises shall not exceed 4 hours for a round trip. However,
2 the Board may grant express approval for an extended cruise
3 on a case-by-case basis.

4 (1.5) An owners licensee may conduct gambling
5 operations authorized under this Act 24 hours a day.

6 (2) (Blank).

7 (3) Minimum and maximum wagers on games shall be set by
8 the licensee.

9 (4) Agents of the Board and the Illinois ~~Department of~~
10 State Police may board and inspect any riverboat, enter and
11 inspect any portion of a casino, or enter and inspect any
12 portion of an organization gaming facility at any time for
13 the purpose of determining whether this Act is being
14 complied with. Every riverboat, if under way and being
15 hailed by a law enforcement officer or agent of the Board,
16 must stop immediately and lay to.

17 (5) Employees of the Board shall have the right to be
18 present on the riverboat or in the casino or on adjacent
19 facilities under the control of the licensee and at the
20 organization gaming facility under the control of the
21 organization gaming licensee.

22 (6) Gambling equipment and supplies customarily used
23 in conducting gambling must be purchased or leased only
24 from suppliers licensed for such purpose under this Act.
25 The Board may approve the transfer, sale, or lease of
26 gambling equipment and supplies by a licensed owner from or

1 to an affiliate of the licensed owner as long as the
2 gambling equipment and supplies were initially acquired
3 from a supplier licensed in Illinois.

4 (7) Persons licensed under this Act shall permit no
5 form of wagering on gambling games except as permitted by
6 this Act.

7 (8) Wagers may be received only from a person present
8 on a licensed riverboat, in a casino, or at an organization
9 gaming facility. No person present on a licensed riverboat,
10 in a casino, or at an organization gaming facility shall
11 place or attempt to place a wager on behalf of another
12 person who is not present on the riverboat, in a casino, or
13 at the organization gaming facility.

14 (9) Wagering, including gaming authorized under
15 Section 7.7, shall not be conducted with money or other
16 negotiable currency.

17 (10) A person under age 21 shall not be permitted on an
18 area of a riverboat or casino where gambling is being
19 conducted or at an organization gaming facility where
20 gambling is being conducted, except for a person at least
21 18 years of age who is an employee of the riverboat or
22 casino gambling operation or gaming operation. No employee
23 under age 21 shall perform any function involved in
24 gambling by the patrons. No person under age 21 shall be
25 permitted to make a wager under this Act, and any winnings
26 that are a result of a wager by a person under age 21,

1 whether or not paid by a licensee, shall be treated as
2 winnings for the privilege tax purposes, confiscated, and
3 forfeited to the State and deposited into the Education
4 Assistance Fund.

5 (11) Gambling excursion cruises are permitted only
6 when the waterway for which the riverboat is licensed is
7 navigable, as determined by the Board in consultation with
8 the U.S. Army Corps of Engineers. This paragraph (11) does
9 not limit the ability of a licensee to conduct gambling
10 authorized under this Act when gambling excursion cruises
11 are not permitted.

12 (12) All tickets, chips, or electronic cards used to
13 make wagers must be purchased (i) from a licensed owner or
14 manager, in the case of a riverboat, either aboard a
15 riverboat or at an onshore facility which has been approved
16 by the Board and which is located where the riverboat
17 docks, (ii) in the case of a casino, from a licensed owner
18 at the casino, or (iii) from an organization gaming
19 licensee at the organization gaming facility. The tickets,
20 chips, or electronic cards may be purchased by means of an
21 agreement under which the owner or manager extends credit
22 to the patron. Such tickets, chips, or electronic cards may
23 be used while aboard the riverboat, in the casino, or at
24 the organization gaming facility only for the purpose of
25 making wagers on gambling games.

26 (13) Notwithstanding any other Section of this Act, in

1 addition to the other licenses authorized under this Act,
2 the Board may issue special event licenses allowing persons
3 who are not otherwise licensed to conduct riverboat
4 gambling to conduct such gambling on a specified date or
5 series of dates. Riverboat gambling under such a license
6 may take place on a riverboat not normally used for
7 riverboat gambling. The Board shall establish standards,
8 fees and fines for, and limitations upon, such licenses,
9 which may differ from the standards, fees, fines and
10 limitations otherwise applicable under this Act. All such
11 fees shall be deposited into the State Gaming Fund. All
12 such fines shall be deposited into the Education Assistance
13 Fund, created by Public Act 86-0018, of the State of
14 Illinois.

15 (14) In addition to the above, gambling must be
16 conducted in accordance with all rules adopted by the
17 Board.

18 (Source: P.A. 101-31, eff. 6-28-19.)

19 (230 ILCS 10/13) (from Ch. 120, par. 2413)

20 Sec. 13. Wagering tax; rate; distribution.

21 (a) Until January 1, 1998, a tax is imposed on the adjusted
22 gross receipts received from gambling games authorized under
23 this Act at the rate of 20%.

24 (a-1) From January 1, 1998 until July 1, 2002, a privilege
25 tax is imposed on persons engaged in the business of conducting

1 riverboat gambling operations, based on the adjusted gross
2 receipts received by a licensed owner from gambling games
3 authorized under this Act at the following rates:

4 15% of annual adjusted gross receipts up to and
5 including \$25,000,000;

6 20% of annual adjusted gross receipts in excess of
7 \$25,000,000 but not exceeding \$50,000,000;

8 25% of annual adjusted gross receipts in excess of
9 \$50,000,000 but not exceeding \$75,000,000;

10 30% of annual adjusted gross receipts in excess of
11 \$75,000,000 but not exceeding \$100,000,000;

12 35% of annual adjusted gross receipts in excess of
13 \$100,000,000.

14 (a-2) From July 1, 2002 until July 1, 2003, a privilege tax
15 is imposed on persons engaged in the business of conducting
16 riverboat gambling operations, other than licensed managers
17 conducting riverboat gambling operations on behalf of the
18 State, based on the adjusted gross receipts received by a
19 licensed owner from gambling games authorized under this Act at
20 the following rates:

21 15% of annual adjusted gross receipts up to and
22 including \$25,000,000;

23 22.5% of annual adjusted gross receipts in excess of
24 \$25,000,000 but not exceeding \$50,000,000;

25 27.5% of annual adjusted gross receipts in excess of
26 \$50,000,000 but not exceeding \$75,000,000;

1 32.5% of annual adjusted gross receipts in excess of
2 \$75,000,000 but not exceeding \$100,000,000;

3 37.5% of annual adjusted gross receipts in excess of
4 \$100,000,000 but not exceeding \$150,000,000;

5 45% of annual adjusted gross receipts in excess of
6 \$150,000,000 but not exceeding \$200,000,000;

7 50% of annual adjusted gross receipts in excess of
8 \$200,000,000.

9 (a-3) Beginning July 1, 2003, a privilege tax is imposed on
10 persons engaged in the business of conducting riverboat
11 gambling operations, other than licensed managers conducting
12 riverboat gambling operations on behalf of the State, based on
13 the adjusted gross receipts received by a licensed owner from
14 gambling games authorized under this Act at the following
15 rates:

16 15% of annual adjusted gross receipts up to and
17 including \$25,000,000;

18 27.5% of annual adjusted gross receipts in excess of
19 \$25,000,000 but not exceeding \$37,500,000;

20 32.5% of annual adjusted gross receipts in excess of
21 \$37,500,000 but not exceeding \$50,000,000;

22 37.5% of annual adjusted gross receipts in excess of
23 \$50,000,000 but not exceeding \$75,000,000;

24 45% of annual adjusted gross receipts in excess of
25 \$75,000,000 but not exceeding \$100,000,000;

26 50% of annual adjusted gross receipts in excess of

1 \$100,000,000 but not exceeding \$250,000,000;
2 70% of annual adjusted gross receipts in excess of
3 \$250,000,000.

4 An amount equal to the amount of wagering taxes collected
5 under this subsection (a-3) that are in addition to the amount
6 of wagering taxes that would have been collected if the
7 wagering tax rates under subsection (a-2) were in effect shall
8 be paid into the Common School Fund.

9 The privilege tax imposed under this subsection (a-3) shall
10 no longer be imposed beginning on the earlier of (i) July 1,
11 2005; (ii) the first date after June 20, 2003 that riverboat
12 gambling operations are conducted pursuant to a dormant
13 license; or (iii) the first day that riverboat gambling
14 operations are conducted under the authority of an owners
15 license that is in addition to the 10 owners licenses initially
16 authorized under this Act. For the purposes of this subsection
17 (a-3), the term "dormant license" means an owners license that
18 is authorized by this Act under which no riverboat gambling
19 operations are being conducted on June 20, 2003.

20 (a-4) Beginning on the first day on which the tax imposed
21 under subsection (a-3) is no longer imposed and ending upon the
22 imposition of the privilege tax under subsection (a-5) of this
23 Section, a privilege tax is imposed on persons engaged in the
24 business of conducting gambling operations, other than
25 licensed managers conducting riverboat gambling operations on
26 behalf of the State, based on the adjusted gross receipts

1 received by a licensed owner from gambling games authorized
2 under this Act at the following rates:

3 15% of annual adjusted gross receipts up to and
4 including \$25,000,000;

5 22.5% of annual adjusted gross receipts in excess of
6 \$25,000,000 but not exceeding \$50,000,000;

7 27.5% of annual adjusted gross receipts in excess of
8 \$50,000,000 but not exceeding \$75,000,000;

9 32.5% of annual adjusted gross receipts in excess of
10 \$75,000,000 but not exceeding \$100,000,000;

11 37.5% of annual adjusted gross receipts in excess of
12 \$100,000,000 but not exceeding \$150,000,000;

13 45% of annual adjusted gross receipts in excess of
14 \$150,000,000 but not exceeding \$200,000,000;

15 50% of annual adjusted gross receipts in excess of
16 \$200,000,000.

17 For the imposition of the privilege tax in this subsection
18 (a-4), amounts paid pursuant to item (1) of subsection (b) of
19 Section 56 of the Illinois Horse Racing Act of 1975 shall not
20 be included in the determination of adjusted gross receipts.

21 (a-5) Beginning on the first day that an owners licensee
22 under paragraph (1), (2), (3), (4), (5), or (6) of subsection
23 (e-5) of Section 7 conducts gambling operations, either in a
24 temporary facility or a permanent facility, a privilege tax is
25 imposed on persons engaged in the business of conducting
26 gambling operations, other than licensed managers conducting

1 riverboat gambling operations on behalf of the State, based on
2 the adjusted gross receipts received by such licensee from the
3 gambling games authorized under this Act. The privilege tax for
4 all gambling games other than table games, including, but not
5 limited to, slot machines, video game of chance gambling, and
6 electronic gambling games shall be at the following rates:

7 15% of annual adjusted gross receipts up to and
8 including \$25,000,000;

9 22.5% of annual adjusted gross receipts in excess of
10 \$25,000,000 but not exceeding \$50,000,000;

11 27.5% of annual adjusted gross receipts in excess of
12 \$50,000,000 but not exceeding \$75,000,000;

13 32.5% of annual adjusted gross receipts in excess of
14 \$75,000,000 but not exceeding \$100,000,000;

15 37.5% of annual adjusted gross receipts in excess of
16 \$100,000,000 but not exceeding \$150,000,000;

17 45% of annual adjusted gross receipts in excess of
18 \$150,000,000 but not exceeding \$200,000,000;

19 50% of annual adjusted gross receipts in excess of
20 \$200,000,000.

21 The privilege tax for table games shall be at the following
22 rates:

23 15% of annual adjusted gross receipts up to and
24 including \$25,000,000;

25 20% of annual adjusted gross receipts in excess of
26 \$25,000,000.

1 For the imposition of the privilege tax in this subsection
2 (a-5), amounts paid pursuant to item (1) of subsection (b) of
3 Section 56 of the Illinois Horse Racing Act of 1975 shall not
4 be included in the determination of adjusted gross receipts.

5 Notwithstanding the provisions of this subsection (a-5),
6 for the first 10 years that the privilege tax is imposed under
7 this subsection (a-5), the privilege tax shall be imposed on
8 the modified annual adjusted gross receipts of a riverboat or
9 casino conducting gambling operations in the City of East St.
10 Louis, unless:

11 (1) the riverboat or casino fails to employ at least
12 450 people;

13 (2) the riverboat or casino fails to maintain
14 operations in a manner consistent with this Act or is not a
15 viable riverboat or casino subject to the approval of the
16 Board; or

17 (3) the owners licensee is not an entity in which
18 employees participate in an employee stock ownership plan.

19 As used in this subsection (a-5), "modified annual adjusted
20 gross receipts" means:

21 (A) for calendar year 2020, the annual adjusted gross
22 receipts for the current year minus the difference between
23 an amount equal to the average annual adjusted gross
24 receipts from a riverboat or casino conducting gambling
25 operations in the City of East St. Louis for 2014, 2015,
26 2016, 2017, and 2018 and the annual adjusted gross receipts

1 for 2018;

2 (B) for calendar year 2021, the annual adjusted gross
3 receipts for the current year minus the difference between
4 an amount equal to the average annual adjusted gross
5 receipts from a riverboat or casino conducting gambling
6 operations in the City of East St. Louis for 2014, 2015,
7 2016, 2017, and 2018 and the annual adjusted gross receipts
8 for 2019; and

9 (C) for calendar years 2022 through 2029, the annual
10 adjusted gross receipts for the current year minus the
11 difference between an amount equal to the average annual
12 adjusted gross receipts from a riverboat or casino
13 conducting gambling operations in the City of East St.
14 Louis for 3 years preceding the current year and the annual
15 adjusted gross receipts for the immediately preceding
16 year.

17 (a-5.5) In addition to the privilege tax imposed under
18 subsection (a-5), a privilege tax is imposed on the owners
19 licensee under paragraph (1) of subsection (e-5) of Section 7
20 at the rate of one-third of the owners licensee's adjusted
21 gross receipts.

22 For the imposition of the privilege tax in this subsection
23 (a-5.5), amounts paid pursuant to item (1) of subsection (b) of
24 Section 56 of the Illinois Horse Racing Act of 1975 shall not
25 be included in the determination of adjusted gross receipts.

26 (a-6) From June 28, 2019 (the effective date of Public Act

1 ~~101-31) this amendatory Act of the 101st General Assembly~~ until
2 June 30, 2023, an owners licensee that conducted gambling
3 operations prior to January 1, 2011 shall receive a
4 dollar-for-dollar credit against the tax imposed under this
5 Section for any renovation or construction costs paid by the
6 owners licensee, but in no event shall the credit exceed
7 \$2,000,000.

8 Additionally, from June 28, 2019 (the effective date of
9 Public Act 101-31) ~~this amendatory Act of the 101st General~~
10 ~~Assembly~~ until December 31, 2022, an owners licensee that (i)
11 is located within 15 miles of the Missouri border, and (ii) has
12 at least 3 riverboats, casinos, or their equivalent within a
13 45-mile radius, may be authorized to relocate to a new location
14 with the approval of both the unit of local government
15 designated as the home dock and the Board, so long as the new
16 location is within the same unit of local government and no
17 more than 3 miles away from its original location. Such owners
18 licensee shall receive a credit against the tax imposed under
19 this Section equal to 8% of the total project costs, as
20 approved by the Board, for any renovation or construction costs
21 paid by the owners licensee for the construction of the new
22 facility, provided that the new facility is operational by July
23 1, 2022. In determining whether or not to approve a relocation,
24 the Board must consider the extent to which the relocation will
25 diminish the gaming revenues received by other Illinois gaming
26 facilities.

1 (a-7) Beginning in the initial adjustment year and through
2 the final adjustment year, if the total obligation imposed
3 pursuant to either subsection (a-5) or (a-6) will result in an
4 owners licensee receiving less after-tax adjusted gross
5 receipts than it received in calendar year 2018, then the total
6 amount of privilege taxes that the owners licensee is required
7 to pay for that calendar year shall be reduced to the extent
8 necessary so that the after-tax adjusted gross receipts in that
9 calendar year equals the after-tax adjusted gross receipts in
10 calendar year 2018, but the privilege tax reduction shall not
11 exceed the annual adjustment cap. If pursuant to this
12 subsection (a-7), the total obligation imposed pursuant to
13 either subsection (a-5) or (a-6) shall be reduced, then the
14 owners licensee shall not receive a refund from the State at
15 the end of the subject calendar year but instead shall be able
16 to apply that amount as a credit against any payments it owes
17 to the State in the following calendar year to satisfy its
18 total obligation under either subsection (a-5) or (a-6). The
19 credit for the final adjustment year shall occur in the
20 calendar year following the final adjustment year.

21 If an owners licensee that conducted gambling operations
22 prior to January 1, 2019 expands its riverboat or casino,
23 including, but not limited to, with respect to its gaming
24 floor, additional non-gaming amenities such as restaurants,
25 bars, and hotels and other additional facilities, and incurs
26 construction and other costs related to such expansion from

1 June 28, 2019 (the effective date of Public Act 101-31) ~~this~~
2 ~~amendatory Act of the 101st General Assembly~~ until June 28,
3 2024 (the 5th anniversary of the effective date of Public Act
4 101-31) ~~this amendatory Act of the 101st General Assembly~~, then
5 for each \$15,000,000 spent for any such construction or other
6 costs related to expansion paid by the owners licensee, the
7 final adjustment year shall be extended by one year and the
8 annual adjustment cap shall increase by 0.2% of adjusted gross
9 receipts during each calendar year until and including the
10 final adjustment year. No further modifications to the final
11 adjustment year or annual adjustment cap shall be made after
12 \$75,000,000 is incurred in construction or other costs related
13 to expansion so that the final adjustment year shall not extend
14 beyond the 9th calendar year after the initial adjustment year,
15 not including the initial adjustment year, and the annual
16 adjustment cap shall not exceed 4% of adjusted gross receipts
17 in a particular calendar year. Construction and other costs
18 related to expansion shall include all project related costs,
19 including, but not limited to, all hard and soft costs,
20 financing costs, on or off-site ground, road or utility work,
21 cost of gaming equipment and all other personal property,
22 initial fees assessed for each incremental gaming position, and
23 the cost of incremental land acquired for such expansion. Soft
24 costs shall include, but not be limited to, legal fees,
25 architect, engineering and design costs, other consultant
26 costs, insurance cost, permitting costs, and pre-opening costs

1 related to the expansion, including, but not limited to, any of
2 the following: marketing, real estate taxes, personnel,
3 training, travel and out-of-pocket expenses, supply,
4 inventory, and other costs, and any other project related soft
5 costs.

6 To be eligible for the tax credits in subsection (a-6), all
7 construction contracts shall include a requirement that the
8 contractor enter into a project labor agreement with the
9 building and construction trades council with geographic
10 jurisdiction of the location of the proposed gaming facility.

11 Notwithstanding any other provision of this subsection
12 (a-7), this subsection (a-7) does not apply to an owners
13 licensee unless such owners licensee spends at least
14 \$15,000,000 on construction and other costs related to its
15 expansion, excluding the initial fees assessed for each
16 incremental gaming position.

17 This subsection (a-7) does not apply to owners licensees
18 authorized pursuant to subsection (e-5) of Section 7 of this
19 Act.

20 For purposes of this subsection (a-7):

21 "Building and construction trades council" means any
22 organization representing multiple construction entities that
23 are monitoring or attentive to compliance with public or
24 workers' safety laws, wage and hour requirements, or other
25 statutory requirements or that are making or maintaining
26 collective bargaining agreements.

1 "Initial adjustment year" means the year commencing on
2 January 1 of the calendar year immediately following the
3 earlier of the following:

4 (1) the commencement of gambling operations, either in
5 a temporary or permanent facility, with respect to the
6 owners license authorized under paragraph (1) of
7 subsection (e-5) of Section 7 of this Act; or

8 (2) June 28, 2021 (24 months after the effective date
9 of Public Act 101-31); ~~this amendatory Act of the 101st
10 General Assembly,~~

11 provided the initial adjustment year shall not commence earlier
12 than June 28, 2020 (12 months after the effective date of
13 Public Act 101-31) ~~this amendatory Act of the 101st General
14 Assembly.~~

15 "Final adjustment year" means the 2nd calendar year after
16 the initial adjustment year, not including the initial
17 adjustment year, and as may be extended further as described in
18 this subsection (a-7).

19 "Annual adjustment cap" means 3% of adjusted gross receipts
20 in a particular calendar year, and as may be increased further
21 as otherwise described in this subsection (a-7).

22 (a-8) Riverboat gambling operations conducted by a
23 licensed manager on behalf of the State are not subject to the
24 tax imposed under this Section.

25 (a-9) Beginning on January 1, 2020, the calculation of
26 gross receipts or adjusted gross receipts, for the purposes of

1 this Section, for a riverboat, a casino, or an organization
2 gaming facility shall not include the dollar amount of
3 non-cashable vouchers, coupons, and electronic promotions
4 redeemed by wagerers upon the riverboat, in the casino, or in
5 the organization gaming facility up to and including an amount
6 not to exceed 20% of a riverboat's, a casino's, or an
7 organization gaming facility's adjusted gross receipts.

8 The Illinois Gaming Board shall submit to the General
9 Assembly a comprehensive report no later than March 31, 2023
10 detailing, at a minimum, the effect of removing non-cashable
11 vouchers, coupons, and electronic promotions from this
12 calculation on net gaming revenues to the State in calendar
13 years 2020 through 2022, the increase or reduction in wagerers
14 as a result of removing non-cashable vouchers, coupons, and
15 electronic promotions from this calculation, the effect of the
16 tax rates in subsection (a-5) on net gaming revenues to this
17 State, and proposed modifications to the calculation.

18 (a-10) The taxes imposed by this Section shall be paid by
19 the licensed owner or the organization gaming licensee to the
20 Board not later than 5:00 o'clock p.m. of the day after the day
21 when the wagers were made.

22 (a-15) If the privilege tax imposed under subsection (a-3)
23 is no longer imposed pursuant to item (i) of the last paragraph
24 of subsection (a-3), then by June 15 of each year, each owners
25 licensee, other than an owners licensee that admitted 1,000,000
26 persons or fewer in calendar year 2004, must, in addition to

1 the payment of all amounts otherwise due under this Section,
2 pay to the Board a reconciliation payment in the amount, if
3 any, by which the licensed owner's base amount exceeds the
4 amount of net privilege tax paid by the licensed owner to the
5 Board in the then current State fiscal year. A licensed owner's
6 net privilege tax obligation due for the balance of the State
7 fiscal year shall be reduced up to the total of the amount paid
8 by the licensed owner in its June 15 reconciliation payment.
9 The obligation imposed by this subsection (a-15) is binding on
10 any person, firm, corporation, or other entity that acquires an
11 ownership interest in any such owners license. The obligation
12 imposed under this subsection (a-15) terminates on the earliest
13 of: (i) July 1, 2007, (ii) the first day after the effective
14 date of this amendatory Act of the 94th General Assembly that
15 riverboat gambling operations are conducted pursuant to a
16 dormant license, (iii) the first day that riverboat gambling
17 operations are conducted under the authority of an owners
18 license that is in addition to the 10 owners licenses initially
19 authorized under this Act, or (iv) the first day that a
20 licensee under the Illinois Horse Racing Act of 1975 conducts
21 gaming operations with slot machines or other electronic gaming
22 devices. The Board must reduce the obligation imposed under
23 this subsection (a-15) by an amount the Board deems reasonable
24 for any of the following reasons: (A) an act or acts of God,
25 (B) an act of bioterrorism or terrorism or a bioterrorism or
26 terrorism threat that was investigated by a law enforcement

1 agency, or (C) a condition beyond the control of the owners
2 licensee that does not result from any act or omission by the
3 owners licensee or any of its agents and that poses a hazardous
4 threat to the health and safety of patrons. If an owners
5 licensee pays an amount in excess of its liability under this
6 Section, the Board shall apply the overpayment to future
7 payments required under this Section.

8 For purposes of this subsection (a-15):

9 "Act of God" means an incident caused by the operation of
10 an extraordinary force that cannot be foreseen, that cannot be
11 avoided by the exercise of due care, and for which no person
12 can be held liable.

13 "Base amount" means the following:

14 For a riverboat in Alton, \$31,000,000.

15 For a riverboat in East Peoria, \$43,000,000.

16 For the Empress riverboat in Joliet, \$86,000,000.

17 For a riverboat in Metropolis, \$45,000,000.

18 For the Harrah's riverboat in Joliet, \$114,000,000.

19 For a riverboat in Aurora, \$86,000,000.

20 For a riverboat in East St. Louis, \$48,500,000.

21 For a riverboat in Elgin, \$198,000,000.

22 "Dormant license" has the meaning ascribed to it in
23 subsection (a-3).

24 "Net privilege tax" means all privilege taxes paid by a
25 licensed owner to the Board under this Section, less all
26 payments made from the State Gaming Fund pursuant to subsection

1 (b) of this Section.

2 The changes made to this subsection (a-15) by Public Act
3 94-839 are intended to restate and clarify the intent of Public
4 Act 94-673 with respect to the amount of the payments required
5 to be made under this subsection by an owners licensee to the
6 Board.

7 (b) From the tax revenue from riverboat or casino gambling
8 deposited in the State Gaming Fund under this Section, an
9 amount equal to 5% of adjusted gross receipts generated by a
10 riverboat or a casino, other than a riverboat or casino
11 designated in paragraph (1), (3), or (4) of subsection (e-5) of
12 Section 7, shall be paid monthly, subject to appropriation by
13 the General Assembly, to the unit of local government in which
14 the casino is located or that is designated as the home dock of
15 the riverboat. Notwithstanding anything to the contrary,
16 beginning on the first day that an owners licensee under
17 paragraph (1), (2), (3), (4), (5), or (6) of subsection (e-5)
18 of Section 7 conducts gambling operations, either in a
19 temporary facility or a permanent facility, and for 2 years
20 thereafter, a unit of local government designated as the home
21 dock of a riverboat whose license was issued before January 1,
22 2019, other than a riverboat conducting gambling operations in
23 the City of East St. Louis, shall not receive less under this
24 subsection (b) than the amount the unit of local government
25 received under this subsection (b) in calendar year 2018.
26 Notwithstanding anything to the contrary and because the City

1 of East St. Louis is a financially distressed city, beginning
2 on the first day that an owners licensee under paragraph (1),
3 (2), (3), (4), (5), or (6) of subsection (e-5) of Section 7
4 conducts gambling operations, either in a temporary facility or
5 a permanent facility, and for 10 years thereafter, a unit of
6 local government designated as the home dock of a riverboat
7 conducting gambling operations in the City of East St. Louis
8 shall not receive less under this subsection (b) than the
9 amount the unit of local government received under this
10 subsection (b) in calendar year 2018.

11 From the tax revenue deposited in the State Gaming Fund
12 pursuant to riverboat or casino gambling operations conducted
13 by a licensed manager on behalf of the State, an amount equal
14 to 5% of adjusted gross receipts generated pursuant to those
15 riverboat or casino gambling operations shall be paid monthly,
16 subject to appropriation by the General Assembly, to the unit
17 of local government that is designated as the home dock of the
18 riverboat upon which those riverboat gambling operations are
19 conducted or in which the casino is located.

20 From the tax revenue from riverboat or casino gambling
21 deposited in the State Gaming Fund under this Section, an
22 amount equal to 5% of the adjusted gross receipts generated by
23 a riverboat designated in paragraph (3) of subsection (e-5) of
24 Section 7 shall be divided and remitted monthly, subject to
25 appropriation, as follows: 70% to Waukegan, 10% to Park City,
26 15% to North Chicago, and 5% to Lake County.

1 From the tax revenue from riverboat or casino gambling
2 deposited in the State Gaming Fund under this Section, an
3 amount equal to 5% of the adjusted gross receipts generated by
4 a riverboat designated in paragraph (4) of subsection (e-5) of
5 Section 7 shall be remitted monthly, subject to appropriation,
6 as follows: 70% to the City of Rockford, 5% to the City of
7 Loves Park, 5% to the Village of Machesney, and 20% to
8 Winnebago County.

9 From the tax revenue from riverboat or casino gambling
10 deposited in the State Gaming Fund under this Section, an
11 amount equal to 5% of the adjusted gross receipts generated by
12 a riverboat designated in paragraph (5) of subsection (e-5) of
13 Section 7 shall be remitted monthly, subject to appropriation,
14 as follows: 2% to the unit of local government in which the
15 riverboat or casino is located, and 3% shall be distributed:
16 (A) in accordance with a regional capital development plan
17 entered into by the following communities: Village of Beecher,
18 City of Blue Island, Village of Burnham, City of Calumet City,
19 Village of Calumet Park, City of Chicago Heights, City of
20 Country Club Hills, Village of Crestwood, Village of Crete,
21 Village of Dixmoor, Village of Dolton, Village of East Hazel
22 Crest, Village of Flossmoor, Village of Ford Heights, Village
23 of Glenwood, City of Harvey, Village of Hazel Crest, Village of
24 Homewood, Village of Lansing, Village of Lynwood, City of
25 Markham, Village of Matteson, Village of Midlothian, Village of
26 Monee, City of Oak Forest, Village of Olympia Fields, Village

1 of Orland Hills, Village of Orland Park, City of Palos Heights,
2 Village of Park Forest, Village of Phoenix, Village of Posen,
3 Village of Richton Park, Village of Riverdale, Village of
4 Robbins, Village of Sauk Village, Village of South Chicago
5 Heights, Village of South Holland, Village of Steger, Village
6 of Thornton, Village of Tinley Park, Village of University Park
7 and Village of Worth; or (B) if no regional capital development
8 plan exists, equally among the communities listed in item (A)
9 to be used for capital expenditures or public pension payments,
10 or both.

11 Units of local government may refund any portion of the
12 payment that they receive pursuant to this subsection (b) to
13 the riverboat or casino.

14 (b-4) Beginning on the first day the licensee under
15 paragraph (5) of subsection (e-5) of Section 7 conducts
16 gambling operations, either in a temporary facility or a
17 permanent facility, and ending on July 31, 2042, from the tax
18 revenue deposited in the State Gaming Fund under this Section,
19 \$5,000,000 shall be paid annually, subject to appropriation, to
20 the host municipality of that owners licensee of a license
21 issued or re-issued pursuant to Section 7.1 of this Act before
22 January 1, 2012. Payments received by the host municipality
23 pursuant to this subsection (b-4) may not be shared with any
24 other unit of local government.

25 (b-5) Beginning on June 28, 2019 (the effective date of
26 Public Act 101-31) ~~this amendatory Act of the 101st General~~

1 ~~Assembly~~, from the tax revenue deposited in the State Gaming
2 Fund under this Section, an amount equal to 3% of adjusted
3 gross receipts generated by each organization gaming facility
4 located outside Madison County shall be paid monthly, subject
5 to appropriation by the General Assembly, to a municipality
6 other than the Village of Stickney in which each organization
7 gaming facility is located or, if the organization gaming
8 facility is not located within a municipality, to the county in
9 which the organization gaming facility is located, except as
10 otherwise provided in this Section. From the tax revenue
11 deposited in the State Gaming Fund under this Section, an
12 amount equal to 3% of adjusted gross receipts generated by an
13 organization gaming facility located in the Village of Stickney
14 shall be paid monthly, subject to appropriation by the General
15 Assembly, as follows: 25% to the Village of Stickney, 5% to the
16 City of Berwyn, 50% to the Town of Cicero, and 20% to the
17 Stickney Public Health District.

18 From the tax revenue deposited in the State Gaming Fund
19 under this Section, an amount equal to 5% of adjusted gross
20 receipts generated by an organization gaming facility located
21 in the City of Collinsville shall be paid monthly, subject to
22 appropriation by the General Assembly, as follows: 30% to the
23 City of Alton, 30% to the City of East St. Louis, and 40% to the
24 City of Collinsville.

25 Municipalities and counties may refund any portion of the
26 payment that they receive pursuant to this subsection (b-5) to

1 the organization gaming facility.

2 (b-6) Beginning on June 28, 2019 (the effective date of
3 Public Act 101-31) ~~this amendatory Act of the 101st General~~
4 ~~Assembly~~, from the tax revenue deposited in the State Gaming
5 Fund under this Section, an amount equal to 2% of adjusted
6 gross receipts generated by an organization gaming facility
7 located outside Madison County shall be paid monthly, subject
8 to appropriation by the General Assembly, to the county in
9 which the organization gaming facility is located for the
10 purposes of its criminal justice system or health care system.

11 Counties may refund any portion of the payment that they
12 receive pursuant to this subsection (b-6) to the organization
13 gaming facility.

14 (b-7) From the tax revenue from the organization gaming
15 licensee located in one of the following townships of Cook
16 County: Bloom, Bremen, Calumet, Orland, Rich, Thornton, or
17 Worth, an amount equal to 5% of the adjusted gross receipts
18 generated by that organization gaming licensee shall be
19 remitted monthly, subject to appropriation, as follows: 2% to
20 the unit of local government in which the organization gaming
21 licensee is located, and 3% shall be distributed: (A) in
22 accordance with a regional capital development plan entered
23 into by the following communities: Village of Beecher, City of
24 Blue Island, Village of Burnham, City of Calumet City, Village
25 of Calumet Park, City of Chicago Heights, City of Country Club
26 Hills, Village of Crestwood, Village of Crete, Village of

1 Dixmoor, Village of Dolton, Village of East Hazel Crest,
2 Village of Flossmoor, Village of Ford Heights, Village of
3 Glenwood, City of Harvey, Village of Hazel Crest, Village of
4 Homewood, Village of Lansing, Village of Lynwood, City of
5 Markham, Village of Matteson, Village of Midlothian, Village of
6 Monee, City of Oak Forest, Village of Olympia Fields, Village
7 of Orland Hills, Village of Orland Park, City of Palos Heights,
8 Village of Park Forest, Village of Phoenix, Village of Posen,
9 Village of Richton Park, Village of Riverdale, Village of
10 Robbins, Village of Sauk Village, Village of South Chicago
11 Heights, Village of South Holland, Village of Steger, Village
12 of Thornton, Village of Tinley Park, Village of University
13 Park, and Village of Worth; or (B) if no regional capital
14 development plan exists, equally among the communities listed
15 in item (A) to be used for capital expenditures or public
16 pension payments, or both.

17 (b-8) In lieu of the payments under subsection (b) of this
18 Section, the tax revenue from the privilege tax imposed by
19 subsection (a-5.5) shall be paid monthly, subject to
20 appropriation by the General Assembly, to the City of Chicago
21 and shall be expended or obligated by the City of Chicago for
22 pension payments in accordance with Public Act 99-506.

23 (c) Appropriations, as approved by the General Assembly,
24 may be made from the State Gaming Fund to the Board (i) for the
25 administration and enforcement of this Act and the Video Gaming
26 Act, (ii) for distribution to the Illinois ~~Department of State~~

1 Police and to the Department of Revenue for the enforcement of
2 this Act~~7~~ and the Video Gaming Act, and (iii) to the Department
3 of Human Services for the administration of programs to treat
4 problem gambling, including problem gambling from sports
5 wagering. The Board's annual appropriations request must
6 separately state its funding needs for the regulation of gaming
7 authorized under Section 7.7, riverboat gaming, casino gaming,
8 video gaming, and sports wagering.

9 (c-2) An amount equal to 2% of the adjusted gross receipts
10 generated by an organization gaming facility located within a
11 home rule county with a population of over 3,000,000
12 inhabitants shall be paid, subject to appropriation from the
13 General Assembly, from the State Gaming Fund to the home rule
14 county in which the organization gaming licensee is located for
15 the purpose of enhancing the county's criminal justice system.

16 (c-3) Appropriations, as approved by the General Assembly,
17 may be made from the tax revenue deposited into the State
18 Gaming Fund from organization gaming licensees pursuant to this
19 Section for the administration and enforcement of this Act.

20 (c-4) After payments required under subsections (b),
21 (b-5), (b-6), (b-7), (c), (c-2), and (c-3) have been made from
22 the tax revenue from organization gaming licensees deposited
23 into the State Gaming Fund under this Section, all remaining
24 amounts from organization gaming licensees shall be
25 transferred into the Capital Projects Fund.

26 (c-5) (Blank).

1 (c-10) Each year the General Assembly shall appropriate
2 from the General Revenue Fund to the Education Assistance Fund
3 an amount equal to the amount paid into the Horse Racing Equity
4 Fund pursuant to subsection (c-5) in the prior calendar year.

5 (c-15) After the payments required under subsections (b),
6 (c), and (c-5) have been made, an amount equal to 2% of the
7 adjusted gross receipts of (1) an owners licensee that
8 relocates pursuant to Section 11.2, (2) an owners licensee
9 conducting riverboat gambling operations pursuant to an owners
10 license that is initially issued after June 25, 1999, or (3)
11 the first riverboat gambling operations conducted by a licensed
12 manager on behalf of the State under Section 7.3, whichever
13 comes first, shall be paid, subject to appropriation from the
14 General Assembly, from the State Gaming Fund to each home rule
15 county with a population of over 3,000,000 inhabitants for the
16 purpose of enhancing the county's criminal justice system.

17 (c-20) Each year the General Assembly shall appropriate
18 from the General Revenue Fund to the Education Assistance Fund
19 an amount equal to the amount paid to each home rule county
20 with a population of over 3,000,000 inhabitants pursuant to
21 subsection (c-15) in the prior calendar year.

22 (c-21) After the payments required under subsections (b),
23 (b-4), (b-5), (b-6), (b-7), (b-8), (c), (c-3), and (c-4) have
24 been made, an amount equal to 2% of the adjusted gross receipts
25 generated by the owners licensee under paragraph (1) of
26 subsection (e-5) of Section 7 shall be paid, subject to

1 appropriation from the General Assembly, from the State Gaming
2 Fund to the home rule county in which the owners licensee is
3 located for the purpose of enhancing the county's criminal
4 justice system.

5 (c-22) After the payments required under subsections (b),
6 (b-4), (b-5), (b-6), (b-7), (b-8), (c), (c-3), (c-4), and
7 (c-21) have been made, an amount equal to 2% of the adjusted
8 gross receipts generated by the owners licensee under paragraph
9 (5) of subsection (e-5) of Section 7 shall be paid, subject to
10 appropriation from the General Assembly, from the State Gaming
11 Fund to the home rule county in which the owners licensee is
12 located for the purpose of enhancing the county's criminal
13 justice system.

14 (c-25) From July 1, 2013 and each July 1 thereafter through
15 July 1, 2019, \$1,600,000 shall be transferred from the State
16 Gaming Fund to the Chicago State University Education
17 Improvement Fund.

18 On July 1, 2020 and each July 1 thereafter, \$3,000,000
19 shall be transferred from the State Gaming Fund to the Chicago
20 State University Education Improvement Fund.

21 (c-30) On July 1, 2013 or as soon as possible thereafter,
22 \$92,000,000 shall be transferred from the State Gaming Fund to
23 the School Infrastructure Fund and \$23,000,000 shall be
24 transferred from the State Gaming Fund to the Horse Racing
25 Equity Fund.

26 (c-35) Beginning on July 1, 2013, in addition to any amount

1 transferred under subsection (c-30) of this Section,
2 \$5,530,000 shall be transferred monthly from the State Gaming
3 Fund to the School Infrastructure Fund.

4 (d) From time to time, the Board shall transfer the
5 remainder of the funds generated by this Act into the Education
6 Assistance Fund, created by Public Act 86-0018, of the State of
7 Illinois.

8 (e) Nothing in this Act shall prohibit the unit of local
9 government designated as the home dock of the riverboat from
10 entering into agreements with other units of local government
11 in this State or in other states to share its portion of the
12 tax revenue.

13 (f) To the extent practicable, the Board shall administer
14 and collect the wagering taxes imposed by this Section in a
15 manner consistent with the provisions of Sections 4, 5, 5a, 5b,
16 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 8, 9, and 10 of the
17 Retailers' Occupation Tax Act and Section 3-7 of the Uniform
18 Penalty and Interest Act.

19 (Source: P.A. 101-31, Article 25, Section 25-910, eff. 6-28-19;
20 101-31, Article 35, Section 35-55, eff. 6-28-19; revised
21 8-23-19.)

22 (230 ILCS 10/22) (from Ch. 120, par. 2422)

23 Sec. 22. Criminal history record information. Whenever the
24 Board is authorized or required by law to consider some aspect
25 of criminal history record information for the purpose of

1 carrying out its statutory powers and responsibilities, the
2 Board shall, in the form and manner required by the Illinois
3 ~~Department of~~ State Police and the Federal Bureau of
4 Investigation, cause to be conducted a criminal history record
5 investigation to obtain any information currently or
6 thereafter contained in the files of the Illinois ~~Department of~~
7 State Police or the Federal Bureau of Investigation, including,
8 but not limited to, civil, criminal, and latent fingerprint
9 databases. Each applicant for occupational licensing under
10 Section 9 or key person as defined by the Board in
11 administrative rules shall submit his or her fingerprints to
12 the Illinois ~~Department of~~ State Police in the form and manner
13 prescribed by the Illinois ~~Department of~~ State Police. These
14 fingerprints shall be checked against the fingerprint records
15 now and hereafter filed in the Illinois ~~Department of~~ State
16 Police and Federal Bureau of Investigation criminal history
17 records databases, including, but not limited to, civil,
18 criminal, and latent fingerprint databases. The Illinois
19 ~~Department of~~ State Police shall charge a fee for conducting
20 the criminal history records check, which shall be deposited in
21 the State Police Services Fund and shall not exceed the actual
22 cost of the records check. The Illinois ~~Department of~~ State
23 Police shall provide, on the Board's request, information
24 concerning any criminal charges, and their disposition,
25 currently or thereafter filed against any applicant, key
26 person, or holder of any license or for determinations of

1 suitability. Information obtained as a result of an
2 investigation under this Section shall be used in determining
3 eligibility for any license. Upon request and payment of fees
4 in conformance with the requirements of Section 2605-400 of the
5 Illinois Department of State Police Law ~~(20 ILCS~~
6 ~~2605/2605-400)~~, the Illinois Department of State Police is
7 authorized to furnish, pursuant to positive identification,
8 such information contained in State files as is necessary to
9 fulfill the request.

10 (Source: P.A. 101-597, eff. 12-6-19.)

11 Section 705. The Illinois Pull Tabs and Jar Games Act is
12 amended by changing Sections 2.1 and 5 as follows:

13 (230 ILCS 20/2.1)

14 Sec. 2.1. Ineligibility for a license. The following are
15 ineligible for any license under this Act:

16 (1) Any person convicted of any felony within the last
17 5 years where such conviction will impair the person's
18 ability to engage in the position for which a license is
19 sought.

20 (2) Any person convicted of a violation of Article 28
21 of the Criminal Code of 1961 or the Criminal Code of 2012
22 who has not been sufficiently rehabilitated following the
23 conviction.

24 (3) Any person who has had a bingo, pull tabs and jar

1 games, or charitable games license revoked by the
2 Department.

3 (4) Any person who is or has been a professional
4 gambler.

5 (5) Any person found gambling in a manner not
6 authorized by the Illinois Pull Tabs and Jar Games Act, the
7 Bingo License and Tax Act, or the Charitable Games Act,
8 participating in such gambling, or knowingly permitting
9 such gambling on premises where pull tabs and jar games are
10 authorized to be conducted.

11 (6) Any firm or corporation in which a person defined
12 in (1), (2), (3), (4), or (5) has any proprietary,
13 equitable, or credit interest or in which such person is
14 active or employed.

15 (7) Any organization in which a person defined in (1),
16 (2), (3), (4), or (5) is an officer, director, or employee,
17 whether compensated or not.

18 (8) Any organization in which a person defined in (1),
19 (2), (3), (4), or (5) is to participate in the management
20 or operation of pull tabs and jar games.

21 The Illinois ~~Department of~~ State Police shall provide the
22 criminal background of any supplier as requested by the
23 Department of Revenue.

24 (Source: P.A. 100-286, eff. 1-1-18.)

25 (230 ILCS 20/5) (from Ch. 120, par. 1055)

1 Sec. 5. Payments; returns. There shall be paid to the
2 Department of Revenue 5% of the gross proceeds of any pull tabs
3 and jar games conducted under this Act. Such payments shall be
4 made 4 times per year, between the first and the 20th day of
5 April, July, October and January. Accompanying each payment
6 shall be a return, on forms prescribed by the Department of
7 Revenue. Failure to submit either the payment or the return
8 within the specified time shall result in suspension or
9 revocation of the license. Tax returns filed pursuant to this
10 Act shall not be confidential and shall be available for public
11 inspection. All payments made to the Department of Revenue
12 under this Act shall be deposited as follows:

13 (a) 50% shall be deposited in the Common School Fund;

14 and

15 (b) 50% shall be deposited in the Illinois Gaming Law
16 Enforcement Fund. Of the monies deposited in the Illinois
17 Gaming Law Enforcement Fund under this Section, the General
18 Assembly shall appropriate two-thirds to the Department of
19 Revenue, Illinois ~~Department of~~ State Police and the Office
20 of the Attorney General for State law enforcement purposes,
21 and one-third shall be appropriated to the Department of
22 Revenue for the purpose of distribution in the form of
23 grants to counties or municipalities for law enforcement
24 purposes. The amounts of grants to counties or
25 municipalities shall bear the same ratio as the number of
26 licenses issued in counties or municipalities bears to the

1 total number of licenses issued in the State. In computing
2 the number of licenses issued in a county, licenses issued
3 for locations within a municipality's boundaries shall be
4 excluded.

5 The provisions of Sections 4, 5, 5a, 5b, 5c, 5d, 5e, 5f,
6 5g, 5h, 5i, 5j, 6, 6a, 6b, 6c, 8, 9, 10, 11 and 12 of the
7 Retailers' Occupation Tax Act, and Section 3-7 of the Uniform
8 Penalty and Interest Act, which are not inconsistent with this
9 Act shall apply, as far as practicable, to the subject matter
10 of this Act to the same extent as if such provisions were
11 included in this Act. For the purposes of this Act, references
12 in such incorporated Sections of the Retailers' Occupation Tax
13 Act to retailers, sellers or persons engaged in the business of
14 selling tangible personal property means persons engaged in
15 conducting pull tabs and jar games and references in such
16 incorporated Sections of the Retailers' Occupation Tax Act to
17 sales of tangible personal property mean the conducting of pull
18 tabs and jar games and the making of charges for participating
19 in such drawings.

20 If any payment provided for in this Section exceeds the
21 taxpayer's liabilities under this Act, as shown on an original
22 return, the taxpayer may credit such excess payment against
23 liability subsequently to be remitted to the Department under
24 this Act, in accordance with reasonable rules adopted by the
25 Department.

26 (Source: P.A. 100-1171, eff. 1-4-19.)

1 Section 710. The Bingo License and Tax Act is amended by
2 changing Section 1.2 as follows:

3 (230 ILCS 25/1.2)

4 Sec. 1.2. Ineligibility for licensure. The following are
5 ineligible for any license under this Act:

6 (1) Any person convicted of any felony within the last
7 5 years where such conviction will impair the person's
8 ability to engage in the position for which a license is
9 sought.

10 (2) Any person convicted of a violation of Article 28
11 of the Criminal Code of 1961 or the Criminal Code of 2012
12 who has not been sufficiently rehabilitated following the
13 conviction.

14 (3) Any person who has had a bingo, pull tabs and jar
15 games, or charitable games license revoked by the
16 Department.

17 (4) Any person who is or has been a professional
18 gambler.

19 (5) Any person found gambling in a manner not
20 authorized by the Illinois Pull Tabs and Jar Games Act,
21 Bingo License and Tax Act, or the Charitable Games Act,
22 participating in such gambling, or knowingly permitting
23 such gambling on premises where a bingo event is authorized
24 to be conducted or has been conducted.

1 (6) Any organization in which a person defined in (1),
2 (2), (3), (4), or (5) has a proprietary, equitable, or
3 credit interest, or in which such person is active or
4 employed.

5 (7) Any organization in which a person defined in (1),
6 (2), (3), (4), or (5) is an officer, director, or employee,
7 whether compensated or not.

8 (8) Any organization in which a person defined in (1),
9 (2), (3), (4), or (5) is to participate in the management
10 or operation of a bingo game.

11 The Illinois ~~Department of~~ State Police shall provide the
12 criminal background of any person requested by the Department
13 of Revenue.

14 (Source: P.A. 100-286, eff. 1-1-18.)

15 Section 715. The Charitable Games Act is amended by
16 changing Sections 7 and 14 as follows:

17 (230 ILCS 30/7) (from Ch. 120, par. 1127)

18 Sec. 7. Ineligible persons. The following are ineligible
19 for any license under this Act:

20 (a) any person convicted of any felony within the last
21 5 years where such conviction will impair the person's
22 ability to engage in the position for which a license is
23 sought;

24 (b) any person convicted of a violation of Article 28

1 of the Criminal Code of 1961 or the Criminal Code of 2012
2 who has not been sufficiently rehabilitated following the
3 conviction;

4 (c) any person who has had a bingo, pull tabs and jar
5 games, or charitable games license revoked by the
6 Department;

7 (d) any person who is or has been a professional
8 gambler;

9 (d-1) any person found gambling in a manner not
10 authorized by this Act, the Illinois Pull Tabs and Jar
11 Games Act, or the Bingo License and Tax Act participating
12 in such gambling, or knowingly permitting such gambling on
13 premises where an authorized charitable games event is
14 authorized to be conducted or has been conducted;

15 (e) any organization in which a person defined in (a),
16 (b), (c), (d), or (d-1) has a proprietary, equitable, or
17 credit interest, or in which the person is active or
18 employed;

19 (f) any organization in which a person defined in (a),
20 (b), (c), (d), or (d-1) is an officer, director, or
21 employee, whether compensated or not;

22 (g) any organization in which a person defined in (a),
23 (b), (c), (d), or (d-1) is to participate in the management
24 or operation of charitable games.

25 The Illinois ~~Department of~~ State Police shall provide the
26 criminal background of any person requested by the Department

1 of Revenue.

2 (Source: P.A. 100-286, eff. 1-1-18.)

3 (230 ILCS 30/14) (from Ch. 120, par. 1134)

4 Sec. 14. (a) There is hereby created the Illinois Gaming
5 Law Enforcement Fund, a special fund in the State Treasury.

6 (b) The General Assembly shall appropriate two-thirds of
7 the monies in such fund to the Department of Revenue, Illinois
8 ~~Department of~~ State Police and the Office of the Attorney
9 General for State law enforcement purposes. The remaining
10 one-third of the monies in such fund shall be appropriated to
11 the Department of Revenue for the purpose of distribution in
12 the form of grants to counties or municipalities for law
13 enforcement purposes.

14 The amount of a grant to counties or municipalities shall
15 bear the same ratio to the total amount of grants made as the
16 number of licenses issued in counties or municipalities bears
17 to the total number of licenses issued in the State. In
18 computing the number of licenses issued in a county, licenses
19 issued for locations within a municipality's boundaries shall
20 be excluded.

21 (c) (Blank).

22 (Source: P.A. 90-372, eff. 7-1-98.)

23 Section 720. The Video Gaming Act is amended by changing
24 Section 45 as follows:

1 (230 ILCS 40/45)

2 Sec. 45. Issuance of license.

3 (a) The burden is upon each applicant to demonstrate his
4 suitability for licensure. Each video gaming terminal
5 manufacturer, distributor, supplier, operator, handler,
6 licensed establishment, licensed truck stop establishment,
7 licensed large truck stop establishment, licensed fraternal
8 establishment, and licensed veterans establishment shall be
9 licensed by the Board. The Board may issue or deny a license
10 under this Act to any person pursuant to the same criteria set
11 forth in Section 9 of the Illinois Gambling Act.

12 (a-5) The Board shall not grant a license to a person who
13 has facilitated, enabled, or participated in the use of
14 coin-operated devices for gambling purposes or who is under the
15 significant influence or control of such a person. For the
16 purposes of this Act, "facilitated, enabled, or participated in
17 the use of coin-operated amusement devices for gambling
18 purposes" means that the person has been convicted of any
19 violation of Article 28 of the Criminal Code of 1961 or the
20 Criminal Code of 2012. If there is pending legal action against
21 a person for any such violation, then the Board shall delay the
22 licensure of that person until the legal action is resolved.

23 (b) Each person seeking and possessing a license as a video
24 gaming terminal manufacturer, distributor, supplier, operator,
25 handler, licensed establishment, licensed truck stop

1 establishment, licensed large truck stop establishment,
2 licensed fraternal establishment, or licensed veterans
3 establishment shall submit to a background investigation
4 conducted by the Board with the assistance of the Illinois
5 State Police or other law enforcement. To the extent that the
6 corporate structure of the applicant allows, the background
7 investigation shall include any or all of the following as the
8 Board deems appropriate or as provided by rule for each
9 category of licensure: (i) each beneficiary of a trust, (ii)
10 each partner of a partnership, (iii) each member of a limited
11 liability company, (iv) each director and officer of a publicly
12 or non-publicly held corporation, (v) each stockholder of a
13 non-publicly held corporation, (vi) each stockholder of 5% or
14 more of a publicly held corporation, or (vii) each stockholder
15 of 5% or more in a parent or subsidiary corporation.

16 (c) Each person seeking and possessing a license as a video
17 gaming terminal manufacturer, distributor, supplier, operator,
18 handler, licensed establishment, licensed truck stop
19 establishment, licensed large truck stop establishment,
20 licensed fraternal establishment, or licensed veterans
21 establishment shall disclose the identity of every person,
22 association, trust, corporation, or limited liability company
23 having a greater than 1% direct or indirect pecuniary interest
24 in the video gaming terminal operation for which the license is
25 sought. If the disclosed entity is a trust, the application
26 shall disclose the names and addresses of the beneficiaries; if

1 a corporation, the names and addresses of all stockholders and
2 directors; if a limited liability company, the names and
3 addresses of all members; or if a partnership, the names and
4 addresses of all partners, both general and limited.

5 (d) No person may be licensed as a video gaming terminal
6 manufacturer, distributor, supplier, operator, handler,
7 licensed establishment, licensed truck stop establishment,
8 licensed large truck stop establishment, licensed fraternal
9 establishment, or licensed veterans establishment if that
10 person has been found by the Board to:

11 (1) have a background, including a criminal record,
12 reputation, habits, social or business associations, or
13 prior activities that pose a threat to the public interests
14 of the State or to the security and integrity of video
15 gaming;

16 (2) create or enhance the dangers of unsuitable,
17 unfair, or illegal practices, methods, and activities in
18 the conduct of video gaming; or

19 (3) present questionable business practices and
20 financial arrangements incidental to the conduct of video
21 gaming activities.

22 (e) Any applicant for any license under this Act has the
23 burden of proving his or her qualifications to the satisfaction
24 of the Board. The Board may adopt rules to establish additional
25 qualifications and requirements to preserve the integrity and
26 security of video gaming in this State.

1 (f) A non-refundable application fee shall be paid at the
2 time an application for a license is filed with the Board in
3 the following amounts:

- 4 (1) Manufacturer \$5,000
- 5 (2) Distributor..... \$5,000
- 6 (3) Terminal operator..... \$5,000
- 7 (4) Supplier \$2,500
- 8 (5) Technician \$100
- 9 (6) Terminal Handler \$100
- 10 (7) Licensed establishment, licensed truck stop
11 establishment, licensed large truck stop establishment,
12 licensed fraternal establishment, or licensed
13 veterans establishment \$100

14 (g) The Board shall establish an annual fee for each
15 license not to exceed the following:

- 16 (1) Manufacturer \$10,000
- 17 (2) Distributor..... \$10,000
- 18 (3) Terminal operator..... \$5,000
- 19 (4) Supplier \$2,000
- 20 (5) Technician \$100
- 21 (6) Licensed establishment, licensed truck stop
22 establishment, licensed large truck stop establishment,
23 licensed fraternal establishment, or licensed
24 veterans establishment \$100
- 25 (7) Video gaming terminal..... \$100
- 26 (8) Terminal Handler \$100

1 (h) A terminal operator and a licensed establishment,
2 licensed truck stop establishment, licensed large truck stop
3 establishment, licensed fraternal establishment, or licensed
4 veterans establishment shall equally split the fees specified
5 in item (7) of subsection (g).

6 (Source: P.A. 100-1152, eff. 12-14-18; 101-31, eff. 6-28-19.)

7 Section 725. The Sports Wagering Act is amended by changing
8 Section 25-20 as follows:

9 (230 ILCS 45/25-20)

10 Sec. 25-20. Licenses required.

11 (a) No person may engage in any activity in connection with
12 sports wagering in this State unless all necessary licenses
13 have been obtained in accordance with this Act and the rules of
14 the Board and the Department. The following licenses shall be
15 issued under this Act:

16 (1) master sports wagering license;

17 (2) occupational license;

18 (3) supplier license;

19 (4) management services provider license;

20 (5) tier 2 official league data provider license; and

21 (6) central system provider license.

22 No person or entity may engage in a sports wagering
23 operation or activity without first obtaining the appropriate
24 license.

1 (b) An applicant for a license issued under this Act shall
2 submit an application to the Board in the form the Board
3 requires. The applicant shall submit fingerprints for a
4 national criminal records check by the Illinois ~~Department of~~
5 State Police and the Federal Bureau of Investigation. The
6 fingerprints shall be furnished by the applicant's owners,
7 officers, and directors (if a corporation), managers and
8 members (if a limited liability company), and partners (if a
9 partnership). The fingerprints shall be accompanied by a signed
10 authorization for the release of information by the Federal
11 Bureau of Investigation. The Board may require additional
12 background checks on licensees when they apply for license
13 renewal, and an applicant convicted of a disqualifying offense
14 shall not be licensed.

15 (c) Each master sports wagering licensee shall display the
16 license conspicuously in the licensee's place of business or
17 have the license available for inspection by an agent of the
18 Board or a law enforcement agency.

19 (d) Each holder of an occupational license shall carry the
20 license and have some indicia of licensure prominently
21 displayed on his or her person when present in a gaming
22 facility licensed under this Act at all times, in accordance
23 with the rules of the Board.

24 (e) Each person licensed under this Act shall give the
25 Board written notice within 30 days after a material change to
26 information provided in the licensee's application for a

1 license or renewal.

2 (Source: P.A. 101-31, eff. 6-28-19; 101-597, eff. 12-6-19.)

3 Section 730. The Liquor Control Act of 1934 is amended by
4 changing Sections 4-7 and 10-1 as follows:

5 (235 ILCS 5/4-7) (from Ch. 43, par. 114a)

6 Sec. 4-7. The local liquor control commissioner shall have
7 the right to require fingerprints of any applicant for a local
8 license or for a renewal thereof other than an applicant who is
9 an air carrier operating under a certificate or a foreign air
10 permit issued pursuant to the Federal Aviation Act of 1958.
11 Each applicant shall submit his or her fingerprints to the
12 Illinois Department ~~of State Police~~ in the form and manner
13 prescribed by the Illinois Department ~~of State Police~~. These
14 fingerprints shall be checked against the fingerprint records
15 now and hereafter filed in the Illinois Department ~~of State~~
16 Police and Federal Bureau of Investigation criminal history
17 records databases. The Illinois Department ~~of State Police~~
18 shall charge a fee for conducting the criminal history records
19 check, which shall be deposited in the State Police Services
20 Fund and shall not exceed the actual cost of the records check.
21 The Illinois Department ~~of State Police~~ shall furnish pursuant
22 to positive identification, records of conviction to the local
23 liquor control commissioner. For purposes of obtaining
24 fingerprints under this Section, the local liquor commissioner

1 shall collect a fee and forward the fee to the appropriate
2 policing body who shall submit the fingerprints and the fee to
3 the Illinois ~~Department of~~ State Police.

4 (Source: P.A. 93-418, eff. 1-1-04.)

5 (235 ILCS 5/10-1) (from Ch. 43, par. 183)

6 Sec. 10-1. Violations; penalties. Whereas a substantial
7 threat to the sound and careful control, regulation, and
8 taxation of the manufacture, sale, and distribution of
9 alcoholic liquors exists by virtue of individuals who
10 manufacture, import, distribute, or sell alcoholic liquors
11 within the State without having first obtained a valid license
12 to do so, and whereas such threat is especially serious along
13 the borders of this State, and whereas such threat requires
14 immediate correction by this Act, by active investigation and
15 prosecution by the State Commission, law enforcement
16 officials, and prosecutors, and by prompt and strict
17 enforcement through the courts of this State to punish
18 violators and to deter such conduct in the future:

19 (a) Any person who manufactures, imports for distribution
20 or use, transports from outside this State into this State, or
21 distributes or sells 108 liters (28.53 gallons) or more of
22 wine, 45 liters (11.88 gallons) or more of distilled spirits,
23 or 118 liters (31.17 gallons) or more of beer at any place
24 within the State without having first obtained a valid license
25 to do so under the provisions of this Act shall be guilty of a

1 Class 4 felony for each offense. However, any person who was
2 duly licensed under this Act and whose license expired within
3 30 days prior to a violation shall be guilty of a business
4 offense and fined not more than \$1,000 for the first such
5 offense and shall be guilty of a Class 4 felony for each
6 subsequent offense.

7 Any person who manufactures, imports for distribution,
8 transports from outside this State into this State for sale or
9 resale in this State, or distributes or sells less than 108
10 liters (28.53 gallons) of wine, less than 45 liters (11.88
11 gallons) of distilled spirits, or less than 118 liters (31.17
12 gallons) of beer at any place within the State without having
13 first obtained a valid license to do so under the provisions of
14 this Act shall be guilty of a business offense and fined not
15 more than \$1,000 for the first such offense and shall be guilty
16 of a Class 4 felony for each subsequent offense. This
17 subsection does not apply to a motor carrier or freight
18 forwarder, as defined in Section 13102 of Title 49 of the
19 United States Code, an air carrier, as defined in Section 40102
20 of Title 49 of the United States Code, or a rail carrier, as
21 defined in Section 10102 of Title 49 of the United States Code.

22 Any person who: (1) has been issued an initial cease and
23 desist notice from the State Commission; and (2) for
24 compensation, does any of the following: (i) ships alcoholic
25 liquor into this State without a license authorized by Section
26 5-1 issued by the State Commission or in violation of that

1 license; or (ii) manufactures, imports for distribution,
2 transports from outside this State into this State for sale or
3 resale in this State, or distributes or sells alcoholic liquors
4 at any place without having first obtained a valid license to
5 do so is guilty of a Class 4 felony for each offense.

6 (b) (1) Any retailer, caterer retailer, brew pub, special
7 event retailer, special use permit holder, homebrewer special
8 event permit holder, or craft distiller tasting permit holder
9 who knowingly causes alcoholic liquors to be imported directly
10 into the State of Illinois from outside of the State for the
11 purpose of furnishing, giving, or selling to another, except
12 when having received the product from a duly licensed
13 distributor or importing distributor, shall have his license
14 suspended for 30 days for the first offense and for the second
15 offense, shall have his license revoked by the Commission.

16 (2) In the event the State Commission receives a certified
17 copy of a final order from a foreign jurisdiction that an
18 Illinois retail licensee has been found to have violated that
19 foreign jurisdiction's laws, rules, or regulations concerning
20 the importation of alcoholic liquor into that foreign
21 jurisdiction, the violation may be grounds for the State
22 Commission to revoke, suspend, or refuse to issue or renew a
23 license, to impose a fine, or to take any additional action
24 provided by this Act with respect to the Illinois retail
25 license or licensee. Any such action on the part of the State
26 Commission shall be in accordance with this Act and

1 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 Director of the Illinois State Police under
21 Section 2605-10, 2605-15, 2605-51, 2605-52, 2605-75,
22 ~~2605-100, 2605-105, 2605-110, 2605-115, 2605-120,~~
23 ~~2605-130, 2605-140,~~ 2605-190, 2605-200, 2605-205,
24 2605-210, 2605-215, 2605-250, 2605-275, ~~2605-300,~~
25 2605-305, 2605-315, 2605-325, 2605-335, 2605-340,
26 2605-350, 2605-355, 2605-360, 2605-365, 2605-375,

1 ~~2605-390,~~ 2605-400, 2605-405, 2605-420, 2605-430,
2 2605-435, ~~2605-500,~~ 2605-525, or 2605-550 of the Illinois
3 ~~Department of State Police Law (20 ILCS 2605/2605-10,~~
4 ~~2605/2605-15, 2605/2605-75, 2605/2605-100, 2605/2605-105,~~
5 ~~2605/2605-110, 2605/2605-115, 2605/2605-120,~~
6 ~~2605/2605-130, 2605/2605-140, 2605/2605-190,~~
7 ~~2605/2605-200, 2605/2605-205, 2605/2605-210,~~
8 ~~2605/2605-215, 2605/2605-250, 2605/2605-275,~~
9 ~~2605/2605-300, 2605/2605-305, 2605/2605-315,~~
10 ~~2605/2605-325, 2605/2605-335, 2605/2605-340,~~
11 ~~2605/2605-350, 2605/2605-355, 2605/2605-360,~~
12 ~~2605/2605-365, 2605/2605-375, 2605/2605-390,~~
13 ~~2605/2605-400, 2605/2605-405, 2605/2605-420,~~
14 ~~2605/2605-430, 2605/2605-435, 2605/2605-500,~~
15 ~~2605/2605-525, or 2605/2605-550); or~~

16 (3) In cities over 1,000,000, the Superintendent of
17 Police.

18 (Source: P.A. 101-37, eff. 7-3-19.)

19 Section 735. The Illinois Public Aid Code is amended by
20 changing Sections 8A-7, 9A-11.5, 10-3.4, and 12-4.25 as
21 follows:

22 (305 ILCS 5/8A-7) (from Ch. 23, par. 8A-7)

23 Sec. 8A-7. Civil Remedies. (a) A person who receives
24 financial aid by means of a false statement, willful

1 misrepresentation or by his failure to notify the county
2 department or local governmental unit, as the case may be, of a
3 change in his status as required by Sections 11-18 and 11-19,
4 for the purpose of preventing the denial, cancellation or
5 suspension of his grant, or a variation in the amount thereof,
6 or by other fraudulent device, or a person who knowingly aids
7 or abets any person in obtaining financial aid for which he is
8 not eligible, shall be answerable to the county department or
9 the local governmental unit, as the case may be, for refunding
10 the entire amount of aid received. If the refund is not made,
11 it shall be recoverable in a civil action from the person who
12 received the aid, or from anyone who willfully aided such
13 person to obtain the aid. If an act which would be unlawful
14 under Section 8A-2 is proven, the court may as a penalty assess
15 an additional sum of money, not to exceed the entire amount of
16 aid provided, against the recipient or against any person who
17 willfully aided the recipient. If assessed, the penalty shall
18 be included in any judgment entered for the aid received, and
19 paid to the county department or the local governmental unit,
20 as the case may be. Upon entry of the judgment a lien shall
21 attach to all property and assets of such person until the
22 judgment is satisfied.

23 (b) Any person, firm, corporation, association, agency,
24 institution or other legal entity, other than an individual
25 recipient, that willfully, by means of a false statement or
26 representation, or by concealment of any material fact or by

1 other fraudulent scheme or device on behalf of himself or
2 others, obtains or attempts to obtain benefits or payments
3 under this Code to which he or it is not entitled, or in a
4 greater amount than that to which he or it is entitled, shall
5 be liable for repayment of any excess benefits or payments
6 received and, in addition to any other penalties provided by
7 law, civil penalties consisting of (1) the interest on the
8 amount of excess benefits or payments at the maximum legal rate
9 in effect on the date the payment was made to such person,
10 firm, corporation, association, agency, institution or other
11 legal entity for the period from the date upon which payment
12 was made to the date upon which repayment is made to the State,
13 (2) an amount not to exceed 3 times the amount of such excess
14 benefits or payments, and (3) the sum of \$2,000 for each
15 excessive claim for benefits or payments. Upon entry of a
16 judgment for repayment of any excess benefits or payments, or
17 for any civil penalties assessed by the court, a lien shall
18 attach to all property and assets of such person, firm,
19 corporation, association, agency, institution or other legal
20 entity until the judgment is satisfied.

21 (c) Civil recoveries provided for in this Section may be
22 recoverable in court proceedings initiated by the Attorney
23 General or, in actions involving a local governmental unit, by
24 the State's Attorney.

25 (d) Any person who commits the offense of vendor fraud or
26 recipient fraud as defined in Section 8A-2 and Section 8A-3 of

1 this Article shall forfeit, according to the provisions of this
2 subsection, any monies, profits or proceeds, and any interest
3 or property which the sentencing court determines he has
4 acquired or maintained, directly or indirectly, in whole or in
5 part as a result of such offense. Such person shall also
6 forfeit any interest in, securities of, claim against, or
7 contractual right of any kind which affords him a source of
8 influence over, any enterprise which he has established,
9 operated, controlled, conducted, or participated in
10 conducting, where his relationship to or connection with any
11 such thing or activity directly or indirectly, in whole or in
12 part, is traceable to any thing or benefit which he has
13 obtained or acquired through vendor fraud or recipient fraud.

14 Proceedings instituted pursuant to this subsection shall
15 be subject to and conducted in accordance with the following
16 procedures:

17 (1) The sentencing court shall, upon petition by the
18 Attorney General or State's Attorney at any time following
19 sentencing, conduct a hearing to determine whether any property
20 or property interest is subject to forfeiture under this
21 subsection. At the forfeiture hearing the People shall have the
22 burden of establishing, by a preponderance of the evidence,
23 that the property or property interests are subject to such
24 forfeiture.

25 (2) In any action brought by the People of the State of
26 Illinois under this Section, in which any restraining order,

1 injunction or prohibition or any other action in connection
2 with any property or interest subject to forfeiture under this
3 subsection is sought, the circuit court presiding over the
4 trial of the person charged with recipient fraud or vendor
5 fraud as defined in Sections 8A-2 or 8A-3 of this Article shall
6 first determine whether there is probable cause to believe that
7 the person so charged has committed the offense of recipient
8 fraud or vendor fraud and whether the property or interest is
9 subject to forfeiture under this subsection. To make such a
10 determination, prior to entering any such order, the court
11 shall conduct a hearing without a jury, at which the People
12 shall establish that there is (i) probable cause that the
13 person so charged has committed the offense of recipient fraud
14 or vendor fraud and (ii) probable cause that any property or
15 interest may be subject to forfeiture pursuant to this
16 subsection. Such hearing may be conducted simultaneously with a
17 preliminary hearing, if the prosecution is commenced by
18 information or complaint, or by motion of the People at any
19 stage in the proceedings. The court may accept a finding of
20 probable cause at a preliminary hearing following the filing of
21 an information charging the offense of recipient fraud or
22 vendor fraud as defined in Sections 8A-2 or 8A-3 or the return
23 of an indictment by a grand jury charging the offense of
24 recipient fraud or vendor fraud as defined in Sections 8A-2 or
25 8A-3 of this Article as sufficient evidence of probable cause
26 as provided in item (i) above. Upon such a finding, the circuit

1 court shall enter such restraining order, injunction or
2 prohibition, or shall take such other action in connection with
3 any such property or other interest subject to forfeiture under
4 this Act as is necessary to insure that such property is not
5 removed from the jurisdiction of the court, concealed,
6 destroyed or otherwise disposed of by the owner of that
7 property or interest prior to a forfeiture hearing under this
8 subsection. The Attorney General or State's Attorney shall file
9 a certified copy of such restraining order, injunction or other
10 prohibition with the recorder of deeds or registrar of titles
11 of each county where any such property of the defendant may be
12 located. No such injunction, restraining order or other
13 prohibition shall affect the rights of any bonafide purchaser,
14 mortgagee, judgement creditor or other lien holder arising
15 prior to the date of such filing. The court may, at any time,
16 upon verified petition by the defendant, conduct a hearing to
17 determine whether all or portions of any such property or
18 interest which the court previously determined to be subject to
19 forfeiture or subject to any restraining order, injunction, or
20 prohibition or other action, should be released. The court may
21 in its discretion release such property to the defendant for
22 good cause shown.

23 (3) Upon conviction of a person under this Article, the
24 court shall authorize the Director of the Illinois ~~Department~~
25 ~~of~~ State Police to seize all property or other interest
26 declared forfeited under this subsection upon such terms and

1 conditions as the court shall deem proper.

2 (4) The Director of the Illinois ~~Department of~~ State Police
3 is authorized to sell all property forfeited and seized
4 pursuant to this subsection, unless such property is required
5 by law to be destroyed or is harmful to the public. After the
6 deduction of all requisite expenses of administration and sale,
7 the court shall order the Director to distribute to the
8 Illinois Department an amount from the proceeds of the
9 forfeited property, or monies forfeited or seized, which will
10 satisfy any unsatisfied court order of restitution entered
11 pursuant to a conviction under this Article. If the proceeds
12 are less than the amount necessary to satisfy the order of
13 restitution, the Director shall distribute to the Illinois
14 Department the entire amount of the remaining proceeds. The
15 Director shall distribute any remaining proceeds of such sale,
16 along with any monies forfeited or seized, in accordance with
17 the following schedules:

18 (a) 25% shall be distributed to the unit of local
19 government whose officers or employees conducted the
20 investigation into recipient fraud or vendor fraud and caused
21 the arrest or arrests and prosecution leading to the
22 forfeiture. Amounts distributed to units of local government
23 shall be used solely for enforcement matters relating to
24 detection, investigation or prosecution of recipient fraud or
25 vendor fraud as defined in Section 8A-2 or 8A-3 of this
26 Article. Where the investigation, arrest or arrests leading to

1 the prosecution and forfeiture is undertaken solely by the
2 Illinois ~~Department of~~ State Police, the portion provided
3 hereunder shall be paid into the Medicaid Fraud and Abuse
4 Prevention Fund, which is hereby created in the State treasury.
5 Monies from this fund shall be used by the Illinois ~~Department~~
6 ~~of~~ State Police for the furtherance of enforcement matters
7 relating to detection, investigation or prosecution of
8 recipient fraud or vendor fraud. Monies directed to this fund
9 shall be used in addition to, and not as a substitute for,
10 funds annually appropriated to the Illinois ~~Department of~~ State
11 Police for medicaid fraud enforcement.

12 (b) 25% shall be distributed to the county in which the
13 prosecution and petition for forfeiture resulting in the
14 forfeiture was instituted, and deposited in a special fund in
15 the county treasury and appropriated to the State's Attorney
16 for use solely in enforcement matters relating to detection,
17 investigation or prosecution of recipient fraud or vendor
18 fraud; however, if the Attorney General brought the prosecution
19 resulting in the forfeiture, the portion provided hereunder
20 shall be paid into the Medicaid Fraud and Abuse Prevention
21 Fund, to be used by the Medicaid Fraud Control Unit of the
22 Illinois ~~Department of~~ State Police for enforcement matters
23 relating to detection, investigation or prosecution of
24 recipient fraud or vendor fraud. Where the Attorney General and
25 a State's Attorney have jointly participated in any portion of
26 the proceedings, 12.5% shall be distributed to the county in

1 which the prosecution resulting in the forfeiture was
2 instituted, and used as specified herein, and 12.5% shall be
3 paid into the Medicaid Fraud and Abuse Prevention Fund, and
4 used as specified herein.

5 (c) 50% shall be transmitted to the State Treasurer for
6 deposit in the General Revenue Fund.

7 (Source: P.A. 85-707.)

8 (305 ILCS 5/9A-11.5)

9 Sec. 9A-11.5. Investigate child care providers.

10 (a) Any child care provider receiving funds from the child
11 care assistance program under this Code who is not required to
12 be licensed under the Child Care Act of 1969 shall, as a
13 condition of eligibility to participate in the child care
14 assistance program under this Code, authorize in writing on a
15 form prescribed by the Department of Children and Family
16 Services, periodic investigations of the Central Register, as
17 defined in the Abused and Neglected Child Reporting Act, to
18 ascertain if the child care provider has been determined to be
19 a perpetrator in an indicated report of child abuse or neglect.
20 The Department of Children and Family Services shall conduct an
21 investigation of the Central Register at the request of the
22 Department.

23 (b) Any child care provider, other than a relative of the
24 child, receiving funds from the child care assistance program
25 under this Code who is not required to be licensed under the

1 Child Care Act of 1969 shall, as a condition of eligibility to
2 participate in the child care assistance program under this
3 Code, authorize in writing a State and Federal Bureau of
4 Investigation fingerprint-based criminal history record check
5 to determine if the child care provider has ever been convicted
6 of a crime with respect to which the conviction has not been
7 overturned and the criminal records have not been sealed or
8 expunged. Upon this authorization, the Department shall
9 request and receive information and assistance from any federal
10 or State governmental agency as part of the authorized criminal
11 history record check. The Illinois ~~Department of~~ State Police
12 shall provide information concerning any conviction that has
13 not been overturned and with respect to which the criminal
14 records have not been sealed or expunged, whether the
15 conviction occurred before or on or after the effective date of
16 this amendatory Act of the 96th General Assembly, of a child
17 care provider upon the request of the Department when the
18 request is made in the form and manner required by the Illinois
19 ~~Department of~~ State Police. The Illinois ~~Department of~~ State
20 Police shall charge a fee not to exceed the cost of processing
21 the criminal history record check. The fee is to be deposited
22 into the State Police Services Fund. Any information concerning
23 convictions that have not been overturned and with respect to
24 which the criminal records have not been sealed or expunged
25 obtained by the Department is confidential and may not be
26 transmitted (i) outside the Department except as required in

1 this Section or (ii) to anyone within the Department except as
2 needed for the purposes of determining participation in the
3 child care assistance program. A copy of the criminal history
4 record check obtained from the Illinois ~~Department of~~ State
5 Police shall be provided to the unlicensed child care provider.

6 (c) The Department shall by rule set standards for
7 determining when to disqualify an unlicensed child care
8 provider for payment because (i) there is an indicated finding
9 against the provider based on the results of the Central
10 Register search or (ii) there is a disqualifying criminal
11 charge pending against the provider or the provider has a
12 disqualifying criminal conviction that has not been overturned
13 and with respect to which the criminal records have not been
14 expunged or sealed based on the results of the
15 fingerprint-based Illinois ~~Department of~~ State Police and
16 Federal Bureau of Investigation criminal history record check.
17 In determining whether to disqualify an unlicensed child care
18 provider for payment under this subsection, the Department
19 shall consider the nature and gravity of any offense or
20 offenses; the time that has passed since the offense or
21 offenses or the completion of the criminal sentence or both;
22 and the relationship of the offense or offenses to the
23 responsibilities of the child care provider.

24 (Source: P.A. 96-632, eff. 8-24-09.)

1 Sec. 10-3.4. Obtaining location information.

2 (a) The Illinois Department shall enter into agreements
3 with the Illinois ~~Department of~~ State Police and the Secretary
4 of State to obtain location information on persons for the
5 purpose of establishing paternity, and establishing,
6 modifying, and enforcing child support obligations.

7 (b) Upon request, the Illinois Department shall provide
8 information obtained pursuant to this Section to federal
9 agencies and other states' agencies conducting child support
10 enforcement activities under Title IV, Part D of the Social
11 Security Act.

12 (Source: P.A. 90-18, eff. 7-1-97.)

13 (305 ILCS 5/12-4.25) (from Ch. 23, par. 12-4.25)

14 Sec. 12-4.25. Medical assistance program; vendor
15 participation.

16 (A) The Illinois Department may deny, suspend, or terminate
17 the eligibility of any person, firm, corporation, association,
18 agency, institution or other legal entity to participate as a
19 vendor of goods or services to recipients under the medical
20 assistance program under Article V, or may exclude any such
21 person or entity from participation as such a vendor, and may
22 deny, suspend, or recover payments, if after reasonable notice
23 and opportunity for a hearing the Illinois Department finds:

24 (a) Such vendor is not complying with the Department's
25 policy or rules and regulations, or with the terms and

1 conditions prescribed by the Illinois Department in its
2 vendor agreement, which document shall be developed by the
3 Department as a result of negotiations with each vendor
4 category, including physicians, hospitals, long term care
5 facilities, pharmacists, optometrists, podiatric
6 physicians, and dentists setting forth the terms and
7 conditions applicable to the participation of each vendor
8 group in the program; or

9 (b) Such vendor has failed to keep or make available
10 for inspection, audit or copying, after receiving a written
11 request from the Illinois Department, such records
12 regarding payments claimed for providing services. This
13 section does not require vendors to make available patient
14 records of patients for whom services are not reimbursed
15 under this Code; or

16 (c) Such vendor has failed to furnish any information
17 requested by the Department regarding payments for
18 providing goods or services; or

19 (d) Such vendor has knowingly made, or caused to be
20 made, any false statement or representation of a material
21 fact in connection with the administration of the medical
22 assistance program; or

23 (e) Such vendor has furnished goods or services to a
24 recipient which are (1) in excess of need, (2) harmful, or
25 (3) of grossly inferior quality, all of such determinations
26 to be based upon competent medical judgment and

1 evaluations; or

2 (f) The vendor; a person with management
3 responsibility for a vendor; an officer or person owning,
4 either directly or indirectly, 5% or more of the shares of
5 stock or other evidences of ownership in a corporate
6 vendor; an owner of a sole proprietorship which is a
7 vendor; or a partner in a partnership which is a vendor,
8 either:

9 (1) was previously terminated, suspended, or
10 excluded from participation in the Illinois medical
11 assistance program, or was terminated, suspended, or
12 excluded from participation in another state or
13 federal medical assistance or health care program; or

14 (2) was a person with management responsibility
15 for a vendor previously terminated, suspended, or
16 excluded from participation in the Illinois medical
17 assistance program, or terminated, suspended, or
18 excluded from participation in another state or
19 federal medical assistance or health care program
20 during the time of conduct which was the basis for that
21 vendor's termination, suspension, or exclusion; or

22 (3) was an officer, or person owning, either
23 directly or indirectly, 5% or more of the shares of
24 stock or other evidences of ownership in a corporate or
25 limited liability company vendor previously
26 terminated, suspended, or excluded from participation

1 in the Illinois medical assistance program, or
2 terminated, suspended, or excluded from participation
3 in a state or federal medical assistance or health care
4 program during the time of conduct which was the basis
5 for that vendor's termination, suspension, or
6 exclusion; or

7 (4) was an owner of a sole proprietorship or
8 partner of a partnership previously terminated,
9 suspended, or excluded from participation in the
10 Illinois medical assistance program, or terminated,
11 suspended, or excluded from participation in a state or
12 federal medical assistance or health care program
13 during the time of conduct which was the basis for that
14 vendor's termination, suspension, or exclusion; or

15 (f-1) Such vendor has a delinquent debt owed to the
16 Illinois Department; or

17 (g) The vendor; a person with management
18 responsibility for a vendor; an officer or person owning,
19 either directly or indirectly, 5% or more of the shares of
20 stock or other evidences of ownership in a corporate or
21 limited liability company vendor; an owner of a sole
22 proprietorship which is a vendor; or a partner in a
23 partnership which is a vendor, either:

24 (1) has engaged in practices prohibited by
25 applicable federal or State law or regulation; or

26 (2) was a person with management responsibility

1 for a vendor at the time that such vendor engaged in
2 practices prohibited by applicable federal or State
3 law or regulation; or

4 (3) was an officer, or person owning, either
5 directly or indirectly, 5% or more of the shares of
6 stock or other evidences of ownership in a vendor at
7 the time such vendor engaged in practices prohibited by
8 applicable federal or State law or regulation; or

9 (4) was an owner of a sole proprietorship or
10 partner of a partnership which was a vendor at the time
11 such vendor engaged in practices prohibited by
12 applicable federal or State law or regulation; or

13 (h) The direct or indirect ownership of the vendor
14 (including the ownership of a vendor that is a sole
15 proprietorship, a partner's interest in a vendor that is a
16 partnership, or ownership of 5% or more of the shares of
17 stock or other evidences of ownership in a corporate
18 vendor) has been transferred by an individual who is
19 terminated, suspended, or excluded or barred from
20 participating as a vendor to the individual's spouse,
21 child, brother, sister, parent, grandparent, grandchild,
22 uncle, aunt, niece, nephew, cousin, or relative by
23 marriage.

24 (A-5) The Illinois Department may deny, suspend, or
25 terminate the eligibility of any person, firm, corporation,
26 association, agency, institution, or other legal entity to

1 participate as a vendor of goods or services to recipients
2 under the medical assistance program under Article V, or may
3 exclude any such person or entity from participation as such a
4 vendor, if, after reasonable notice and opportunity for a
5 hearing, the Illinois Department finds that the vendor; a
6 person with management responsibility for a vendor; an officer
7 or person owning, either directly or indirectly, 5% or more of
8 the shares of stock or other evidences of ownership in a
9 corporate vendor; an owner of a sole proprietorship that is a
10 vendor; or a partner in a partnership that is a vendor has been
11 convicted of an offense based on fraud or willful
12 misrepresentation related to any of the following:

13 (1) The medical assistance program under Article V of
14 this Code.

15 (2) A medical assistance or health care program in
16 another state.

17 (3) The Medicare program under Title XVIII of the
18 Social Security Act.

19 (4) The provision of health care services.

20 (5) A violation of this Code, as provided in Article
21 VIIIA, or another state or federal medical assistance
22 program or health care program.

23 (A-10) The Illinois Department may deny, suspend, or
24 terminate the eligibility of any person, firm, corporation,
25 association, agency, institution, or other legal entity to
26 participate as a vendor of goods or services to recipients

1 under the medical assistance program under Article V, or may
2 exclude any such person or entity from participation as such a
3 vendor, if, after reasonable notice and opportunity for a
4 hearing, the Illinois Department finds that (i) the vendor,
5 (ii) a person with management responsibility for a vendor,
6 (iii) an officer or person owning, either directly or
7 indirectly, 5% or more of the shares of stock or other
8 evidences of ownership in a corporate vendor, (iv) an owner of
9 a sole proprietorship that is a vendor, or (v) a partner in a
10 partnership that is a vendor has been convicted of an offense
11 related to any of the following:

12 (1) Murder.

13 (2) A Class X felony under the Criminal Code of 1961 or
14 the Criminal Code of 2012.

15 (3) Sexual misconduct that may subject recipients to an
16 undue risk of harm.

17 (4) A criminal offense that may subject recipients to
18 an undue risk of harm.

19 (5) A crime of fraud or dishonesty.

20 (6) A crime involving a controlled substance.

21 (7) A misdemeanor relating to fraud, theft,
22 embezzlement, breach of fiduciary responsibility, or other
23 financial misconduct related to a health care program.

24 (A-15) The Illinois Department may deny the eligibility of
25 any person, firm, corporation, association, agency,
26 institution, or other legal entity to participate as a vendor

1 of goods or services to recipients under the medical assistance
2 program under Article V if, after reasonable notice and
3 opportunity for a hearing, the Illinois Department finds:

4 (1) The applicant or any person with management
5 responsibility for the applicant; an officer or member of
6 the board of directors of an applicant; an entity owning
7 (directly or indirectly) 5% or more of the shares of stock
8 or other evidences of ownership in a corporate vendor
9 applicant; an owner of a sole proprietorship applicant; a
10 partner in a partnership applicant; or a technical or other
11 advisor to an applicant has a debt owed to the Illinois
12 Department, and no payment arrangements acceptable to the
13 Illinois Department have been made by the applicant.

14 (2) The applicant or any person with management
15 responsibility for the applicant; an officer or member of
16 the board of directors of an applicant; an entity owning
17 (directly or indirectly) 5% or more of the shares of stock
18 or other evidences of ownership in a corporate vendor
19 applicant; an owner of a sole proprietorship applicant; a
20 partner in a partnership vendor applicant; or a technical
21 or other advisor to an applicant was (i) a person with
22 management responsibility, (ii) an officer or member of the
23 board of directors of an applicant, (iii) an entity owning
24 (directly or indirectly) 5% or more of the shares of stock
25 or other evidences of ownership in a corporate vendor, (iv)
26 an owner of a sole proprietorship, (v) a partner in a

1 partnership vendor, (vi) a technical or other advisor to a
2 vendor, during a period of time where the conduct of that
3 vendor resulted in a debt owed to the Illinois Department,
4 and no payment arrangements acceptable to the Illinois
5 Department have been made by that vendor.

6 (3) There is a credible allegation of the use,
7 transfer, or lease of assets of any kind to an applicant
8 from a current or prior vendor who has a debt owed to the
9 Illinois Department, no payment arrangements acceptable to
10 the Illinois Department have been made by that vendor or
11 the vendor's alternate payee, and the applicant knows or
12 should have known of such debt.

13 (4) There is a credible allegation of a transfer of
14 management responsibilities, or direct or indirect
15 ownership, to an applicant from a current or prior vendor
16 who has a debt owed to the Illinois Department, and no
17 payment arrangements acceptable to the Illinois Department
18 have been made by that vendor or the vendor's alternate
19 payee, and the applicant knows or should have known of such
20 debt.

21 (5) There is a credible allegation of the use,
22 transfer, or lease of assets of any kind to an applicant
23 who is a spouse, child, brother, sister, parent,
24 grandparent, grandchild, uncle, aunt, niece, relative by
25 marriage, nephew, cousin, or relative of a current or prior
26 vendor who has a debt owed to the Illinois Department and

1 no payment arrangements acceptable to the Illinois
2 Department have been made.

3 (6) There is a credible allegation that the applicant's
4 previous affiliations with a provider of medical services
5 that has an uncollected debt, a provider that has been or
6 is subject to a payment suspension under a federal health
7 care program, or a provider that has been previously
8 excluded from participation in the medical assistance
9 program, poses a risk of fraud, waste, or abuse to the
10 Illinois Department.

11 As used in this subsection, "credible allegation" is
12 defined to include an allegation from any source, including,
13 but not limited to, fraud hotline complaints, claims data
14 mining, patterns identified through provider audits, civil
15 actions filed under the Illinois False Claims Act, and law
16 enforcement investigations. An allegation is considered to be
17 credible when it has indicia of reliability.

18 (B) The Illinois Department shall deny, suspend or
19 terminate the eligibility of any person, firm, corporation,
20 association, agency, institution or other legal entity to
21 participate as a vendor of goods or services to recipients
22 under the medical assistance program under Article V, or may
23 exclude any such person or entity from participation as such a
24 vendor:

25 (1) immediately, if such vendor is not properly
26 licensed, certified, or authorized;

1 (2) within 30 days of the date when such vendor's
2 professional license, certification or other authorization
3 has been refused renewal, restricted, revoked, suspended,
4 or otherwise terminated; or

5 (3) if such vendor has been convicted of a violation of
6 this Code, as provided in Article VIII A.

7 (C) Upon termination, suspension, or exclusion of a vendor
8 of goods or services from participation in the medical
9 assistance program authorized by this Article, a person with
10 management responsibility for such vendor during the time of
11 any conduct which served as the basis for that vendor's
12 termination, suspension, or exclusion is barred from
13 participation in the medical assistance program.

14 Upon termination, suspension, or exclusion of a corporate
15 vendor, the officers and persons owning, directly or
16 indirectly, 5% or more of the shares of stock or other
17 evidences of ownership in the vendor during the time of any
18 conduct which served as the basis for that vendor's
19 termination, suspension, or exclusion are barred from
20 participation in the medical assistance program. A person who
21 owns, directly or indirectly, 5% or more of the shares of stock
22 or other evidences of ownership in a terminated, suspended, or
23 excluded vendor may not transfer his or her ownership interest
24 in that vendor to his or her spouse, child, brother, sister,
25 parent, grandparent, grandchild, uncle, aunt, niece, nephew,
26 cousin, or relative by marriage.

1 Upon termination, suspension, or exclusion of a sole
2 proprietorship or partnership, the owner or partners during the
3 time of any conduct which served as the basis for that vendor's
4 termination, suspension, or exclusion are barred from
5 participation in the medical assistance program. The owner of a
6 terminated, suspended, or excluded vendor that is a sole
7 proprietorship, and a partner in a terminated, suspended, or
8 excluded vendor that is a partnership, may not transfer his or
9 her ownership or partnership interest in that vendor to his or
10 her spouse, child, brother, sister, parent, grandparent,
11 grandchild, uncle, aunt, niece, nephew, cousin, or relative by
12 marriage.

13 A person who owns, directly or indirectly, 5% or more of
14 the shares of stock or other evidences of ownership in a
15 corporate or limited liability company vendor who owes a debt
16 to the Department, if that vendor has not made payment
17 arrangements acceptable to the Department, shall not transfer
18 his or her ownership interest in that vendor, or vendor assets
19 of any kind, to his or her spouse, child, brother, sister,
20 parent, grandparent, grandchild, uncle, aunt, niece, nephew,
21 cousin, or relative by marriage.

22 Rules adopted by the Illinois Department to implement these
23 provisions shall specifically include a definition of the term
24 "management responsibility" as used in this Section. Such
25 definition shall include, but not be limited to, typical job
26 titles, and duties and descriptions which will be considered as

1 within the definition of individuals with management
2 responsibility for a provider.

3 A vendor or a prior vendor who has been terminated,
4 excluded, or suspended from the medical assistance program, or
5 from another state or federal medical assistance or health care
6 program, and any individual currently or previously barred from
7 the medical assistance program, or from another state or
8 federal medical assistance or health care program, as a result
9 of being an officer or a person owning, directly or indirectly,
10 5% or more of the shares of stock or other evidences of
11 ownership in a corporate or limited liability company vendor
12 during the time of any conduct which served as the basis for
13 that vendor's termination, suspension, or exclusion, may be
14 required to post a surety bond as part of a condition of
15 enrollment or participation in the medical assistance program.
16 The Illinois Department shall establish, by rule, the criteria
17 and requirements for determining when a surety bond must be
18 posted and the value of the bond.

19 A vendor or a prior vendor who has a debt owed to the
20 Illinois Department and any individual currently or previously
21 barred from the medical assistance program, or from another
22 state or federal medical assistance or health care program, as
23 a result of being an officer or a person owning, directly or
24 indirectly, 5% or more of the shares of stock or other
25 evidences of ownership in that corporate or limited liability
26 company vendor during the time of any conduct which served as

1 the basis for the debt, may be required to post a surety bond
2 as part of a condition of enrollment or participation in the
3 medical assistance program. The Illinois Department shall
4 establish, by rule, the criteria and requirements for
5 determining when a surety bond must be posted and the value of
6 the bond.

7 (D) If a vendor has been suspended from the medical
8 assistance program under Article V of the Code, the Director
9 may require that such vendor correct any deficiencies which
10 served as the basis for the suspension. The Director shall
11 specify in the suspension order a specific period of time,
12 which shall not exceed one year from the date of the order,
13 during which a suspended vendor shall not be eligible to
14 participate. At the conclusion of the period of suspension the
15 Director shall reinstate such vendor, unless he finds that such
16 vendor has not corrected deficiencies upon which the suspension
17 was based.

18 If a vendor has been terminated, suspended, or excluded
19 from the medical assistance program under Article V, such
20 vendor shall be barred from participation for at least one
21 year, except that if a vendor has been terminated, suspended,
22 or excluded based on a conviction of a violation of Article
23 VIII A or a conviction of a felony based on fraud or a willful
24 misrepresentation related to (i) the medical assistance
25 program under Article V, (ii) a federal or another state's
26 medical assistance or health care program, or (iii) the

1 provision of health care services, then the vendor shall be
2 barred from participation for 5 years or for the length of the
3 vendor's sentence for that conviction, whichever is longer. At
4 the end of one year a vendor who has been terminated,
5 suspended, or excluded may apply for reinstatement to the
6 program. Upon proper application to be reinstated such vendor
7 may be deemed eligible by the Director providing that such
8 vendor meets the requirements for eligibility under this Code.
9 If such vendor is deemed not eligible for reinstatement, he
10 shall be barred from again applying for reinstatement for one
11 year from the date his application for reinstatement is denied.

12 A vendor whose termination, suspension, or exclusion from
13 participation in the Illinois medical assistance program under
14 Article V was based solely on an action by a governmental
15 entity other than the Illinois Department may, upon
16 reinstatement by that governmental entity or upon reversal of
17 the termination, suspension, or exclusion, apply for
18 rescission of the termination, suspension, or exclusion from
19 participation in the Illinois medical assistance program. Upon
20 proper application for rescission, the vendor may be deemed
21 eligible by the Director if the vendor meets the requirements
22 for eligibility under this Code.

23 If a vendor has been terminated, suspended, or excluded and
24 reinstated to the medical assistance program under Article V
25 and the vendor is terminated, suspended, or excluded a second
26 or subsequent time from the medical assistance program, the

1 vendor shall be barred from participation for at least 2 years,
2 except that if a vendor has been terminated, suspended, or
3 excluded a second time based on a conviction of a violation of
4 Article VIII A or a conviction of a felony based on fraud or a
5 willful misrepresentation related to (i) the medical
6 assistance program under Article V, (ii) a federal or another
7 state's medical assistance or health care program, or (iii) the
8 provision of health care services, then the vendor shall be
9 barred from participation for life. At the end of 2 years, a
10 vendor who has been terminated, suspended, or excluded may
11 apply for reinstatement to the program. Upon application to be
12 reinstated, the vendor may be deemed eligible if the vendor
13 meets the requirements for eligibility under this Code. If the
14 vendor is deemed not eligible for reinstatement, the vendor
15 shall be barred from again applying for reinstatement for 2
16 years from the date the vendor's application for reinstatement
17 is denied.

18 (E) The Illinois Department may recover money improperly or
19 erroneously paid, or overpayments, either by setoff, crediting
20 against future billings or by requiring direct repayment to the
21 Illinois Department. The Illinois Department may suspend or
22 deny payment, in whole or in part, if such payment would be
23 improper or erroneous or would otherwise result in overpayment.

24 (1) Payments may be suspended, denied, or recovered
25 from a vendor or alternate payee: (i) for services rendered
26 in violation of the Illinois Department's provider

1 notices, statutes, rules, and regulations; (ii) for
2 services rendered in violation of the terms and conditions
3 prescribed by the Illinois Department in its vendor
4 agreement; (iii) for any vendor who fails to grant the
5 Office of Inspector General timely access to full and
6 complete records, including, but not limited to, records
7 relating to recipients under the medical assistance
8 program for the most recent 6 years, in accordance with
9 Section 140.28 of Title 89 of the Illinois Administrative
10 Code, and other information for the purpose of audits,
11 investigations, or other program integrity functions,
12 after reasonable written request by the Inspector General;
13 this subsection (E) does not require vendors to make
14 available the medical records of patients for whom services
15 are not reimbursed under this Code or to provide access to
16 medical records more than 6 years old; (iv) when the vendor
17 has knowingly made, or caused to be made, any false
18 statement or representation of a material fact in
19 connection with the administration of the medical
20 assistance program; or (v) when the vendor previously
21 rendered services while terminated, suspended, or excluded
22 from participation in the medical assistance program or
23 while terminated or excluded from participation in another
24 state or federal medical assistance or health care program.

25 (2) Notwithstanding any other provision of law, if a
26 vendor has the same taxpayer identification number

1 (assigned under Section 6109 of the Internal Revenue Code
2 of 1986) as is assigned to a vendor with past-due financial
3 obligations to the Illinois Department, the Illinois
4 Department may make any necessary adjustments to payments
5 to that vendor in order to satisfy any past-due
6 obligations, regardless of whether the vendor is assigned a
7 different billing number under the medical assistance
8 program.

9 (E-5) Civil monetary penalties.

10 (1) As used in this subsection (E-5):

11 (a) "Knowingly" means that a person, with respect
12 to information: (i) has actual knowledge of the
13 information; (ii) acts in deliberate ignorance of the
14 truth or falsity of the information; or (iii) acts in
15 reckless disregard of the truth or falsity of the
16 information. No proof of specific intent to defraud is
17 required.

18 (b) "Overpayment" means any funds that a person
19 receives or retains from the medical assistance
20 program to which the person, after applicable
21 reconciliation, is not entitled under this Code.

22 (c) "Remuneration" means the offer or transfer of
23 items or services for free or for other than fair
24 market value by a person; however, remuneration does
25 not include items or services of a nominal value of no
26 more than \$10 per item or service, or \$50 in the

1 aggregate on an annual basis, or any other offer or
2 transfer of items or services as determined by the
3 Department.

4 (d) "Should know" means that a person, with respect
5 to information: (i) acts in deliberate ignorance of the
6 truth or falsity of the information; or (ii) acts in
7 reckless disregard of the truth or falsity of the
8 information. No proof of specific intent to defraud is
9 required.

10 (2) Any person (including a vendor, provider,
11 organization, agency, or other entity, or an alternate
12 payee thereof, but excluding a recipient) who:

13 (a) knowingly presents or causes to be presented to
14 an officer, employee, or agent of the State, a claim
15 that the Department determines:

16 (i) is for a medical or other item or service
17 that the person knows or should know was not
18 provided as claimed, including any person who
19 engages in a pattern or practice of presenting or
20 causing to be presented a claim for an item or
21 service that is based on a code that the person
22 knows or should know will result in a greater
23 payment to the person than the code the person
24 knows or should know is applicable to the item or
25 service actually provided;

26 (ii) is for a medical or other item or service

1 and the person knows or should know that the claim
2 is false or fraudulent;

3 (iii) is presented for a vendor physician's
4 service, or an item or service incident to a vendor
5 physician's service, by a person who knows or
6 should know that the individual who furnished, or
7 supervised the furnishing of, the service:

8 (AA) was not licensed as a physician;

9 (BB) was licensed as a physician but such
10 license had been obtained through a
11 misrepresentation of material fact (including
12 cheating on an examination required for
13 licensing); or

14 (CC) represented to the patient at the
15 time the service was furnished that the
16 physician was certified in a medical specialty
17 by a medical specialty board, when the
18 individual was not so certified;

19 (iv) is for a medical or other item or service
20 furnished during a period in which the person was
21 excluded from the medical assistance program or a
22 federal or state health care program under which
23 the claim was made pursuant to applicable law; or

24 (v) is for a pattern of medical or other items
25 or services that a person knows or should know are
26 not medically necessary;

1 (b) knowingly presents or causes to be presented to
2 any person a request for payment which is in violation
3 of the conditions for receipt of vendor payments under
4 the medical assistance program under Section 11-13 of
5 this Code;

6 (c) knowingly gives or causes to be given to any
7 person, with respect to medical assistance program
8 coverage of inpatient hospital services, information
9 that he or she knows or should know is false or
10 misleading, and that could reasonably be expected to
11 influence the decision when to discharge such person or
12 other individual from the hospital;

13 (d) in the case of a person who is not an
14 organization, agency, or other entity, is excluded
15 from participating in the medical assistance program
16 or a federal or state health care program and who, at
17 the time of a violation of this subsection (E-5):

18 (i) retains a direct or indirect ownership or
19 control interest in an entity that is
20 participating in the medical assistance program or
21 a federal or state health care program, and who
22 knows or should know of the action constituting the
23 basis for the exclusion; or

24 (ii) is an officer or managing employee of such
25 an entity;

26 (e) offers or transfers remuneration to any

1 individual eligible for benefits under the medical
2 assistance program that such person knows or should
3 know is likely to influence such individual to order or
4 receive from a particular vendor, provider,
5 practitioner, or supplier any item or service for which
6 payment may be made, in whole or in part, under the
7 medical assistance program;

8 (f) arranges or contracts (by employment or
9 otherwise) with an individual or entity that the person
10 knows or should know is excluded from participation in
11 the medical assistance program or a federal or state
12 health care program, for the provision of items or
13 services for which payment may be made under such a
14 program;

15 (g) commits an act described in subsection (b) or
16 (c) of Section 8A-3;

17 (h) knowingly makes, uses, or causes to be made or
18 used, a false record or statement material to a false
19 or fraudulent claim for payment for items and services
20 furnished under the medical assistance program;

21 (i) fails to grant timely access, upon reasonable
22 request (as defined by the Department by rule), to the
23 Inspector General, for the purpose of audits,
24 investigations, evaluations, or other statutory
25 functions of the Inspector General of the Department;

26 (j) orders or prescribes a medical or other item or

1 service during a period in which the person was
2 excluded from the medical assistance program or a
3 federal or state health care program, in the case where
4 the person knows or should know that a claim for such
5 medical or other item or service will be made under
6 such a program;

7 (k) knowingly makes or causes to be made any false
8 statement, omission, or misrepresentation of a
9 material fact in any application, bid, or contract to
10 participate or enroll as a vendor or provider of
11 services or a supplier under the medical assistance
12 program;

13 (l) knows of an overpayment and does not report and
14 return the overpayment to the Department in accordance
15 with paragraph (6);

16 shall be subject, in addition to any other penalties that
17 may be prescribed by law, to a civil money penalty of not
18 more than \$10,000 for each item or service (or, in cases
19 under subparagraph (c), \$15,000 for each individual with
20 respect to whom false or misleading information was given;
21 in cases under subparagraph (d), \$10,000 for each day the
22 prohibited relationship occurs; in cases under
23 subparagraph (g), \$50,000 for each such act; in cases under
24 subparagraph (h), \$50,000 for each false record or
25 statement; in cases under subparagraph (i), \$15,000 for
26 each day of the failure described in such subparagraph; or

1 in cases under subparagraph (k), \$50,000 for each false
2 statement, omission, or misrepresentation of a material
3 fact). In addition, such a person shall be subject to an
4 assessment of not more than 3 times the amount claimed for
5 each such item or service in lieu of damages sustained by
6 the State because of such claim (or, in cases under
7 subparagraph (g), damages of not more than 3 times the
8 total amount of remuneration offered, paid, solicited, or
9 received, without regard to whether a portion of such
10 remuneration was offered, paid, solicited, or received for
11 a lawful purpose; or in cases under subparagraph (k), an
12 assessment of not more than 3 times the total amount
13 claimed for each item or service for which payment was made
14 based upon the application, bid, or contract containing the
15 false statement, omission, or misrepresentation of a
16 material fact).

17 (3) In addition, the Director or his or her designee
18 may make a determination in the same proceeding to exclude,
19 terminate, suspend, or bar the person from participation in
20 the medical assistance program.

21 (4) The Illinois Department may seek the civil monetary
22 penalties and exclusion, termination, suspension, or
23 barment identified in this subsection (E-5). Prior to the
24 imposition of any penalties or sanctions, the affected
25 person shall be afforded an opportunity for a hearing after
26 reasonable notice. The Department shall establish hearing

1 procedures by rule.

2 (5) Any final order, decision, or other determination
3 made, issued, or executed by the Director under the
4 provisions of this subsection (E-5), whereby a person is
5 aggrieved, shall be subject to review in accordance with
6 the provisions of the Administrative Review Law, and the
7 rules adopted pursuant thereto, which shall apply to and
8 govern all proceedings for the judicial review of final
9 administrative decisions of the Director.

10 (6) (a) If a person has received an overpayment, the
11 person shall:

12 (i) report and return the overpayment to the
13 Department at the correct address; and

14 (ii) notify the Department in writing of the reason
15 for the overpayment.

16 (b) An overpayment must be reported and returned under
17 subparagraph (a) by the later of:

18 (i) the date which is 60 days after the date on
19 which the overpayment was identified; or

20 (ii) the date any corresponding cost report is due,
21 if applicable.

22 (E-10) A vendor who disputes an overpayment identified as
23 part of a Department audit shall utilize the Department's
24 self-referral disclosure protocol as set forth under this Code
25 to identify, investigate, and return to the Department any
26 undisputed audit overpayment amount. Unless the disputed

1 overpayment amount is subject to a fraud payment suspension, or
2 involves a termination sanction, the Department shall defer the
3 recovery of the disputed overpayment amount up to one year
4 after the date of the Department's final audit determination,
5 or earlier, or as required by State or federal law. If the
6 administrative hearing extends beyond one year, and such delay
7 was not caused by the request of the vendor, then the
8 Department shall not recover the disputed overpayment amount
9 until the date of the final administrative decision. If a final
10 administrative decision establishes that the disputed
11 overpayment amount is owed to the Department, then the amount
12 shall be immediately due to the Department. The Department
13 shall be entitled to recover interest from the vendor on the
14 overpayment amount from the date of the overpayment through the
15 date the vendor returns the overpayment to the Department at a
16 rate not to exceed the Wall Street Journal Prime Rate, as
17 published from time to time, but not to exceed 5%. Any interest
18 billed by the Department shall be due immediately upon receipt
19 of the Department's billing statement.

20 (F) The Illinois Department may withhold payments to any
21 vendor or alternate payee prior to or during the pendency of
22 any audit or proceeding under this Section, and through the
23 pendency of any administrative appeal or administrative review
24 by any court proceeding. The Illinois Department shall state by
25 rule with as much specificity as practicable the conditions
26 under which payments will not be withheld under this Section.

1 Payments may be denied for bills submitted with service dates
2 occurring during the pendency of a proceeding, after a final
3 decision has been rendered, or after the conclusion of any
4 administrative appeal, where the final administrative decision
5 is to terminate, exclude, or suspend eligibility to participate
6 in the medical assistance program. The Illinois Department
7 shall state by rule with as much specificity as practicable the
8 conditions under which payments will not be denied for such
9 bills. The Illinois Department shall state by rule a process
10 and criteria by which a vendor or alternate payee may request
11 full or partial release of payments withheld under this
12 subsection. The Department must complete a proceeding under
13 this Section in a timely manner.

14 Notwithstanding recovery allowed under subsection (E) or
15 this subsection (F), the Illinois Department may withhold
16 payments to any vendor or alternate payee who is not properly
17 licensed, certified, or in compliance with State or federal
18 agency regulations. Payments may be denied for bills submitted
19 with service dates occurring during the period of time that a
20 vendor is not properly licensed, certified, or in compliance
21 with State or federal regulations. Facilities licensed under
22 the Nursing Home Care Act shall have payments denied or
23 withheld pursuant to subsection (I) of this Section.

24 (F-5) The Illinois Department may temporarily withhold
25 payments to a vendor or alternate payee if any of the following
26 individuals have been indicted or otherwise charged under a law

1 of the United States or this or any other state with an offense
2 that is based on alleged fraud or willful misrepresentation on
3 the part of the individual related to (i) the medical
4 assistance program under Article V of this Code, (ii) a federal
5 or another state's medical assistance or health care program,
6 or (iii) the provision of health care services:

7 (1) If the vendor or alternate payee is a corporation:
8 an officer of the corporation or an individual who owns,
9 either directly or indirectly, 5% or more of the shares of
10 stock or other evidence of ownership of the corporation.

11 (2) If the vendor is a sole proprietorship: the owner
12 of the sole proprietorship.

13 (3) If the vendor or alternate payee is a partnership:
14 a partner in the partnership.

15 (4) If the vendor or alternate payee is any other
16 business entity authorized by law to transact business in
17 this State: an officer of the entity or an individual who
18 owns, either directly or indirectly, 5% or more of the
19 evidences of ownership of the entity.

20 If the Illinois Department withholds payments to a vendor
21 or alternate payee under this subsection, the Department shall
22 not release those payments to the vendor or alternate payee
23 while any criminal proceeding related to the indictment or
24 charge is pending unless the Department determines that there
25 is good cause to release the payments before completion of the
26 proceeding. If the indictment or charge results in the

1 individual's conviction, the Illinois Department shall retain
2 all withheld payments, which shall be considered forfeited to
3 the Department. If the indictment or charge does not result in
4 the individual's conviction, the Illinois Department shall
5 release to the vendor or alternate payee all withheld payments.

6 (F-10) If the Illinois Department establishes that the
7 vendor or alternate payee owes a debt to the Illinois
8 Department, and the vendor or alternate payee subsequently
9 fails to pay or make satisfactory payment arrangements with the
10 Illinois Department for the debt owed, the Illinois Department
11 may seek all remedies available under the law of this State to
12 recover the debt, including, but not limited to, wage
13 garnishment or the filing of claims or liens against the vendor
14 or alternate payee.

15 (F-15) Enforcement of judgment.

16 (1) Any fine, recovery amount, other sanction, or costs
17 imposed, or part of any fine, recovery amount, other
18 sanction, or cost imposed, remaining unpaid after the
19 exhaustion of or the failure to exhaust judicial review
20 procedures under the Illinois Administrative Review Law is
21 a debt due and owing the State and may be collected using
22 all remedies available under the law.

23 (2) After expiration of the period in which judicial
24 review under the Illinois Administrative Review Law may be
25 sought for a final administrative decision, unless stayed
26 by a court of competent jurisdiction, the findings,

1 decision, and order of the Director may be enforced in the
2 same manner as a judgment entered by a court of competent
3 jurisdiction.

4 (3) In any case in which any person or entity has
5 failed to comply with a judgment ordering or imposing any
6 fine or other sanction, any expenses incurred by the
7 Illinois Department to enforce the judgment, including,
8 but not limited to, attorney's fees, court costs, and costs
9 related to property demolition or foreclosure, after they
10 are fixed by a court of competent jurisdiction or the
11 Director, shall be a debt due and owing the State and may
12 be collected in accordance with applicable law. Prior to
13 any expenses being fixed by a final administrative decision
14 pursuant to this subsection (F-15), the Illinois
15 Department shall provide notice to the individual or entity
16 that states that the individual or entity shall appear at a
17 hearing before the administrative hearing officer to
18 determine whether the individual or entity has failed to
19 comply with the judgment. The notice shall set the date for
20 such a hearing, which shall not be less than 7 days from
21 the date that notice is served. If notice is served by
22 mail, the 7-day period shall begin to run on the date that
23 the notice was deposited in the mail.

24 (4) Upon being recorded in the manner required by
25 Article XII of the Code of Civil Procedure or by the
26 Uniform Commercial Code, a lien shall be imposed on the

1 real estate or personal estate, or both, of the individual
2 or entity in the amount of any debt due and owing the State
3 under this Section. The lien may be enforced in the same
4 manner as a judgment of a court of competent jurisdiction.
5 A lien shall attach to all property and assets of such
6 person, firm, corporation, association, agency,
7 institution, or other legal entity until the judgment is
8 satisfied.

9 (5) The Director may set aside any judgment entered by
10 default and set a new hearing date upon a petition filed at
11 any time (i) if the petitioner's failure to appear at the
12 hearing was for good cause, or (ii) if the petitioner
13 established that the Department did not provide proper
14 service of process. If any judgment is set aside pursuant
15 to this paragraph (5), the hearing officer shall have
16 authority to enter an order extinguishing any lien which
17 has been recorded for any debt due and owing the Illinois
18 Department as a result of the vacated default judgment.

19 (G) The provisions of the Administrative Review Law, as now
20 or hereafter amended, and the rules adopted pursuant thereto,
21 shall apply to and govern all proceedings for the judicial
22 review of final administrative decisions of the Illinois
23 Department under this Section. The term "administrative
24 decision" is defined as in Section 3-101 of the Code of Civil
25 Procedure.

26 (G-5) Vendors who pose a risk of fraud, waste, abuse, or

1 harm.

2 (1) Notwithstanding any other provision in this
3 Section, the Department may terminate, suspend, or exclude
4 vendors who pose a risk of fraud, waste, abuse, or harm
5 from participation in the medical assistance program prior
6 to an evidentiary hearing but after reasonable notice and
7 opportunity to respond as established by the Department by
8 rule.

9 (2) Vendors who pose a risk of fraud, waste, abuse, or
10 harm shall submit to a fingerprint-based criminal
11 background check on current and future information
12 available in the State system and current information
13 available through the Federal Bureau of Investigation's
14 system by submitting all necessary fees and information in
15 the form and manner prescribed by the Illinois Department
16 ~~of~~ State Police. The following individuals shall be subject
17 to the check:

18 (A) In the case of a vendor that is a corporation,
19 every shareholder who owns, directly or indirectly, 5%
20 or more of the outstanding shares of the corporation.

21 (B) In the case of a vendor that is a partnership,
22 every partner.

23 (C) In the case of a vendor that is a sole
24 proprietorship, the sole proprietor.

25 (D) Each officer or manager of the vendor.

26 Each such vendor shall be responsible for payment of

1 the cost of the criminal background check.

2 (3) Vendors who pose a risk of fraud, waste, abuse, or
3 harm may be required to post a surety bond. The Department
4 shall establish, by rule, the criteria and requirements for
5 determining when a surety bond must be posted and the value
6 of the bond.

7 (4) The Department, or its agents, may refuse to accept
8 requests for authorization from specific vendors who pose a
9 risk of fraud, waste, abuse, or harm, including
10 prior-approval and post-approval requests, if:

11 (A) the Department has initiated a notice of
12 termination, suspension, or exclusion of the vendor
13 from participation in the medical assistance program;
14 or

15 (B) the Department has issued notification of its
16 withholding of payments pursuant to subsection (F-5)
17 of this Section; or

18 (C) the Department has issued a notification of its
19 withholding of payments due to reliable evidence of
20 fraud or willful misrepresentation pending
21 investigation.

22 (5) As used in this subsection, the following terms are
23 defined as follows:

24 (A) "Fraud" means an intentional deception or
25 misrepresentation made by a person with the knowledge
26 that the deception could result in some unauthorized

1 benefit to himself or herself or some other person. It
2 includes any act that constitutes fraud under
3 applicable federal or State law.

4 (B) "Abuse" means provider practices that are
5 inconsistent with sound fiscal, business, or medical
6 practices and that result in an unnecessary cost to the
7 medical assistance program or in reimbursement for
8 services that are not medically necessary or that fail
9 to meet professionally recognized standards for health
10 care. It also includes recipient practices that result
11 in unnecessary cost to the medical assistance program.
12 Abuse does not include diagnostic or therapeutic
13 measures conducted primarily as a safeguard against
14 possible vendor liability.

15 (C) "Waste" means the unintentional misuse of
16 medical assistance resources, resulting in unnecessary
17 cost to the medical assistance program. Waste does not
18 include diagnostic or therapeutic measures conducted
19 primarily as a safeguard against possible vendor
20 liability.

21 (D) "Harm" means physical, mental, or monetary
22 damage to recipients or to the medical assistance
23 program.

24 (G-6) The Illinois Department, upon making a determination
25 based upon information in the possession of the Illinois
26 Department that continuation of participation in the medical

1 assistance program by a vendor would constitute an immediate
2 danger to the public, may immediately suspend such vendor's
3 participation in the medical assistance program without a
4 hearing. In instances in which the Illinois Department
5 immediately suspends the medical assistance program
6 participation of a vendor under this Section, a hearing upon
7 the vendor's participation must be convened by the Illinois
8 Department within 15 days after such suspension and completed
9 without appreciable delay. Such hearing shall be held to
10 determine whether to recommend to the Director that the
11 vendor's medical assistance program participation be denied,
12 terminated, suspended, placed on provisional status, or
13 reinstated. In the hearing, any evidence relevant to the vendor
14 constituting an immediate danger to the public may be
15 introduced against such vendor; provided, however, that the
16 vendor, or his or her counsel, shall have the opportunity to
17 discredit, impeach, and submit evidence rebutting such
18 evidence.

19 (H) Nothing contained in this Code shall in any way limit
20 or otherwise impair the authority or power of any State agency
21 responsible for licensing of vendors.

22 (I) Based on a finding of noncompliance on the part of a
23 nursing home with any requirement for certification under Title
24 XVIII or XIX of the Social Security Act (42 U.S.C. Sec. 1395 et
25 seq. or 42 U.S.C. Sec. 1396 et seq.), the Illinois Department
26 may impose one or more of the following remedies after notice

1 to the facility:

2 (1) Termination of the provider agreement.

3 (2) Temporary management.

4 (3) Denial of payment for new admissions.

5 (4) Civil money penalties.

6 (5) Closure of the facility in emergency situations or
7 transfer of residents, or both.

8 (6) State monitoring.

9 (7) Denial of all payments when the U.S. Department of
10 Health and Human Services has imposed this sanction.

11 The Illinois Department shall by rule establish criteria
12 governing continued payments to a nursing facility subsequent
13 to termination of the facility's provider agreement if, in the
14 sole discretion of the Illinois Department, circumstances
15 affecting the health, safety, and welfare of the facility's
16 residents require those continued payments. The Illinois
17 Department may condition those continued payments on the
18 appointment of temporary management, sale of the facility to
19 new owners or operators, or other arrangements that the
20 Illinois Department determines best serve the needs of the
21 facility's residents.

22 Except in the case of a facility that has a right to a
23 hearing on the finding of noncompliance before an agency of the
24 federal government, a facility may request a hearing before a
25 State agency on any finding of noncompliance within 60 days
26 after the notice of the intent to impose a remedy. Except in

1 the case of civil money penalties, a request for a hearing
2 shall not delay imposition of the penalty. The choice of
3 remedies is not appealable at a hearing. The level of
4 noncompliance may be challenged only in the case of a civil
5 money penalty. The Illinois Department shall provide by rule
6 for the State agency that will conduct the evidentiary
7 hearings.

8 The Illinois Department may collect interest on unpaid
9 civil money penalties.

10 The Illinois Department may adopt all rules necessary to
11 implement this subsection (I).

12 (J) The Illinois Department, by rule, may permit individual
13 practitioners to designate that Department payments that may be
14 due the practitioner be made to an alternate payee or alternate
15 payees.

16 (a) Such alternate payee or alternate payees shall be
17 required to register as an alternate payee in the Medical
18 Assistance Program with the Illinois Department.

19 (b) If a practitioner designates an alternate payee,
20 the alternate payee and practitioner shall be jointly and
21 severally liable to the Department for payments made to the
22 alternate payee. Pursuant to subsection (E) of this
23 Section, any Department action to suspend or deny payment
24 or recover money or overpayments from an alternate payee
25 shall be subject to an administrative hearing.

26 (c) Registration as an alternate payee or alternate

1 payees in the Illinois Medical Assistance Program shall be
2 conditional. At any time, the Illinois Department may deny
3 or cancel any alternate payee's registration in the
4 Illinois Medical Assistance Program without cause. Any
5 such denial or cancellation is not subject to an
6 administrative hearing.

7 (d) The Illinois Department may seek a revocation of
8 any alternate payee, and all owners, officers, and
9 individuals with management responsibility for such
10 alternate payee shall be permanently prohibited from
11 participating as an owner, an officer, or an individual
12 with management responsibility with an alternate payee in
13 the Illinois Medical Assistance Program, if after
14 reasonable notice and opportunity for a hearing the
15 Illinois Department finds that:

16 (1) the alternate payee is not complying with the
17 Department's policy or rules and regulations, or with
18 the terms and conditions prescribed by the Illinois
19 Department in its alternate payee registration
20 agreement; or

21 (2) the alternate payee has failed to keep or make
22 available for inspection, audit, or copying, after
23 receiving a written request from the Illinois
24 Department, such records regarding payments claimed as
25 an alternate payee; or

26 (3) the alternate payee has failed to furnish any

1 information requested by the Illinois Department
2 regarding payments claimed as an alternate payee; or

3 (4) the alternate payee has knowingly made, or
4 caused to be made, any false statement or
5 representation of a material fact in connection with
6 the administration of the Illinois Medical Assistance
7 Program; or

8 (5) the alternate payee, a person with management
9 responsibility for an alternate payee, an officer or
10 person owning, either directly or indirectly, 5% or
11 more of the shares of stock or other evidences of
12 ownership in a corporate alternate payee, or a partner
13 in a partnership which is an alternate payee:

14 (a) was previously terminated, suspended, or
15 excluded from participation as a vendor in the
16 Illinois Medical Assistance Program, or was
17 previously revoked as an alternate payee in the
18 Illinois Medical Assistance Program, or was
19 terminated, suspended, or excluded from
20 participation as a vendor in a medical assistance
21 program in another state that is of the same kind
22 as the program of medical assistance provided
23 under Article V of this Code; or

24 (b) was a person with management
25 responsibility for a vendor previously terminated,
26 suspended, or excluded from participation as a

1 vendor in the Illinois Medical Assistance Program,
2 or was previously revoked as an alternate payee in
3 the Illinois Medical Assistance Program, or was
4 terminated, suspended, or excluded from
5 participation as a vendor in a medical assistance
6 program in another state that is of the same kind
7 as the program of medical assistance provided
8 under Article V of this Code, during the time of
9 conduct which was the basis for that vendor's
10 termination, suspension, or exclusion or alternate
11 payee's revocation; or

12 (c) was an officer, or person owning, either
13 directly or indirectly, 5% or more of the shares of
14 stock or other evidences of ownership in a
15 corporate vendor previously terminated, suspended,
16 or excluded from participation as a vendor in the
17 Illinois Medical Assistance Program, or was
18 previously revoked as an alternate payee in the
19 Illinois Medical Assistance Program, or was
20 terminated, suspended, or excluded from
21 participation as a vendor in a medical assistance
22 program in another state that is of the same kind
23 as the program of medical assistance provided
24 under Article V of this Code, during the time of
25 conduct which was the basis for that vendor's
26 termination, suspension, or exclusion; or

1 (d) was an owner of a sole proprietorship or
2 partner in a partnership previously terminated,
3 suspended, or excluded from participation as a
4 vendor in the Illinois Medical Assistance Program,
5 or was previously revoked as an alternate payee in
6 the Illinois Medical Assistance Program, or was
7 terminated, suspended, or excluded from
8 participation as a vendor in a medical assistance
9 program in another state that is of the same kind
10 as the program of medical assistance provided
11 under Article V of this Code, during the time of
12 conduct which was the basis for that vendor's
13 termination, suspension, or exclusion or alternate
14 payee's revocation; or

15 (6) the alternate payee, a person with management
16 responsibility for an alternate payee, an officer or
17 person owning, either directly or indirectly, 5% or
18 more of the shares of stock or other evidences of
19 ownership in a corporate alternate payee, or a partner
20 in a partnership which is an alternate payee:

21 (a) has engaged in conduct prohibited by
22 applicable federal or State law or regulation
23 relating to the Illinois Medical Assistance
24 Program; or

25 (b) was a person with management
26 responsibility for a vendor or alternate payee at

1 the time that the vendor or alternate payee engaged
2 in practices prohibited by applicable federal or
3 State law or regulation relating to the Illinois
4 Medical Assistance Program; or

5 (c) was an officer, or person owning, either
6 directly or indirectly, 5% or more of the shares of
7 stock or other evidences of ownership in a vendor
8 or alternate payee at the time such vendor or
9 alternate payee engaged in practices prohibited by
10 applicable federal or State law or regulation
11 relating to the Illinois Medical Assistance
12 Program; or

13 (d) was an owner of a sole proprietorship or
14 partner in a partnership which was a vendor or
15 alternate payee at the time such vendor or
16 alternate payee engaged in practices prohibited by
17 applicable federal or State law or regulation
18 relating to the Illinois Medical Assistance
19 Program; or

20 (7) the direct or indirect ownership of the vendor
21 or alternate payee (including the ownership of a vendor
22 or alternate payee that is a partner's interest in a
23 vendor or alternate payee, or ownership of 5% or more
24 of the shares of stock or other evidences of ownership
25 in a corporate vendor or alternate payee) has been
26 transferred by an individual who is terminated,

1 suspended, or excluded or barred from participating as
2 a vendor or is prohibited or revoked as an alternate
3 payee to the individual's spouse, child, brother,
4 sister, parent, grandparent, grandchild, uncle, aunt,
5 niece, nephew, cousin, or relative by marriage.

6 (K) The Illinois Department of Healthcare and Family
7 Services may withhold payments, in whole or in part, to a
8 provider or alternate payee where there is credible evidence,
9 received from State or federal law enforcement or federal
10 oversight agencies or from the results of a preliminary
11 Department audit, that the circumstances giving rise to the
12 need for a withholding of payments may involve fraud or willful
13 misrepresentation under the Illinois Medical Assistance
14 program. The Department shall by rule define what constitutes
15 "credible" evidence for purposes of this subsection. The
16 Department may withhold payments without first notifying the
17 provider or alternate payee of its intention to withhold such
18 payments. A provider or alternate payee may request a
19 reconsideration of payment withholding, and the Department
20 must grant such a request. The Department shall state by rule a
21 process and criteria by which a provider or alternate payee may
22 request full or partial release of payments withheld under this
23 subsection. This request may be made at any time after the
24 Department first withholds such payments.

25 (a) The Illinois Department must send notice of its
26 withholding of program payments within 5 days of taking

1 such action. The notice must set forth the general
2 allegations as to the nature of the withholding action, but
3 need not disclose any specific information concerning its
4 ongoing investigation. The notice must do all of the
5 following:

6 (1) State that payments are being withheld in
7 accordance with this subsection.

8 (2) State that the withholding is for a temporary
9 period, as stated in paragraph (b) of this subsection,
10 and cite the circumstances under which withholding
11 will be terminated.

12 (3) Specify, when appropriate, which type or types
13 of Medicaid claims withholding is effective.

14 (4) Inform the provider or alternate payee of the
15 right to submit written evidence for reconsideration
16 of the withholding by the Illinois Department.

17 (5) Inform the provider or alternate payee that a
18 written request may be made to the Illinois Department
19 for full or partial release of withheld payments and
20 that such requests may be made at any time after the
21 Department first withholds such payments.

22 (b) All withholding-of-payment actions under this
23 subsection shall be temporary and shall not continue after
24 any of the following:

25 (1) The Illinois Department or the prosecuting
26 authorities determine that there is insufficient

1 evidence of fraud or willful misrepresentation by the
2 provider or alternate payee.

3 (2) Legal proceedings related to the provider's or
4 alternate payee's alleged fraud, willful
5 misrepresentation, violations of this Act, or
6 violations of the Illinois Department's administrative
7 rules are completed.

8 (3) The withholding of payments for a period of 3
9 years.

10 (c) The Illinois Department may adopt all rules
11 necessary to implement this subsection (K).

12 (K-5) The Illinois Department may withhold payments, in
13 whole or in part, to a provider or alternate payee upon
14 initiation of an audit, quality of care review, investigation
15 when there is a credible allegation of fraud, or the provider
16 or alternate payee demonstrating a clear failure to cooperate
17 with the Illinois Department such that the circumstances give
18 rise to the need for a withholding of payments. As used in this
19 subsection, "credible allegation" is defined to include an
20 allegation from any source, including, but not limited to,
21 fraud hotline complaints, claims data mining, patterns
22 identified through provider audits, civil actions filed under
23 the Illinois False Claims Act, and law enforcement
24 investigations. An allegation is considered to be credible when
25 it has indicia of reliability. The Illinois Department may
26 withhold payments without first notifying the provider or

1 alternate payee of its intention to withhold such payments. A
2 provider or alternate payee may request a hearing or a
3 reconsideration of payment withholding, and the Illinois
4 Department must grant such a request. The Illinois Department
5 shall state by rule a process and criteria by which a provider
6 or alternate payee may request a hearing or a reconsideration
7 for the full or partial release of payments withheld under this
8 subsection. This request may be made at any time after the
9 Illinois Department first withholds such payments.

10 (a) The Illinois Department must send notice of its
11 withholding of program payments within 5 days of taking
12 such action. The notice must set forth the general
13 allegations as to the nature of the withholding action but
14 need not disclose any specific information concerning its
15 ongoing investigation. The notice must do all of the
16 following:

17 (1) State that payments are being withheld in
18 accordance with this subsection.

19 (2) State that the withholding is for a temporary
20 period, as stated in paragraph (b) of this subsection,
21 and cite the circumstances under which withholding
22 will be terminated.

23 (3) Specify, when appropriate, which type or types
24 of claims are withheld.

25 (4) Inform the provider or alternate payee of the
26 right to request a hearing or a reconsideration of the

1 withholding by the Illinois Department, including the
2 ability to submit written evidence.

3 (5) Inform the provider or alternate payee that a
4 written request may be made to the Illinois Department
5 for a hearing or a reconsideration for the full or
6 partial release of withheld payments and that such
7 requests may be made at any time after the Illinois
8 Department first withholds such payments.

9 (b) All withholding of payment actions under this
10 subsection shall be temporary and shall not continue after
11 any of the following:

12 (1) The Illinois Department determines that there
13 is insufficient evidence of fraud, or the provider or
14 alternate payee demonstrates clear cooperation with
15 the Illinois Department, as determined by the Illinois
16 Department, such that the circumstances do not give
17 rise to the need for withholding of payments; or

18 (2) The withholding of payments has lasted for a
19 period in excess of 3 years.

20 (c) The Illinois Department may adopt all rules
21 necessary to implement this subsection (K-5).

22 (L) The Illinois Department shall establish a protocol to
23 enable health care providers to disclose an actual or potential
24 violation of this Section pursuant to a self-referral
25 disclosure protocol, referred to in this subsection as "the
26 protocol". The protocol shall include direction for health care

1 providers on a specific person, official, or office to whom
2 such disclosures shall be made. The Illinois Department shall
3 post information on the protocol on the Illinois Department's
4 public website. The Illinois Department may adopt rules
5 necessary to implement this subsection (L). In addition to
6 other factors that the Illinois Department finds appropriate,
7 the Illinois Department may consider a health care provider's
8 timely use or failure to use the protocol in considering the
9 provider's failure to comply with this Code.

10 (M) Notwithstanding any other provision of this Code, the
11 Illinois Department, at its discretion, may exempt an entity
12 licensed under the Nursing Home Care Act, the ID/DD Community
13 Care Act, or the MC/DD Act from the provisions of subsections
14 (A-15), (B), and (C) of this Section if the licensed entity is
15 in receivership.

16 (Source: P.A. 98-214, eff. 8-9-13; 98-550, eff. 8-27-13;
17 98-756, eff. 7-16-14; 99-180, eff. 7-29-15.)

18 Section 740. The Housing Authorities Act is amended by
19 changing Section 25 as follows:

20 (310 ILCS 10/25) (from Ch. 67 1/2, par. 25)

21 Sec. 25. Rentals and tenant selection. In the operation or
22 management of housing projects an Authority shall at all times
23 observe the following duties with respect to rentals and tenant
24 selection:

1 (a) It shall not accept any person as a tenant in any
2 dwelling in a housing project if the persons who would occupy
3 the dwelling have an aggregate annual income which equals or
4 exceeds the amount which the Authority determines (which
5 determination shall be conclusive) to be necessary in order to
6 enable such persons to secure safe, sanitary and uncongested
7 dwelling accommodations within the area of operation of the
8 Authority and to provide an adequate standard of living for
9 themselves.

10 (b) It may rent or lease the dwelling accommodations
11 therein only at rentals within the financial reach of persons
12 who lack the amount of income which it determines (pursuant to
13 (a) of this Section) to be necessary in order to obtain safe,
14 sanitary and uncongested dwelling accommodations within the
15 area of operation of the Authority and to provide an adequate
16 standard of living.

17 (c) It may rent or lease to a tenant a dwelling consisting
18 of the number of rooms (but no greater number) which it deems
19 necessary to provide safe and sanitary accommodations to the
20 proposed occupants thereof, without overcrowding.

21 (d) It shall not change the residency preference of any
22 prospective tenant once the application has been accepted by
23 the authority.

24 (e) It may refuse to certify or recertify applicants,
25 current tenants, or other household members if, after due
26 notice and an impartial hearing, that person or any of the

1 proposed occupants of the dwelling has, prior to or during a
2 term of tenancy or occupancy in any housing project operated by
3 an Authority, been convicted of a criminal offense relating to
4 the sale or distribution of controlled substances under the
5 laws of this State, the United States or any other state. If an
6 Authority desires a criminal history records check of all 50
7 states or a 50-state confirmation of a conviction record, the
8 Authority shall submit the fingerprints of the relevant
9 applicant, tenant, or other household member to the Illinois
10 ~~Department of State Police~~ in a manner prescribed by the
11 Illinois ~~Department of State Police~~. These fingerprints shall
12 be checked against the fingerprint records now and hereafter
13 filed in the Illinois ~~Department of State Police~~ and Federal
14 Bureau of Investigation criminal history records databases.
15 The Illinois ~~Department of State Police~~ shall charge a fee for
16 conducting the criminal history records check, which shall be
17 deposited in the State Police Services Fund and shall not
18 exceed the actual cost of the records check. The Illinois
19 ~~Department of State Police~~ shall furnish pursuant to positive
20 identification, records of conviction to the Authority.

21 (f) It may, if a tenant has created or maintained a threat
22 constituting a serious and clear danger to the health or safety
23 of other tenants or Authority employees, after 3 days' written
24 notice of termination and without a hearing, file suit against
25 any such tenant for recovery of possession of the premises. The
26 tenant shall be given the opportunity to contest the

1 termination in the court proceedings. A serious and clear
2 danger to the health or safety of other tenants or Authority
3 employees shall include, but not be limited to, any of the
4 following activities of the tenant or of any other person on
5 the premises with the consent of the tenant:

6 (1) Physical assault or the threat of physical assault.

7 (2) Illegal use of a firearm or other weapon or the
8 threat to use in an illegal manner a firearm or other
9 weapon.

10 (3) Possession of a controlled substance by the tenant
11 or any other person on the premises with the consent of the
12 tenant if the tenant knew or should have known of the
13 possession by the other person of a controlled substance,
14 unless the controlled substance was obtained directly from
15 or pursuant to a valid prescription.

16 (4) Streetgang membership as defined in the Illinois
17 Streetgang Terrorism Omnibus Prevention Act.

18 The management of low-rent public housing projects
19 financed and developed under the U.S. Housing Act of 1937 shall
20 be in accordance with that Act.

21 Nothing contained in this Section or any other Section of
22 this Act shall be construed as limiting the power of an
23 Authority to vest in a bondholder or trustee the right, in the
24 event of a default by the Authority, to take possession and
25 operate a housing project or cause the appointment of a
26 receiver thereof, free from all restrictions imposed by this

1 Section or any other Section of this Act.

2 (Source: P.A. 93-418, eff. 1-1-04; 93-749, eff. 7-15-04.)

3 Section 745. The Adult Protective Services Act is amended
4 by changing Section 3.5 as follows:

5 (320 ILCS 20/3.5)

6 Sec. 3.5. Other responsibilities. The Department shall
7 also be responsible for the following activities, contingent
8 upon adequate funding; implementation shall be expanded to
9 adults with disabilities upon the effective date of this
10 amendatory Act of the 98th General Assembly, except those
11 responsibilities under subsection (a), which shall be
12 undertaken as soon as practicable:

13 (a) promotion of a wide range of endeavors for the
14 purpose of preventing abuse, neglect, financial
15 exploitation, and self-neglect, including, but not limited
16 to, promotion of public and professional education to
17 increase awareness of abuse, neglect, financial
18 exploitation, and self-neglect; to increase reports; to
19 establish access to and use of the Registry established
20 under Section 7.5; and to improve response by various
21 legal, financial, social, and health systems;

22 (b) coordination of efforts with other agencies,
23 councils, and like entities, to include but not be limited
24 to, the Administrative Office of the Illinois Courts, the

1 Office of the Attorney General, the Illinois State Police,
2 the Illinois Law Enforcement Training Standards Board, the
3 State Triad, the Illinois Criminal Justice Information
4 Authority, the Departments of Public Health, Healthcare
5 and Family Services, and Human Services, the Illinois
6 Guardianship and Advocacy Commission, the Family Violence
7 Coordinating Council, the Illinois Violence Prevention
8 Authority, and other entities which may impact awareness
9 of, and response to, abuse, neglect, financial
10 exploitation, and self-neglect;

11 (c) collection and analysis of data;

12 (d) monitoring of the performance of regional
13 administrative agencies and adult protective services
14 agencies;

15 (e) promotion of prevention activities;

16 (f) establishing and coordinating an aggressive
17 training program on the unique nature of adult abuse cases
18 with other agencies, councils, and like entities, to
19 include but not be limited to the Office of the Attorney
20 General, the Illinois State Police, the Illinois Law
21 Enforcement Training Standards Board, the State Triad, the
22 Illinois Criminal Justice Information Authority, the State
23 Departments of Public Health, Healthcare and Family
24 Services, and Human Services, the Family Violence
25 Coordinating Council, the Illinois Violence Prevention
26 Authority, the agency designated by the Governor under

1 Section 1 of the Protection and Advocacy for Persons with
2 Developmental Disabilities Act, and other entities that
3 may impact awareness of and response to abuse, neglect,
4 financial exploitation, and self-neglect;

5 (g) solicitation of financial institutions for the
6 purpose of making information available to the general
7 public warning of financial exploitation of adults and
8 related financial fraud or abuse, including such
9 information and warnings available through signage or
10 other written materials provided by the Department on the
11 premises of such financial institutions, provided that the
12 manner of displaying or distributing such information is
13 subject to the sole discretion of each financial
14 institution;

15 (g-1) developing by joint rulemaking with the
16 Department of Financial and Professional Regulation
17 minimum training standards which shall be used by financial
18 institutions for their current and new employees with
19 direct customer contact; the Department of Financial and
20 Professional Regulation shall retain sole visitation and
21 enforcement authority under this subsection (g-1); the
22 Department of Financial and Professional Regulation shall
23 provide bi-annual reports to the Department setting forth
24 aggregate statistics on the training programs required
25 under this subsection (g-1); and

26 (h) coordinating efforts with utility and electric

1 companies to send notices in utility bills to explain to
2 persons 60 years of age or older their rights regarding
3 telemarketing and home repair fraud.

4 (Source: P.A. 98-49, eff. 7-1-13; 98-1039, eff. 8-25-14;
5 99-143, eff. 7-27-15.)

6 Section 755. The Abused and Neglected Child Reporting Act
7 is amended by changing Sections 7.3, 7.4, and 11.1 as follows:

8 (325 ILCS 5/7.3) (from Ch. 23, par. 2057.3)

9 Sec. 7.3. (a) The Department shall be the sole agency
10 responsible for receiving and investigating reports of child
11 abuse or neglect made under this Act, including reports of
12 adult resident abuse or neglect as defined in this Act, except
13 where investigations by other agencies may be required with
14 respect to reports alleging the abuse or neglect of a child by
15 a person who is not the child's parent, a member of the child's
16 immediate family, a person responsible for the child's welfare,
17 an individual residing in the same home as the child, or a
18 paramour of the child's parent, the death of a child, serious
19 injury to a child or sexual abuse to a child made pursuant to
20 Sections 4.1 or 7 of this Act, and except that the Department
21 may delegate the performance of the investigation to the
22 Illinois Department of State Police, a law enforcement agency
23 and to those private social service agencies which have been
24 designated for this purpose by the Department prior to July 1,

1 1980.

2 (b) Notwithstanding any other provision of this Act, the
3 Department shall adopt rules expressly allowing law
4 enforcement personnel to investigate reports of suspected
5 child abuse or neglect concurrently with the Department,
6 without regard to whether the Department determines a report to
7 be "indicated" or "unfounded" or deems a report to be
8 "undetermined".

9 (c) By June 1, 2016, the Department shall adopt rules that
10 address and set forth criteria and standards relevant to
11 investigations of reports of abuse or neglect committed by any
12 agency, as defined in Section 3 of this Act, or person working
13 for an agency responsible for the welfare of a child or adult
14 resident.

15 (Source: P.A. 101-583, eff. 1-1-20.)

16 (325 ILCS 5/7.4) (from Ch. 23, par. 2057.4)

17 Sec. 7.4. (a) The Department shall be capable of receiving
18 reports of suspected child abuse or neglect 24 hours a day, 7
19 days a week. Whenever the Department receives a report alleging
20 that a child is a truant as defined in Section 26-2a of the
21 School Code, as now or hereafter amended, the Department shall
22 notify the superintendent of the school district in which the
23 child resides and the appropriate superintendent of the
24 educational service region. The notification to the
25 appropriate officials by the Department shall not be considered

1 an allegation of abuse or neglect under this Act.

2 (a-5) The Department of Children and Family Services may
3 implement a "differential response program" in accordance with
4 criteria, standards, and procedures prescribed by rule. The
5 program may provide that, upon receiving a report, the
6 Department shall determine whether to conduct a family
7 assessment or an investigation as appropriate to prevent or
8 provide a remedy for child abuse or neglect.

9 For purposes of this subsection (a-5), "family assessment"
10 means a comprehensive assessment of child safety, risk of
11 subsequent child maltreatment, and family strengths and needs
12 that is applied to a child maltreatment report that does not
13 allege substantial child endangerment. "Family assessment"
14 does not include a determination as to whether child
15 maltreatment occurred but does determine the need for services
16 to address the safety of family members and the risk of
17 subsequent maltreatment.

18 For purposes of this subsection (a-5), "investigation"
19 means fact-gathering related to the current safety of a child
20 and the risk of subsequent abuse or neglect that determines
21 whether a report of suspected child abuse or neglect should be
22 indicated or unfounded and whether child protective services
23 are needed.

24 Under the "differential response program" implemented
25 under this subsection (a-5), the Department:

26 (1) Shall conduct an investigation on reports

1 involving substantial child abuse or neglect.

2 (2) Shall begin an immediate investigation if, at any
3 time when it is using a family assessment response, it
4 determines that there is reason to believe that substantial
5 child abuse or neglect or a serious threat to the child's
6 safety exists.

7 (3) May conduct a family assessment for reports that do
8 not allege substantial child endangerment. In determining
9 that a family assessment is appropriate, the Department may
10 consider issues, including, but not limited to, child
11 safety, parental cooperation, and the need for an immediate
12 response.

13 (4) Shall promulgate criteria, standards, and
14 procedures that shall be applied in making this
15 determination, taking into consideration the Child
16 Endangerment Risk Assessment Protocol of the Department.

17 (5) May conduct a family assessment on a report that
18 was initially screened and assigned for an investigation.

19 In determining that a complete investigation is not
20 required, the Department must document the reason for
21 terminating the investigation and notify the local law
22 enforcement agency or the Illinois Department of State Police
23 if the local law enforcement agency or Illinois Department of
24 State Police is conducting a joint investigation.

25 Once it is determined that a "family assessment" will be
26 implemented, the case shall not be reported to the central

1 register of abuse and neglect reports.

2 During a family assessment, the Department shall collect
3 any available and relevant information to determine child
4 safety, risk of subsequent abuse or neglect, and family
5 strengths.

6 Information collected includes, but is not limited to, when
7 relevant: information with regard to the person reporting the
8 alleged abuse or neglect, including the nature of the
9 reporter's relationship to the child and to the alleged
10 offender, and the basis of the reporter's knowledge for the
11 report; the child allegedly being abused or neglected; the
12 alleged offender; the child's caretaker; and other collateral
13 sources having relevant information related to the alleged
14 abuse or neglect. Information relevant to the assessment must
15 be asked for, and may include:

16 (A) The child's sex and age, prior reports of abuse or
17 neglect, information relating to developmental
18 functioning, credibility of the child's statement, and
19 whether the information provided under this paragraph (A)
20 is consistent with other information collected during the
21 course of the assessment or investigation.

22 (B) The alleged offender's age, a record check for
23 prior reports of abuse or neglect, and criminal charges and
24 convictions. The alleged offender may submit supporting
25 documentation relevant to the assessment.

26 (C) Collateral source information regarding the

1 alleged abuse or neglect and care of the child. Collateral
2 information includes, when relevant: (i) a medical
3 examination of the child; (ii) prior medical records
4 relating to the alleged maltreatment or care of the child
5 maintained by any facility, clinic, or health care
6 professional, and an interview with the treating
7 professionals; and (iii) interviews with the child's
8 caretakers, including the child's parent, guardian, foster
9 parent, child care provider, teachers, counselors, family
10 members, relatives, and other persons who may have
11 knowledge regarding the alleged maltreatment and the care
12 of the child.

13 (D) Information on the existence of domestic abuse and
14 violence in the home of the child, and substance abuse.

15 Nothing in this subsection (a-5) precludes the Department
16 from collecting other relevant information necessary to
17 conduct the assessment or investigation. Nothing in this
18 subsection (a-5) shall be construed to allow the name or
19 identity of a reporter to be disclosed in violation of the
20 protections afforded under Section 7.19 of this Act.

21 After conducting the family assessment, the Department
22 shall determine whether services are needed to address the
23 safety of the child and other family members and the risk of
24 subsequent abuse or neglect.

25 Upon completion of the family assessment, if the Department
26 concludes that no services shall be offered, then the case

1 shall be closed. If the Department concludes that services
2 shall be offered, the Department shall develop a family
3 preservation plan and offer or refer services to the family.

4 At any time during a family assessment, if the Department
5 believes there is any reason to stop the assessment and conduct
6 an investigation based on the information discovered, the
7 Department shall do so.

8 The procedures available to the Department in conducting
9 investigations under this Act shall be followed as appropriate
10 during a family assessment.

11 If the Department implements a differential response
12 program authorized under this subsection (a-5), the Department
13 shall arrange for an independent evaluation of the program for
14 at least the first 3 years of implementation to determine
15 whether it is meeting the goals in accordance with Section 2 of
16 this Act.

17 The Department may adopt administrative rules necessary
18 for the execution of this Section, in accordance with Section 4
19 of the Children and Family Services Act.

20 The Department shall submit a report to the General
21 Assembly by January 15, 2018 on the implementation progress and
22 recommendations for additional needed legislative changes.

23 (b) (1) The following procedures shall be followed in the
24 investigation of all reports of suspected abuse or neglect of a
25 child, except as provided in subsection (c) of this Section.

26 (2) If, during a family assessment authorized by subsection

1 (a-5) or an investigation, it appears that the immediate safety
2 or well-being of a child is endangered, that the family may
3 flee or the child disappear, or that the facts otherwise so
4 warrant, the Child Protective Service Unit shall commence an
5 investigation immediately, regardless of the time of day or
6 night. All other investigations shall be commenced within 24
7 hours of receipt of the report. Upon receipt of a report, the
8 Child Protective Service Unit shall conduct a family assessment
9 authorized by subsection (a-5) or begin an initial
10 investigation and make an initial determination whether the
11 report is a good faith indication of alleged child abuse or
12 neglect.

13 (3) Based on an initial investigation, if the Unit
14 determines the report is a good faith indication of alleged
15 child abuse or neglect, then a formal investigation shall
16 commence and, pursuant to Section 7.12 of this Act, may or may
17 not result in an indicated report. The formal investigation
18 shall include: direct contact with the subject or subjects of
19 the report as soon as possible after the report is received; an
20 evaluation of the environment of the child named in the report
21 and any other children in the same environment; a determination
22 of the risk to such children if they continue to remain in the
23 existing environments, as well as a determination of the
24 nature, extent and cause of any condition enumerated in such
25 report; the name, age and condition of other children in the
26 environment; and an evaluation as to whether there would be an

1 immediate and urgent necessity to remove the child from the
2 environment if appropriate family preservation services were
3 provided. After seeing to the safety of the child or children,
4 the Department shall forthwith notify the subjects of the
5 report in writing, of the existence of the report and their
6 rights existing under this Act in regard to amendment or
7 expungement. To fulfill the requirements of this Section, the
8 Child Protective Service Unit shall have the capability of
9 providing or arranging for comprehensive emergency services to
10 children and families at all times of the day or night.

11 (4) If (i) at the conclusion of the Unit's initial
12 investigation of a report, the Unit determines the report to be
13 a good faith indication of alleged child abuse or neglect that
14 warrants a formal investigation by the Unit, the Department,
15 any law enforcement agency or any other responsible agency and
16 (ii) the person who is alleged to have caused the abuse or
17 neglect is employed or otherwise engaged in an activity
18 resulting in frequent contact with children and the alleged
19 abuse or neglect are in the course of such employment or
20 activity, then the Department shall, except in investigations
21 where the Director determines that such notification would be
22 detrimental to the Department's investigation, inform the
23 appropriate supervisor or administrator of that employment or
24 activity that the Unit has commenced a formal investigation
25 pursuant to this Act, which may or may not result in an
26 indicated report. The Department shall also notify the person

1 being investigated, unless the Director determines that such
2 notification would be detrimental to the Department's
3 investigation.

4 (c) In an investigation of a report of suspected abuse or
5 neglect of a child by a school employee at a school or on
6 school grounds, the Department shall make reasonable efforts to
7 follow the following procedures:

8 (1) Investigations involving teachers shall not, to
9 the extent possible, be conducted when the teacher is
10 scheduled to conduct classes. Investigations involving
11 other school employees shall be conducted so as to minimize
12 disruption of the school day. The school employee accused
13 of child abuse or neglect may have his superior, his
14 association or union representative and his attorney
15 present at any interview or meeting at which the teacher or
16 administrator is present. The accused school employee
17 shall be informed by a representative of the Department, at
18 any interview or meeting, of the accused school employee's
19 due process rights and of the steps in the investigation
20 process. These due process rights shall also include the
21 right of the school employee to present countervailing
22 evidence regarding the accusations. In an investigation in
23 which the alleged perpetrator of abuse or neglect is a
24 school employee, including, but not limited to, a school
25 teacher or administrator, and the recommendation is to
26 determine the report to be indicated, in addition to other

1 procedures as set forth and defined in Department rules and
2 procedures, the employee's due process rights shall also
3 include: (i) the right to a copy of the investigation
4 summary; (ii) the right to review the specific allegations
5 which gave rise to the investigation; and (iii) the right
6 to an administrator's teleconference which shall be
7 convened to provide the school employee with the
8 opportunity to present documentary evidence or other
9 information that supports his or her position and to
10 provide information before a final finding is entered.

11 (2) If a report of neglect or abuse of a child by a
12 teacher or administrator does not involve allegations of
13 sexual abuse or extreme physical abuse, the Child
14 Protective Service Unit shall make reasonable efforts to
15 conduct the initial investigation in coordination with the
16 employee's supervisor.

17 If the Unit determines that the report is a good faith
18 indication of potential child abuse or neglect, it shall
19 then commence a formal investigation under paragraph (3) of
20 subsection (b) of this Section.

21 (3) If a report of neglect or abuse of a child by a
22 teacher or administrator involves an allegation of sexual
23 abuse or extreme physical abuse, the Child Protective Unit
24 shall commence an investigation under paragraph (2) of
25 subsection (b) of this Section.

26 (c-5) In any instance in which a report is made or caused

1 to made by a school district employee involving the conduct of
2 a person employed by the school district, at the time the
3 report was made, as required under Section 4 of this Act, the
4 Child Protective Service Unit shall send a copy of its final
5 finding report to the general superintendent of that school
6 district.

7 (c-10) The Department may recommend that a school district
8 remove a school employee who is the subject of an investigation
9 from his or her employment position pending the outcome of the
10 investigation; however, all employment decisions regarding
11 school personnel shall be the sole responsibility of the school
12 district or employer. The Department may not require a school
13 district to remove a school employee from his or her employment
14 position or limit the school employee's duties pending the
15 outcome of an investigation.

16 (d) If the Department has contact with an employer, or with
17 a religious institution or religious official having
18 supervisory or hierarchical authority over a member of the
19 clergy accused of the abuse of a child, in the course of its
20 investigation, the Department shall notify the employer or the
21 religious institution or religious official, in writing, when a
22 report is unfounded so that any record of the investigation can
23 be expunged from the employee's or member of the clergy's
24 personnel or other records. The Department shall also notify
25 the employee or the member of the clergy, in writing, that
26 notification has been sent to the employer or to the

1 appropriate religious institution or religious official
2 informing the employer or religious institution or religious
3 official that the Department's investigation has resulted in an
4 unfounded report.

5 (d-1) Whenever a report alleges that a child was abused or
6 neglected while receiving care in a hospital, including a
7 freestanding psychiatric hospital licensed by the Department
8 of Public Health, the Department shall send a copy of its final
9 finding to the Director of Public Health and the Director of
10 Healthcare and Family Services.

11 (e) Upon request by the Department, the Illinois ~~Department~~
12 ~~of~~ State Police and law enforcement agencies are authorized to
13 provide criminal history record information as defined in the
14 Illinois Uniform Conviction Information Act and information
15 maintained in the adjudicatory and dispositional record system
16 as defined in Section 2605-355 of the Illinois ~~Department of~~
17 State Police Law ~~(20 ILCS 2605/2605-355)~~ to properly designated
18 employees of the Department of Children and Family Services if
19 the Department determines the information is necessary to
20 perform its duties under the Abused and Neglected Child
21 Reporting Act, the Child Care Act of 1969, and the Children and
22 Family Services Act. The request shall be in the form and
23 manner required by the Illinois ~~Department of~~ State Police. Any
24 information obtained by the Department of Children and Family
25 Services under this Section is confidential and may not be
26 transmitted outside the Department of Children and Family

1 Services other than to a court of competent jurisdiction or
2 unless otherwise authorized by law. Any employee of the
3 Department of Children and Family Services who transmits
4 confidential information in violation of this Section or causes
5 the information to be transmitted in violation of this Section
6 is guilty of a Class A misdemeanor unless the transmittal of
7 the information is authorized by this Section or otherwise
8 authorized by law.

9 (f) For purposes of this Section, "child abuse or neglect"
10 includes abuse or neglect of an adult resident as defined in
11 this Act.

12 (Source: P.A. 100-68, eff. 1-1-18; 100-176, eff. 1-1-18;
13 100-191, eff. 1-1-18; 100-863, eff. 8-14-18; 101-43, eff.
14 1-1-20.)

15 (325 ILCS 5/11.1) (from Ch. 23, par. 2061.1)

16 Sec. 11.1. Access to records.

17 (a) A person shall have access to the records described in
18 Section 11 only in furtherance of purposes directly connected
19 with the administration of this Act or the Intergovernmental
20 Missing Child Recovery Act of 1984. Those persons and purposes
21 for access include:

22 (1) Department staff in the furtherance of their
23 responsibilities under this Act, or for the purpose of
24 completing background investigations on persons or
25 agencies licensed by the Department or with whom the

1 Department contracts for the provision of child welfare
2 services.

3 (2) A law enforcement agency investigating known or
4 suspected child abuse or neglect, known or suspected
5 involvement with child pornography, known or suspected
6 criminal sexual assault, known or suspected criminal
7 sexual abuse, or any other sexual offense when a child is
8 alleged to be involved.

9 (3) The Illinois ~~Department of~~ State Police when
10 administering the provisions of the Intergovernmental
11 Missing Child Recovery Act of 1984.

12 (4) A physician who has before him a child whom he
13 reasonably suspects may be abused or neglected.

14 (5) A person authorized under Section 5 of this Act to
15 place a child in temporary protective custody when such
16 person requires the information in the report or record to
17 determine whether to place the child in temporary
18 protective custody.

19 (6) A person having the legal responsibility or
20 authorization to care for, treat, or supervise a child, or
21 a parent, prospective adoptive parent, foster parent,
22 guardian, or other person responsible for the child's
23 welfare, who is the subject of a report.

24 (7) Except in regard to harmful or detrimental
25 information as provided in Section 7.19, any subject of the
26 report, and if the subject of the report is a minor, his

1 guardian or guardian ad litem.

2 (8) A court, upon its finding that access to such
3 records may be necessary for the determination of an issue
4 before such court; however, such access shall be limited to
5 in camera inspection, unless the court determines that
6 public disclosure of the information contained therein is
7 necessary for the resolution of an issue then pending
8 before it.

9 (8.1) A probation officer or other authorized
10 representative of a probation or court services department
11 conducting an investigation ordered by a court under the
12 Juvenile Court Act of 1987.

13 (9) A grand jury, upon its determination that access to
14 such records is necessary in the conduct of its official
15 business.

16 (10) Any person authorized by the Director, in writing,
17 for audit or bona fide research purposes.

18 (11) Law enforcement agencies, coroners or medical
19 examiners, physicians, courts, school superintendents and
20 child welfare agencies in other states who are responsible
21 for child abuse or neglect investigations or background
22 investigations.

23 (12) The Department of Professional Regulation, the
24 State Board of Education and school superintendents in
25 Illinois, who may use or disclose information from the
26 records as they deem necessary to conduct investigations or

1 take disciplinary action, as provided by law.

2 (13) A coroner or medical examiner who has reason to
3 believe that a child has died as the result of abuse or
4 neglect.

5 (14) The Director of a State-operated facility when an
6 employee of that facility is the perpetrator in an
7 indicated report.

8 (15) The operator of a licensed child care facility or
9 a facility licensed by the Department of Human Services (as
10 successor to the Department of Alcoholism and Substance
11 Abuse) in which children reside when a current or
12 prospective employee of that facility is the perpetrator in
13 an indicated child abuse or neglect report, pursuant to
14 Section 4.3 of the Child Care Act of 1969.

15 (16) Members of a multidisciplinary team in the
16 furtherance of its responsibilities under subsection (b)
17 of Section 7.1. All reports concerning child abuse and
18 neglect made available to members of such
19 multidisciplinary teams and all records generated as a
20 result of such reports shall be confidential and shall not
21 be disclosed, except as specifically authorized by this Act
22 or other applicable law. It is a Class A misdemeanor to
23 permit, assist or encourage the unauthorized release of any
24 information contained in such reports or records. Nothing
25 contained in this Section prevents the sharing of reports
26 or records relating or pertaining to the death of a minor

1 under the care of or receiving services from the Department
2 of Children and Family Services and under the jurisdiction
3 of the juvenile court with the juvenile court, the State's
4 Attorney, and the minor's attorney.

5 (17) The Department of Human Services, as provided in
6 Section 17 of the Rehabilitation of Persons with
7 Disabilities Act.

8 (18) Any other agency or investigative body, including
9 the Department of Public Health and a local board of
10 health, authorized by State law to conduct an investigation
11 into the quality of care provided to children in hospitals
12 and other State regulated care facilities.

13 (19) The person appointed, under Section 2-17 of the
14 Juvenile Court Act of 1987, as the guardian ad litem of a
15 minor who is the subject of a report or records under this
16 Act; or the person appointed, under Section 5-610 of the
17 Juvenile Court Act of 1987, as the guardian ad litem of a
18 minor who is in the custody or guardianship of the
19 Department or who has an open intact family services case
20 with the Department and who is the subject of a report or
21 records made pursuant to this Act.

22 (20) The Department of Human Services, as provided in
23 Section 10 of the Early Intervention Services System Act,
24 and the operator of a facility providing early intervention
25 services pursuant to that Act, for the purpose of
26 determining whether a current or prospective employee who

1 provides or may provide direct services under that Act is
2 the perpetrator in an indicated report of child abuse or
3 neglect filed under this Act.

4 (b) Nothing contained in this Act prevents the sharing or
5 disclosure of information or records relating or pertaining to
6 juveniles subject to the provisions of the Serious Habitual
7 Offender Comprehensive Action Program when that information is
8 used to assist in the early identification and treatment of
9 habitual juvenile offenders.

10 (c) To the extent that persons or agencies are given access
11 to information pursuant to this Section, those persons or
12 agencies may give this information to and receive this
13 information from each other in order to facilitate an
14 investigation conducted by those persons or agencies.

15 (Source: P.A. 100-158, eff. 1-1-18; 101-43, eff. 1-1-20.)

16 Section 760. The Intergovernmental Missing Child Recovery
17 Act of 1984 is amended by changing Sections 2, 3, 3.5, 3.6, 6,
18 and 7 as follows:

19 (325 ILCS 40/2) (from Ch. 23, par. 2252)

20 Sec. 2. As used in this Act:

21 (a) (Blank). ~~"Department" means the Department of State~~
22 ~~Police.~~

23 (b) "Director" means the Director of the Illinois
24 ~~Department of State Police.~~

1 (c) "Unit of local government" is defined as in Article
2 VII, Section 1 of the Illinois Constitution and includes both
3 home rule units and units which are not home rule units. The
4 term is also defined to include all public school districts
5 subject to the provisions of the School Code.

6 (d) "Child" means a person under 21 years of age.

7 (e) A "LEADS terminal" is an interactive computerized
8 communication and processing unit which permits a direct
9 on-line communication with the Illinois ~~Department of~~ State
10 Police's central data repository, the Law Enforcement Agencies
11 Data System (LEADS).

12 (f) A "primary contact agency" means a law enforcement
13 agency which maintains a LEADS terminal, or has immediate
14 access to one on a 24-hour-per-day, 7-day-per-week basis by
15 written agreement with another law enforcement agency.

16 (g) (Blank).

17 (h) "Missing child" means any person under 21 years of age
18 whose whereabouts are unknown to his or her parents or legal
19 guardian.

20 (i) "Exploitation" means activities and actions which
21 include, but are not limited to, child pornography, aggravated
22 child pornography, child prostitution, child sexual abuse,
23 drug and substance abuse by children, and child suicide.

24 (j) (Blank).

25 (Source: P.A. 96-1551, eff. 7-1-11; 97-938, eff. 1-1-13.)

1 (325 ILCS 40/3) (from Ch. 23, par. 2253)

2 Sec. 3. The Illinois State Police ~~Department~~ shall
3 establish a State Missing Persons Clearinghouse as a resource
4 to promote an immediate and effective community response to
5 missing children and may engage in, but shall not be limited
6 to, the following activities:

7 (a) To establish and conduct programs to educate parents,
8 children and communities in ways to prevent the abduction of
9 children.

10 (b) To conduct training programs and distribute materials
11 providing guidelines for children when dealing with strangers,
12 casual acquaintances, or non-custodial parents, in order to
13 avoid abduction or kidnapping situations.

14 (c) To compile, maintain and make available data upon the
15 request of law enforcement agencies and other entities deemed
16 appropriate by the Illinois State Police ~~Department~~ to assist
17 enforcement agencies in recovering missing children, including
18 but not limited to data regarding the places of shelter
19 commonly used by runaway children in a requested geographical
20 area.

21 (d) To draft and implement plans for the most efficient use
22 of available resources to publicize information regarding
23 missing children.

24 (e) To establish and maintain contacts with other state
25 missing persons clearinghouses, law enforcement agencies, and
26 missing persons non-profit organizations in order to increase

1 the probability of locating and returning missing children, and
2 to otherwise assist in the recovery and tracking of missing
3 children.

4 (f) To coordinate the tracking and recovery of children
5 under the custody or guardianship of the Department of Children
6 and Family Services whose disappearance has been reported and
7 to produce an annual report indicating the number of children
8 under the custody or guardianship of that Department who have
9 been reported missing and the number who have been recovered.

10 (g) To conduct other activities as may be necessary to
11 achieve the goals established by this Act.

12 (Source: P.A. 97-938, eff. 1-1-13.)

13 (325 ILCS 40/3.5)

14 Sec. 3.5. Contact with Department of Children and Family
15 Services. For each child reported missing and entered into the
16 LEADS network, the Illinois State Police ~~Department~~ shall, in
17 the form and manner it determines, contact the Department of
18 Children and Family Services to provide it with the name, age,
19 and sex of the child, and the geographic area from which the
20 child was reported missing so that the Department of Children
21 and Family Services can determine if that child had been
22 abandoned within the previous 2 months.

23 (Source: P.A. 97-938, eff. 1-1-13.)

24 (325 ILCS 40/3.6)

1 Sec. 3.6. Department of Children and Family Services;
2 missing persons. The Illinois State Police ~~Department~~ shall
3 develop and conduct a training advisory for LEADS reporting of
4 missing persons when the missing individual, regardless of age,
5 is under the care and legal custody of the Department of
6 Children and Family Services.

7 (Source: P.A. 99-351, eff. 1-1-16.)

8 (325 ILCS 40/6) (from Ch. 23, par. 2256)

9 Sec. 6. The Illinois State Police ~~Department~~ shall:

10 (a) Establish and maintain a statewide Law Enforcement
11 Agencies Data System (LEADS) for the purpose of effecting an
12 immediate law enforcement response to reports of missing
13 children. The Illinois State Police ~~Department~~ shall implement
14 an automated data exchange system to compile, to maintain and
15 to make available for dissemination to Illinois and
16 out-of-State law enforcement agencies, data which can assist
17 appropriate agencies in recovering missing children.

18 (b) Establish contacts and exchange information regarding
19 lost, missing or runaway children with nationally recognized
20 "missing person and runaway" service organizations and monitor
21 national research and publicize important developments.

22 (c) Provide a uniform reporting format for the entry of
23 pertinent information regarding reports of missing children
24 into LEADS.

25 (d) Develop and implement a policy whereby a statewide or

1 regional alert would be used in situations relating to the
2 disappearances of children, based on criteria and in a format
3 established by the Illinois State Police ~~Department~~. Such a
4 format shall include, but not be limited to, the age and
5 physical description of the missing child and the suspected
6 circumstances of the disappearance.

7 (e) Notify all law enforcement agencies that reports of
8 missing persons shall be entered as soon as the minimum level
9 of data specified by the Illinois State Police ~~Department~~ is
10 available to the reporting agency and that no waiting period
11 for entry of such data exists.

12 (f) Provide a procedure for prompt confirmation of the
13 receipt and entry of the missing child report into LEADS to the
14 parent or guardian of the missing child.

15 (g) Compile and retain information regarding missing
16 children in a separate data file, in a manner that allows such
17 information to be used by law enforcement and other agencies
18 deemed appropriate by the Director, for investigative
19 purposes. Such files shall be updated to reflect and include
20 information relating to the disposition of the case.

21 (h) Compile and maintain an historic data repository
22 relating to missing children in order (1) to develop and
23 improve techniques utilized by law enforcement agencies when
24 responding to reports of missing children and (2) to provide a
25 factual and statistical base for research that would address
26 the problem of missing children.

1 (i) Create a quality control program to monitor timeliness
2 of entries of missing children reports into LEADS and conduct
3 performance audits of all entering agencies.

4 (j) Prepare a periodic information bulletin concerning
5 missing children who it determines may be present in this
6 State, compiling such bulletin from information contained in
7 both the National Crime Information Center computer and from
8 reports, alerts and other information entered into LEADS or
9 otherwise compiled and retained by the Illinois State Police
10 ~~Department~~ pursuant to this Act. The bulletin shall indicate
11 the name, age, physical description, suspected circumstances
12 of disappearance if that information is available, a photograph
13 if one is available, the name of the law enforcement agency
14 investigating the case, and such other information as the
15 Director considers appropriate concerning each missing child
16 who the Illinois State Police ~~Department~~ determines may be
17 present in this State. The Illinois State Police ~~Department~~
18 shall send a copy of each periodic information bulletin to the
19 State Board of Education for its use in accordance with Section
20 2-3.48 of the School Code. The Illinois State Police ~~Department~~
21 shall provide a copy of the bulletin, upon request, to law
22 enforcement agencies of this or any other state or of the
23 federal government, and may provide a copy of the bulletin,
24 upon request, to other persons or entities, if deemed
25 appropriate by the Director, and may establish limitations on
26 its use and a reasonable fee for so providing the same, except

1 that no fee shall be charged for providing the periodic
2 information bulletin to the State Board of Education,
3 appropriate units of local government, State agencies, or law
4 enforcement agencies of this or any other state or of the
5 federal government.

6 (k) Provide for the entry into LEADS of the names and
7 addresses of sex offenders as defined in the Sex Offender
8 Registration Act who are required to register under that Act.
9 The information shall be immediately accessible to law
10 enforcement agencies and peace officers of this State or any
11 other state or of the federal government. Similar information
12 may be requested from any other state or of the federal
13 government for purposes of this Act.

14 (l) Provide for the entry into LEADS of the names and
15 addresses of violent offenders against youth as defined in the
16 Murderer and Violent Offender Against Youth Registration Act
17 who are required to register under that Act. The information
18 shall be immediately accessible to law enforcement agencies and
19 peace officers of this State or any other state or of the
20 federal government. Similar information may be requested from
21 any other state or of the federal government for purposes of
22 this Act.

23 (Source: P.A. 97-154, eff. 1-1-12.)

24 (325 ILCS 40/7) (from Ch. 23, par. 2257)

25 Sec. 7. (a) All law enforcement agencies and policing

1 bodies of this State shall, upon receipt of a report of a
2 missing person, enter that report into LEADS as soon as the
3 minimum level of data specified pursuant to subsection (e) of
4 Section 6 is available and shall furnish the Illinois State
5 Police Department, in the form and detail the Illinois State
6 Police Department requires, (1) reports of cases of lost,
7 missing or runaway children as they arise and the disposition
8 of such cases, (2) information relating to sex crimes which
9 occurred in their respective jurisdictions and which they
10 investigated, and (3) the names and addresses of sex offenders
11 required to register in their respective jurisdictions under
12 the Sex Offender Registration Act. Such information shall be
13 submitted on a regular basis, as deemed necessary by the
14 Illinois State Police Department, and shall be kept in a
15 central automated data repository for the purpose of
16 establishing profiles of sex offenders and victims and to
17 assist all law enforcement agencies in the identification and
18 apprehension of sex offenders.

19 (b) In addition to entering the report of a missing child
20 into LEADS as prescribed by subsection (a), all law enforcement
21 agencies shall, upon receipt of a report of a missing child:

22 (1) Immediately make a radio dispatch to officers on
23 duty at the time of receipt of the report. The dispatch
24 shall contain the name and approximate age of the missing
25 child and any other pertinent information available at that
26 time. In the event that the law enforcement agency

1 receiving the report of the missing child does not operate
2 a radio dispatch system, a geographically appropriate
3 radio dispatch system shall be used, such as the Illinois
4 State Police Emergency Radio Network or a similar
5 multi-agency law enforcement radio communication system
6 serving the area of the reporting agency.

7 In addition, in the event that a missing child is not
8 recovered during the work shift in which the radio dispatch
9 was made, the law enforcement agency receiving the report
10 of the missing child shall disseminate the information
11 relating to the missing child to all sworn personnel
12 employed by the agency who work or are assigned to other
13 shifts or time periods.

14 (2) Immediately contact State Missing Persons
15 Clearinghouse personnel designated by the Illinois State
16 Police Department, by a means and in a manner and form
17 prescribed by the Illinois State Police Department,
18 informing the personnel of the report of the missing child.

19 (Source: P.A. 97-938, eff. 1-1-13.)

20 Section 765. The Missing Children Records Act is amended by
21 changing Sections 1, 2, 3, 4, and 5 as follows:

22 (325 ILCS 50/1) (from Ch. 23, par. 2281)

23 Sec. 1. Definitions. As used in this Act, unless the
24 context requires otherwise:

1 (a) "Custodian" means the State Registrar of Vital Records,
2 local registrars of vital records appointed by the State
3 Registrar and county clerks.

4 (b) (Blank). ~~"Department" means the Illinois Department of~~
5 ~~State Police.~~

6 (c) "Missing person" means a person 17 years old or younger
7 reported to any law enforcement authority as abducted, lost or
8 a runaway.

9 (d) "Registrar" means the State Registrar of Vital Records.
10 (Source: P.A. 84-1430.)

11 (325 ILCS 50/2) (from Ch. 23, par. 2282)

12 Sec. 2. Illinois State Police ~~Department~~ duties. Upon entry
13 of a report of a missing person born in Illinois into the Law
14 Enforcement Agencies Data System (LEADS) established pursuant
15 to the Intergovernmental Missing Child Recovery Act of 1984,
16 the Illinois State Police ~~Department~~ shall notify the Registrar
17 within 5 business days of the disappearance and shall provide
18 the Registrar with information concerning the identity of the
19 missing person. Upon entry of a report of a missing person born
20 in a state other than Illinois into the Law Enforcement
21 Agencies Data System (LEADS), the Illinois State Police
22 ~~Department~~ shall notify the registrar, or other state agency
23 responsible for vital records, in that state within 5 business
24 days of the disappearance and shall provide such registrar or
25 other agency with information concerning the identity of the

1 missing person.

2 If the Illinois State Police ~~Department~~ has reason to
3 believe that a missing person has been enrolled in a specific
4 Illinois elementary or secondary school, it shall notify the
5 last such known school as to the disappearance at which time
6 the school shall flag the missing child's record pursuant to
7 Section 5.

8 Upon learning of the recovery of a missing person, the
9 Illinois State Police ~~Department~~ shall so notify the Registrar
10 and any school previously informed of the person's
11 disappearance.

12 The Illinois State Police ~~Department~~ shall by rule
13 determine the manner and form of notices and information
14 required by this Act.

15 (Source: P.A. 84-1430.)

16 (325 ILCS 50/3) (from Ch. 23, par. 2283)

17 Sec. 3. Registrar duties. Upon notification by the Illinois
18 State Police ~~Department~~ that a person born in this State is
19 missing, the Registrar shall flag the birth certificate record
20 of that person in such a manner that whenever a copy of the
21 birth certificate or information regarding the birth record is
22 requested, the Registrar shall be alerted to the fact that the
23 certificate is that of a missing person. The Registrar shall
24 also notify the appropriate municipality or county custodians
25 to likewise flag their records. Upon notification by the

1 Illinois State Police Department that the missing person has
2 been recovered, the Registrar shall remove the flag from the
3 person's birth certificate record and shall notify any other
4 previously notified municipality or county custodian to remove
5 the flag from his record.

6 (Source: P.A. 84-1430.)

7 (325 ILCS 50/4) (from Ch. 23, par. 2284)

8 Sec. 4. Custodian duties. (a) In response to any inquiry, a
9 custodian shall not provide a copy of a birth certificate or
10 information concerning the birth record of any person whose
11 record is flagged pursuant to Section 3 except as approved by
12 the Illinois State Police Department.

13 (b) When a copy of the birth certificate of a person whose
14 record has been flagged is requested in person, the custodian's
15 personnel accepting the request shall immediately notify his
16 supervisor. The custodian's personnel shall then follow
17 procedures prescribed by the Illinois State Police Department
18 to clearly ascertain the identity of the person making the
19 request, his address and his physical description. Such
20 procedures shall include requiring the person making the
21 request to complete a standardized information form and to
22 present at least one form of photo identification. The
23 custodian's personnel shall inform the person making the
24 request that a copy of the certificate shall be mailed to him,
25 and, upon the latter's departure from the custodian's office,

1 his supervisor shall immediately notify the Illinois State
2 Police Department or the local law enforcement authority as to
3 the request and the information obtained pursuant to this
4 subsection. The custodian shall retain the form completed by
5 the person making the request.

6 (c) When a copy of the birth certificate of a person whose
7 record has been flagged is requested in writing, the
8 custodian's personnel receiving the request shall immediately
9 notify his supervisor. The supervisor shall immediately notify
10 the Illinois State Police Department or local law enforcement
11 authority as to the request and shall provide a copy of the
12 written request. The custodian shall retain the original
13 written request.

14 (Source: P.A. 84-1430.)

15 (325 ILCS 50/5) (from Ch. 23, par. 2285)

16 Sec. 5. Duties of school or other entity.

17 (a) Upon notification by the Illinois State Police
18 Department of a person's disappearance, a school, preschool
19 educational program, child care facility, or day care home or
20 group day care home in which the person is currently or was
21 previously enrolled shall flag the record of that person in
22 such a manner that whenever a copy of or information regarding
23 the record is requested, the school or other entity shall be
24 alerted to the fact that the record is that of a missing
25 person. The school or other entity shall immediately report to

1 the Illinois State Police ~~Department~~ any request concerning
2 flagged records or knowledge as to the whereabouts of any
3 missing person. Upon notification by the Illinois State Police
4 ~~Department~~ that the missing person has been recovered, the
5 school or other entity shall remove the flag from the person's
6 record.

7 (b) (1) For every child enrolled in a particular elementary
8 or secondary school, public or private preschool educational
9 program, public or private child care facility licensed under
10 the Child Care Act of 1969, or day care home or group day care
11 home licensed under the Child Care Act of 1969, that school or
12 other entity shall notify in writing the person enrolling the
13 child that within 30 days he must provide either (i) a
14 certified copy of the child's birth certificate or (ii) other
15 reliable proof, as determined by the Illinois State Police
16 ~~Department~~, of the child's identity and age and an affidavit
17 explaining the inability to produce a copy of the birth
18 certificate. Other reliable proof of the child's identity and
19 age shall include a passport, visa or other governmental
20 documentation of the child's identity. When the person
21 enrolling the child provides the school or other entity with a
22 certified copy of the child's birth certificate, the school or
23 other entity shall promptly make a copy of the certified copy
24 for its records and return the original certified copy to the
25 person enrolling the child. Once a school or other entity has
26 been provided with a certified copy of a child's birth

1 certificate as required under item (i) of this subdivision
2 (b)(1), the school or other entity need not request another
3 such certified copy with respect to that child for any other
4 year in which the child is enrolled in that school or other
5 entity.

6 (2) Upon the failure of a person enrolling a child to
7 comply with subsection (b) (1), the school or other entity
8 shall immediately notify the Illinois State Police ~~Department~~
9 or local law enforcement agency of such failure, and shall
10 notify the person enrolling the child in writing that he has 10
11 additional days to comply.

12 (3) The school or other entity shall immediately report to
13 the Illinois State Police ~~Department~~ any affidavit received
14 pursuant to this subsection which appears inaccurate or
15 suspicious in form or content.

16 (c) Within 14 days after enrolling a transfer student, the
17 elementary or secondary school shall request directly from the
18 student's previous school a certified copy of his record. The
19 requesting school shall exercise due diligence in obtaining the
20 copy of the record requested. Any elementary or secondary
21 school requested to forward a copy of a transferring student's
22 record to the new school shall comply within 10 days of receipt
23 of the request unless the record has been flagged pursuant to
24 subsection (a), in which case the copy shall not be forwarded
25 and the requested school shall notify the Illinois State Police
26 ~~Department~~ or local law enforcement authority of the request.

1 (Source: P.A. 95-439, eff. 1-1-08; 95-793, eff. 8-8-08.)

2 Section 770. The Missing Children Registration Law is
3 amended by changing Sections 1, 2, 3, 4, 5, and 6 as follows:

4 (325 ILCS 55/1) (from Ch. 23, par. 2271)

5 Sec. 1. Definitions. As used in this Article, unless the
6 context requires otherwise:

7 (a) "Custodian" means the State Registrar of Vital Records,
8 local registrars of vital records appointed by the State
9 Registrar and county clerks.

10 (b) (Blank). ~~"Department" means the Illinois Department of~~
11 ~~State Police.~~

12 (c) "Missing child" means a person under the age of 18
13 years, reported to any law enforcement authority as abducted,
14 lost or a runaway, whose identity is entered into the Law
15 Enforcement Agencies Data System.

16 (d) "Registrar" means the State Registrar of Vital Records.
17 (Source: P.A. 84-1279.)

18 (325 ILCS 55/2) (from Ch. 23, par. 2272)

19 Sec. 2. Illinois State Police ~~Department~~ duties. Upon entry
20 of a report of a missing child born in Illinois into the Law
21 Enforcement Agencies Data System, the Illinois State Police
22 ~~Department~~ shall notify the Registrar of the disappearance and
23 shall provide the Registrar with information concerning the

1 identity of the missing child.

2 If the Illinois State Police ~~Department~~ has reason to
3 believe that a missing child may be enrolled in an Illinois
4 elementary or secondary school, it shall notify the last such
5 known school as to the disappearance, at which time the school
6 shall flag the missing child's record pursuant to Section 5.

7 Upon learning of the recovery of a missing child, the
8 Illinois State Police ~~Department~~ shall so notify the Registrar.

9 The Illinois State Police ~~Department~~ shall by rule
10 determine the manner and form of notices and information
11 required by this Article.

12 (Source: P.A. 84-1279.)

13 (325 ILCS 55/3) (from Ch. 23, par. 2273)

14 Sec. 3. Registrar duties. Upon notification by the Illinois
15 State Police ~~Department~~ that a person under the age of 18 years
16 who was born in this State is missing, the Registrar shall flag
17 the birth certificate record of that person in such a manner
18 that whenever a copy of the birth certificate or information
19 regarding the birth record is requested, the Registrar shall be
20 alerted to the fact that the certificate is that of a missing
21 child. The Registrar shall also notify the appropriate city or
22 county custodian to likewise flag his records. Upon
23 notification by the Illinois State Police ~~Department~~ that the
24 missing child has been recovered, the Registrar shall remove
25 the flag from the person's birth certificate record and shall

1 notify any other previously notified city or county custodian
2 to remove the flag from his record.

3 (Source: P.A. 84-1279.)

4 (325 ILCS 55/4) (from Ch. 23, par. 2274)

5 Sec. 4. Custodian duties. (a) In response to any inquiry, a
6 custodian shall not provide a copy of a birth certificate or
7 information concerning the birth record of any person whose
8 record is flagged pursuant to Section 3 except as approved by
9 the Illinois State Police ~~Department~~.

10 (b) When a copy of the birth certificate of a person whose
11 record has been flagged is requested in person, the custodian's
12 personnel accepting the request shall immediately notify his
13 supervisor. The person making the request shall complete a form
14 as prescribed by the Illinois State Police ~~Department~~, which
15 may include the name, address, telephone number and social
16 security number of the person making the request, his or her
17 relationship to the missing child and the name, address and
18 birth date of the missing child. The driver's license of the
19 person making the request, if available, shall be photocopied
20 and returned to him. He shall be informed that a copy of the
21 certificate shall be mailed to him. The custodian's personnel
22 shall note the physical description of the person making the
23 request, and, upon the latter's departure from the custodian's
24 office, his supervisor shall immediately notify the local law
25 enforcement authority as to the request and the information

1 obtained pursuant to this subsection. The custodian shall
2 retain the form completed by the person making the request.

3 (c) When a copy of the birth certificate of a person whose
4 record has been flagged is requested in writing, the
5 custodian's personnel receiving the request shall immediately
6 notify his supervisor. The supervisor shall immediately notify
7 the local law enforcement authority as to the request and shall
8 provide a copy of the written request. The custodian shall
9 retain the original written request.

10 (Source: P.A. 84-1279.)

11 (325 ILCS 55/5) (from Ch. 23, par. 2275)

12 Sec. 5. School duties. (a) Upon notification by the
13 Illinois State Police Department of a child's disappearance, a
14 school in which the child is currently or was previously
15 enrolled shall flag the record of that child in such a manner
16 that whenever a copy of or information regarding the record is
17 requested, the school shall be alerted to the fact that the
18 record is that of a missing child. The school shall immediately
19 report to the local law enforcement authority any request
20 concerning flagged records or knowledge as to the whereabouts
21 of any missing child. Upon notification by the Illinois State
22 Police Department that the missing child has been recovered,
23 the school shall remove the flag from the person's record.

24 (b) Upon enrollment of a student for the first time in a
25 particular elementary or secondary school, that school shall

1 notify in writing the person enrolling the student that within
2 30 days he must provide either (1) a certified copy of the
3 student's birth certificate or (2) other reliable proof, as
4 determined by the Illinois State Police Department, of the
5 student's identity and age, and an affidavit explaining the
6 inability to produce a copy of the birth certificate.

7 Upon the failure of a person enrolling a student to comply
8 with this subsection, the school shall immediately notify the
9 local law enforcement agency and shall also notify the person
10 enrolling the student in writing that, unless he complies
11 within 10 days, the case shall be referred to the local law
12 enforcement authority for investigation. If compliance is not
13 obtained within that 10 day period, the school shall so refer
14 the case.

15 The school shall immediately report to the local law
16 enforcement authority any affidavit received pursuant to this
17 subsection which appears inaccurate or suspicious in form or
18 content.

19 (c) Within 14 days after enrolling a transfer student, the
20 elementary or secondary school shall request directly from the
21 student's previous school a certified copy of his record. The
22 requesting school shall exercise due diligence in obtaining the
23 copy of the record requested. Any elementary or secondary
24 school requested to forward a copy of a transferring student's
25 record to the new school shall comply within 10 days of receipt
26 of such request unless the record has been flagged pursuant to

1 subsection (a), in which case the copy shall not be forwarded
2 and the requested school shall notify the local law enforcement
3 authority of the request.

4 (Source: P.A. 84-1279.)

5 (325 ILCS 55/6) (from Ch. 23, par. 2276)

6 Sec. 6. Local law enforcement duties. Any local law
7 enforcement authority notified pursuant to this Article of the
8 request for the birth certificate or school record of or other
9 information concerning a missing child shall immediately
10 notify the Illinois State Police ~~Department~~ of such request and
11 shall investigate the request.

12 (Source: P.A. 84-1279.)

13 Section 815. The Mental Health and Developmental
14 Disabilities Code is amended by changing Sections 6-103.1,
15 6-103.2, and 6-103.3 as follows:

16 (405 ILCS 5/6-103.1)

17 Sec. 6-103.1. Adjudication as a person with a mental
18 disability. When a person has been adjudicated as a person with
19 a mental disability as defined in Section 1.1 of the Firearm
20 Owners Identification Card Act, including, but not limited to,
21 an adjudication as a person with a disability as defined in
22 Section 11a-2 of the Probate Act of 1975, the court shall
23 direct the circuit court clerk to notify the Illinois

1 ~~Department of~~ State Police, Firearm Owner's Identification
2 (FOID) Office, in a form and manner prescribed by the Illinois
3 ~~Department of~~ State Police, and shall forward a copy of the
4 court order to the Department no later than 7 days after the
5 entry of the order. Upon receipt of the order, the Illinois
6 ~~Department of~~ State Police shall provide notification to the
7 National Instant Criminal Background Check System.

8 (Source: P.A. 98-63, eff. 7-9-13; 99-143, eff. 7-27-15.)

9 (405 ILCS 5/6-103.2)

10 Sec. 6-103.2. Developmental disability; notice. If a
11 person 14 years old or older is determined to be a person with
12 a developmental disability by a physician, clinical
13 psychologist, or qualified examiner, the physician, clinical
14 psychologist, or qualified examiner shall notify the
15 Department of Human Services within 7 days of making the
16 determination that the person has a developmental disability.
17 The Department of Human Services shall immediately update its
18 records and information relating to mental health and
19 developmental disabilities, and if appropriate, shall notify
20 the Illinois ~~Department of~~ State Police in a form and manner
21 prescribed by the Illinois ~~Department of~~ State Police.
22 Information disclosed under this Section shall remain
23 privileged and confidential, and shall not be redisclosed,
24 except as required under subsection (e) of Section 3.1 of the
25 Firearm Owners Identification Card Act, nor used for any other

1 purpose. The method of providing this information shall
2 guarantee that the information is not released beyond that
3 which is necessary for the purpose of this Section and shall be
4 provided by rule by the Department of Human Services. The
5 identity of the person reporting under this Section shall not
6 be disclosed to the subject of the report.

7 The physician, clinical psychologist, or qualified
8 examiner making the determination and his or her employer may
9 not be held criminally, civilly, or professionally liable for
10 making or not making the notification required under this
11 Section, except for willful or wanton misconduct.

12 For purposes of this Section, "developmental disability"
13 means a disability which is attributable to any other condition
14 which results in impairment similar to that caused by an
15 intellectual disability and which requires services similar to
16 those required by intellectually disabled persons. The
17 disability must originate before the age of 18 years, be
18 expected to continue indefinitely, and constitute a
19 substantial disability. This disability results, in the
20 professional opinion of a physician, clinical psychologist, or
21 qualified examiner, in significant functional limitations in 3
22 or more of the following areas of major life activity:

- 23 (i) self-care;
24 (ii) receptive and expressive language;
25 (iii) learning;
26 (iv) mobility; or

1 (v) self-direction.

2 "Determined to be a person with a developmental disability
3 by a physician, clinical psychologist, or qualified examiner"
4 means in the professional opinion of the physician, clinical
5 psychologist, or qualified examiner, a person is diagnosed,
6 assessed, or evaluated as having a developmental disability.

7 (Source: P.A. 98-63, eff. 7-9-13; 99-29, eff. 7-10-15; 99-143,
8 eff. 7-27-15; 99-642, eff. 7-28-16.)

9 (405 ILCS 5/6-103.3)

10 Sec. 6-103.3. Clear and present danger; notice. If a person
11 is determined to pose a clear and present danger to himself,
12 herself, or to others by a physician, clinical psychologist, or
13 qualified examiner, whether employed by the State, by any
14 public or private mental health facility or part thereof, or by
15 a law enforcement official or a school administrator, then the
16 physician, clinical psychologist, qualified examiner shall
17 notify the Department of Human Services and a law enforcement
18 official or school administrator shall notify the Illinois
19 ~~Department of~~ State Police, within 24 hours of making the
20 determination that the person poses a clear and present danger.
21 The Department of Human Services shall immediately update its
22 records and information relating to mental health and
23 developmental disabilities, and if appropriate, shall notify
24 the Illinois ~~Department of~~ State Police in a form and manner
25 prescribed by the Illinois ~~Department of~~ State Police.

1 Information disclosed under this Section shall remain
2 privileged and confidential, and shall not be redisclosed,
3 except as required under subsection (e) of Section 3.1 of the
4 Firearm Owners Identification Card Act, nor used for any other
5 purpose. The method of providing this information shall
6 guarantee that the information is not released beyond that
7 which is necessary for the purpose of this Section and shall be
8 provided by rule by the Department of Human Services. The
9 identity of the person reporting under this Section shall not
10 be disclosed to the subject of the report. The physician,
11 clinical psychologist, qualified examiner, law enforcement
12 official, or school administrator making the determination and
13 his or her employer shall not be held criminally, civilly, or
14 professionally liable for making or not making the notification
15 required under this Section, except for willful or wanton
16 misconduct. This Section does not apply to a law enforcement
17 official, if making the notification under this Section will
18 interfere with an ongoing or pending criminal investigation.

19 For the purposes of this Section:

20 "Clear and present danger" has the meaning ascribed to
21 it in Section 1.1 of the Firearm Owners Identification Card
22 Act.

23 "Determined to pose a clear and present danger to
24 himself, herself, or to others by a physician, clinical
25 psychologist, or qualified examiner" means in the
26 professional opinion of the physician, clinical

1 psychologist, or qualified examiner, a person poses a clear
2 and present danger.

3 "School administrator" means the person required to
4 report under the School Administrator Reporting of Mental
5 Health Clear and Present Danger Determinations Law.

6 (Source: P.A. 98-63, eff. 7-9-13; 99-29, eff. 7-10-15.)

7 Section 820. The Sexual Assault Survivors Emergency
8 Treatment Act is amended by changing Sections 1a, 5, 6.4, and
9 9.5 as follows:

10 (410 ILCS 70/1a) (from Ch. 111 1/2, par. 87-1a)

11 Sec. 1a. Definitions. In this Act:

12 "Advanced practice registered nurse" has the meaning
13 provided in Section 50-10 of the Nurse Practice Act.

14 "Ambulance provider" means an individual or entity that
15 owns and operates a business or service using ambulances or
16 emergency medical services vehicles to transport emergency
17 patients.

18 "Approved pediatric health care facility" means a health
19 care facility, other than a hospital, with a sexual assault
20 treatment plan approved by the Department to provide medical
21 forensic services to pediatric sexual assault survivors who
22 present with a complaint of sexual assault within a minimum of
23 the last 7 days or who have disclosed past sexual assault by a
24 specific individual and were in the care of that individual

1 within a minimum of the last 7 days.

2 "Areawide sexual assault treatment plan" means a plan,
3 developed by hospitals or by hospitals and approved pediatric
4 health care facilities in a community or area to be served,
5 which provides for medical forensic services to sexual assault
6 survivors that shall be made available by each of the
7 participating hospitals and approved pediatric health care
8 facilities.

9 "Board-certified child abuse pediatrician" means a
10 physician certified by the American Board of Pediatrics in
11 child abuse pediatrics.

12 "Board-eligible child abuse pediatrician" means a
13 physician who has completed the requirements set forth by the
14 American Board of Pediatrics to take the examination for
15 certification in child abuse pediatrics.

16 "Department" means the Department of Public Health.

17 "Emergency contraception" means medication as approved by
18 the federal Food and Drug Administration (FDA) that can
19 significantly reduce the risk of pregnancy if taken within 72
20 hours after sexual assault.

21 "Follow-up healthcare" means healthcare services related
22 to a sexual assault, including laboratory services and pharmacy
23 services, rendered within 90 days of the initial visit for
24 medical forensic services.

25 "Health care professional" means a physician, a physician
26 assistant, a sexual assault forensic examiner, an advanced

1 practice registered nurse, a registered professional nurse, a
2 licensed practical nurse, or a sexual assault nurse examiner.

3 "Hospital" means a hospital licensed under the Hospital
4 Licensing Act or operated under the University of Illinois
5 Hospital Act, any outpatient center included in the hospital's
6 sexual assault treatment plan where hospital employees provide
7 medical forensic services, and an out-of-state hospital that
8 has consented to the jurisdiction of the Department under
9 Section 2.06.

10 "Illinois State Police Sexual Assault Evidence Collection
11 Kit" means a prepackaged set of materials and forms to be used
12 for the collection of evidence relating to sexual assault. The
13 standardized evidence collection kit for the State of Illinois
14 shall be the Illinois State Police Sexual Assault Evidence
15 Collection Kit.

16 "Law enforcement agency having jurisdiction" means the law
17 enforcement agency in the jurisdiction where an alleged sexual
18 assault or sexual abuse occurred.

19 "Licensed practical nurse" has the meaning provided in
20 Section 50-10 of the Nurse Practice Act.

21 "Medical forensic services" means health care delivered to
22 patients within or under the care and supervision of personnel
23 working in a designated emergency department of a hospital or
24 an approved pediatric health care facility. "Medical forensic
25 services" includes, but is not limited to, taking a medical
26 history, performing photo documentation, performing a physical

1 and anogenital examination, assessing the patient for evidence
2 collection, collecting evidence in accordance with a statewide
3 sexual assault evidence collection program administered by the
4 Illinois Department of State Police using the Illinois State
5 Police Sexual Assault Evidence Collection Kit, if appropriate,
6 assessing the patient for drug-facilitated or
7 alcohol-facilitated sexual assault, providing an evaluation of
8 and care for sexually transmitted infection and human
9 immunodeficiency virus (HIV), pregnancy risk evaluation and
10 care, and discharge and follow-up healthcare planning.

11 "Pediatric health care facility" means a clinic or
12 physician's office that provides medical services to pediatric
13 patients.

14 "Pediatric sexual assault survivor" means a person under
15 the age of 13 who presents for medical forensic services in
16 relation to injuries or trauma resulting from a sexual assault.

17 "Photo documentation" means digital photographs or
18 colposcope videos stored and backed up securely in the original
19 file format.

20 "Physician" means a person licensed to practice medicine in
21 all its branches.

22 "Physician assistant" has the meaning provided in Section 4
23 of the Physician Assistant Practice Act of 1987.

24 "Prepubescent sexual assault survivor" means a female who
25 is under the age of 18 years and has not had a first menstrual
26 cycle or a male who is under the age of 18 years and has not

1 started to develop secondary sex characteristics who presents
2 for medical forensic services in relation to injuries or trauma
3 resulting from a sexual assault.

4 "Qualified medical provider" means a board-certified child
5 abuse pediatrician, board-eligible child abuse pediatrician, a
6 sexual assault forensic examiner, or a sexual assault nurse
7 examiner who has access to photo documentation tools, and who
8 participates in peer review.

9 "Registered Professional Nurse" has the meaning provided
10 in Section 50-10 of the Nurse Practice Act.

11 "Sexual assault" means:

12 (1) an act of sexual conduct; as used in this
13 paragraph, "sexual conduct" has the meaning provided under
14 Section 11-0.1 of the Criminal Code of 2012; or

15 (2) any act of sexual penetration; as used in this
16 paragraph, "sexual penetration" has the meaning provided
17 under Section 11-0.1 of the Criminal Code of 2012 and
18 includes, without limitation, acts prohibited under
19 Sections 11-1.20 through 11-1.60 of the Criminal Code of
20 2012.

21 "Sexual assault forensic examiner" means a physician or
22 physician assistant who has completed training that meets or is
23 substantially similar to the Sexual Assault Nurse Examiner
24 Education Guidelines established by the International
25 Association of Forensic Nurses.

26 "Sexual assault nurse examiner" means an advanced practice

1 registered nurse or registered professional nurse who has
2 completed a sexual assault nurse examiner training program that
3 meets the Sexual Assault Nurse Examiner Education Guidelines
4 established by the International Association of Forensic
5 Nurses.

6 "Sexual assault services voucher" means a document
7 generated by a hospital or approved pediatric health care
8 facility at the time the sexual assault survivor receives
9 outpatient medical forensic services that may be used to seek
10 payment for any ambulance services, medical forensic services,
11 laboratory services, pharmacy services, and follow-up
12 healthcare provided as a result of the sexual assault.

13 "Sexual assault survivor" means a person who presents for
14 medical forensic services in relation to injuries or trauma
15 resulting from a sexual assault.

16 "Sexual assault transfer plan" means a written plan
17 developed by a hospital and approved by the Department, which
18 describes the hospital's procedures for transferring sexual
19 assault survivors to another hospital, and an approved
20 pediatric health care facility, if applicable, in order to
21 receive medical forensic services.

22 "Sexual assault treatment plan" means a written plan that
23 describes the procedures and protocols for providing medical
24 forensic services to sexual assault survivors who present
25 themselves for such services, either directly or through
26 transfer from a hospital or an approved pediatric health care

1 facility.

2 "Transfer hospital" means a hospital with a sexual assault
3 transfer plan approved by the Department.

4 "Transfer services" means the appropriate medical
5 screening examination and necessary stabilizing treatment
6 prior to the transfer of a sexual assault survivor to a
7 hospital or an approved pediatric health care facility that
8 provides medical forensic services to sexual assault survivors
9 pursuant to a sexual assault treatment plan or areawide sexual
10 assault treatment plan.

11 "Treatment hospital" means a hospital with a sexual assault
12 treatment plan approved by the Department to provide medical
13 forensic services to all sexual assault survivors who present
14 with a complaint of sexual assault within a minimum of the last
15 7 days or who have disclosed past sexual assault by a specific
16 individual and were in the care of that individual within a
17 minimum of the last 7 days.

18 "Treatment hospital with approved pediatric transfer"
19 means a hospital with a treatment plan approved by the
20 Department to provide medical forensic services to sexual
21 assault survivors 13 years old or older who present with a
22 complaint of sexual assault within a minimum of the last 7 days
23 or who have disclosed past sexual assault by a specific
24 individual and were in the care of that individual within a
25 minimum of the last 7 days.

26 (Source: P.A. 100-513, eff. 1-1-18; 100-775, eff. 1-1-19;

1 101-81, eff. 7-12-19.)

2 (410 ILCS 70/5) (from Ch. 111 1/2, par. 87-5)

3 Sec. 5. Minimum requirements for medical forensic services
4 provided to sexual assault survivors by hospitals and approved
5 pediatric health care facilities.

6 (a) Every hospital and approved pediatric health care
7 facility providing medical forensic services to sexual assault
8 survivors under this Act shall, as minimum requirements for
9 such services, provide, with the consent of the sexual assault
10 survivor, and as ordered by the attending physician, an
11 advanced practice registered nurse, or a physician assistant,
12 the services set forth in subsection (a-5).

13 Beginning January 1, 2022, a qualified medical provider
14 must provide the services set forth in subsection (a-5).

15 (a-5) A treatment hospital, a treatment hospital with
16 approved pediatric transfer, or an approved pediatric health
17 care facility shall provide the following services in
18 accordance with subsection (a):

19 (1) Appropriate medical forensic services without
20 delay, in a private, age-appropriate or
21 developmentally-appropriate space, required to ensure the
22 health, safety, and welfare of a sexual assault survivor
23 and which may be used as evidence in a criminal proceeding
24 against a person accused of the sexual assault, in a
25 proceeding under the Juvenile Court Act of 1987, or in an

1 investigation under the Abused and Neglected Child
2 Reporting Act.

3 Records of medical forensic services, including
4 results of examinations and tests, the Illinois State
5 Police Medical Forensic Documentation Forms, the Illinois
6 State Police Patient Discharge Materials, and the Illinois
7 State Police Patient Consent: Collect and Test Evidence or
8 Collect and Hold Evidence Form, shall be maintained by the
9 hospital or approved pediatric health care facility as part
10 of the patient's electronic medical record.

11 Records of medical forensic services of sexual assault
12 survivors under the age of 18 shall be retained by the
13 hospital for a period of 60 years after the sexual assault
14 survivor reaches the age of 18. Records of medical forensic
15 services of sexual assault survivors 18 years of age or
16 older shall be retained by the hospital for a period of 20
17 years after the date the record was created.

18 Records of medical forensic services may only be
19 disseminated in accordance with Section 6.5 of this Act and
20 other State and federal law.

21 (1.5) An offer to complete the Illinois Sexual Assault
22 Evidence Collection Kit for any sexual assault survivor who
23 presents within a minimum of the last 7 days of the assault
24 or who has disclosed past sexual assault by a specific
25 individual and was in the care of that individual within a
26 minimum of the last 7 days.

1 (A) Appropriate oral and written information
2 concerning evidence-based guidelines for the
3 appropriateness of evidence collection depending on
4 the sexual development of the sexual assault survivor,
5 the type of sexual assault, and the timing of the
6 sexual assault shall be provided to the sexual assault
7 survivor. Evidence collection is encouraged for
8 prepubescent sexual assault survivors who present to a
9 hospital or approved pediatric health care facility
10 with a complaint of sexual assault within a minimum of
11 96 hours after the sexual assault.

12 Before January 1, 2022, the information required
13 under this subparagraph shall be provided in person by
14 the health care professional providing medical
15 forensic services directly to the sexual assault
16 survivor.

17 On and after January 1, 2022, the information
18 required under this subparagraph shall be provided in
19 person by the qualified medical provider providing
20 medical forensic services directly to the sexual
21 assault survivor.

22 The written information provided shall be the
23 information created in accordance with Section 10 of
24 this Act.

25 (B) Following the discussion regarding the
26 evidence-based guidelines for evidence collection in

1 accordance with subparagraph (A), evidence collection
2 must be completed at the sexual assault survivor's
3 request. A sexual assault nurse examiner conducting an
4 examination using the Illinois State Police Sexual
5 Assault Evidence Collection Kit may do so without the
6 presence or participation of a physician.

7 (2) Appropriate oral and written information
8 concerning the possibility of infection, sexually
9 transmitted infection, including an evaluation of the
10 sexual assault survivor's risk of contracting human
11 immunodeficiency virus (HIV) from sexual assault, and
12 pregnancy resulting from sexual assault.

13 (3) Appropriate oral and written information
14 concerning accepted medical procedures, laboratory tests,
15 medication, and possible contraindications of such
16 medication available for the prevention or treatment of
17 infection or disease resulting from sexual assault.

18 (3.5) After a medical evidentiary or physical
19 examination, access to a shower at no cost, unless
20 showering facilities are unavailable.

21 (4) An amount of medication, including HIV
22 prophylaxis, for treatment at the hospital or approved
23 pediatric health care facility and after discharge as is
24 deemed appropriate by the attending physician, an advanced
25 practice registered nurse, or a physician assistant in
26 accordance with the Centers for Disease Control and

1 Prevention guidelines and consistent with the hospital's
2 or approved pediatric health care facility's current
3 approved protocol for sexual assault survivors.

4 (5) Photo documentation of the sexual assault
5 survivor's injuries, anatomy involved in the assault, or
6 other visible evidence on the sexual assault survivor's
7 body to supplement the medical forensic history and written
8 documentation of physical findings and evidence beginning
9 July 1, 2019. Photo documentation does not replace written
10 documentation of the injury.

11 (6) Written and oral instructions indicating the need
12 for follow-up examinations and laboratory tests after the
13 sexual assault to determine the presence or absence of
14 sexually transmitted infection.

15 (7) Referral by hospital or approved pediatric health
16 care facility personnel for appropriate counseling.

17 (8) Medical advocacy services provided by a rape crisis
18 counselor whose communications are protected under Section
19 8-802.1 of the Code of Civil Procedure, if there is a
20 memorandum of understanding between the hospital or
21 approved pediatric health care facility and a rape crisis
22 center. With the consent of the sexual assault survivor, a
23 rape crisis counselor shall remain in the exam room during
24 the medical forensic examination.

25 (9) Written information regarding services provided by
26 a Children's Advocacy Center and rape crisis center, if

1 applicable.

2 (10) A treatment hospital, a treatment hospital with
3 approved pediatric transfer, an out-of-state hospital as
4 defined in Section 5.4, or an approved pediatric health
5 care facility shall comply with the rules relating to the
6 collection and tracking of sexual assault evidence adopted
7 by the Illinois ~~Department of~~ State Police under Section 50
8 of the Sexual Assault Evidence Submission Act.

9 (a-7) By January 1, 2022, every hospital with a treatment
10 plan approved by the Department shall employ or contract with a
11 qualified medical provider to initiate medical forensic
12 services to a sexual assault survivor within 90 minutes of the
13 patient presenting to the treatment hospital or treatment
14 hospital with approved pediatric transfer. The provision of
15 medical forensic services by a qualified medical provider shall
16 not delay the provision of life-saving medical care.

17 (b) Any person who is a sexual assault survivor who seeks
18 medical forensic services or follow-up healthcare under this
19 Act shall be provided such services without the consent of any
20 parent, guardian, custodian, surrogate, or agent. If a sexual
21 assault survivor is unable to consent to medical forensic
22 services, the services may be provided under the Consent by
23 Minors to Medical Procedures Act, the Health Care Surrogate
24 Act, or other applicable State and federal laws.

25 (b-5) Every hospital or approved pediatric health care
26 facility providing medical forensic services to sexual assault

1 survivors shall issue a voucher to any sexual assault survivor
2 who is eligible to receive one in accordance with Section 5.2
3 of this Act. The hospital shall make a copy of the voucher and
4 place it in the medical record of the sexual assault survivor.
5 The hospital shall provide a copy of the voucher to the sexual
6 assault survivor after discharge upon request.

7 (c) Nothing in this Section creates a physician-patient
8 relationship that extends beyond discharge from the hospital or
9 approved pediatric health care facility.

10 (Source: P.A. 100-513, eff. 1-1-18; 100-775, eff. 1-1-19;
11 100-1087, eff. 1-1-19; 101-81, eff. 7-12-19; 101-377, eff.
12 8-16-19.)

13 (410 ILCS 70/6.4) (from Ch. 111 1/2, par. 87-6.4)

14 Sec. 6.4. Sexual assault evidence collection program.

15 (a) There is created a statewide sexual assault evidence
16 collection program to facilitate the prosecution of persons
17 accused of sexual assault. This program shall be administered
18 by the Illinois State Police. The program shall consist of the
19 following: (1) distribution of sexual assault evidence
20 collection kits which have been approved by the Illinois State
21 Police to hospitals and approved pediatric health care
22 facilities that request them, or arranging for such
23 distribution by the manufacturer of the kits, (2) collection of
24 the kits from hospitals and approved pediatric health care
25 facilities after the kits have been used to collect evidence,

1 (3) analysis of the collected evidence and conducting of
2 laboratory tests, (4) maintaining the chain of custody and
3 safekeeping of the evidence for use in a legal proceeding, and
4 (5) the comparison of the collected evidence with the genetic
5 marker grouping analysis information maintained by the
6 Illinois Department of State Police under Section 5-4-3 of the
7 Unified Code of Corrections and with the information contained
8 in the Federal Bureau of Investigation's National DNA database;
9 provided the amount and quality of genetic marker grouping
10 results obtained from the evidence in the sexual assault case
11 meets the requirements of both the Illinois Department of State
12 Police and the Federal Bureau of Investigation's Combined DNA
13 Index System (CODIS) policies. The standardized evidence
14 collection kit for the State of Illinois shall be the Illinois
15 State Police Sexual Assault Evidence Kit and shall include a
16 written consent form authorizing law enforcement to test the
17 sexual assault evidence and to provide law enforcement with
18 details of the sexual assault.

19 (a-5) (Blank).

20 (b) The Illinois State Police shall administer a program to
21 train hospital and approved pediatric health care facility
22 personnel participating in the sexual assault evidence
23 collection program, in the correct use and application of the
24 sexual assault evidence collection kits. The Department shall
25 cooperate with the Illinois State Police in this program as it
26 pertains to medical aspects of the evidence collection.

1 (c) (Blank).

2 (Source: P.A. 99-801, eff. 1-1-17; 100-775, eff. 1-1-19.)

3 (410 ILCS 70/9.5)

4 (Section scheduled to be repealed on January 1, 2024)

5 Sec. 9.5. Sexual Assault Medical Forensic Services
6 Implementation Task Force.

7 (a) The Sexual Assault Medical Forensic Services
8 Implementation Task Force is created to assist hospitals and
9 approved pediatric health care facilities with the
10 implementation of the changes made by this amendatory Act of
11 the 100th General Assembly. The Task Force shall consist of the
12 following members, who shall serve without compensation:

13 (1) one member of the Senate appointed by the President
14 of the Senate, who may designate an alternate member;

15 (2) one member of the Senate appointed by the Minority
16 Leader of the Senate, who may designate an alternate
17 member;

18 (3) one member of the House of Representatives
19 appointed by the Speaker of the House of Representatives,
20 who may designate an alternate member;

21 (4) one member of the House of Representatives
22 appointed by the Minority Leader of the House of
23 Representatives, who may designate an alternate member;

24 (5) two members representing the Office of the Attorney
25 General appointed by the Attorney General, one of whom

1 shall be the Sexual Assault Nurse Examiner Coordinator for
2 the State of Illinois;

3 (6) one member representing the Department of Public
4 Health appointed by the Director of Public Health;

5 (7) one member representing the Illinois ~~Department of~~
6 State Police appointed by the Director of the Illinois
7 State Police;

8 (8) one member representing the Department of
9 Healthcare and Family Services appointed by the Director of
10 Healthcare and Family Services;

11 (9) six members representing hospitals appointed by
12 the head of a statewide organization representing the
13 interests of hospitals in Illinois, at least one of whom
14 shall represent small and rural hospitals and at least one
15 of these members shall represent urban hospitals;

16 (10) one member representing physicians appointed by
17 the head of a statewide organization representing the
18 interests of physicians in Illinois;

19 (11) one member representing emergency physicians
20 appointed by the head of a statewide organization
21 representing the interests of emergency physicians in
22 Illinois;

23 (12) two members representing child abuse
24 pediatricians appointed by the head of a statewide
25 organization representing the interests of child abuse
26 pediatricians in Illinois, at least one of whom shall

1 represent child abuse pediatricians providing medical
2 forensic services in rural locations and at least one of
3 whom shall represent child abuse pediatricians providing
4 medical forensic services in urban locations;

5 (13) one member representing nurses appointed by the
6 head of a statewide organization representing the
7 interests of nurses in Illinois;

8 (14) two members representing sexual assault nurse
9 examiners appointed by the head of a statewide organization
10 representing the interests of forensic nurses in Illinois,
11 at least one of whom shall represent pediatric/adolescent
12 sexual assault nurse examiners and at least one of these
13 members shall represent adult/adolescent sexual assault
14 nurse examiners;

15 (15) one member representing State's Attorneys
16 appointed by the head of a statewide organization
17 representing the interests of State's Attorneys in
18 Illinois;

19 (16) three members representing sexual assault
20 survivors appointed by the head of a statewide organization
21 representing the interests of sexual assault survivors and
22 rape crisis centers, at least one of whom shall represent
23 rural rape crisis centers and at least one of whom shall
24 represent urban rape crisis centers; and

25 (17) one member representing children's advocacy
26 centers appointed by the head of a statewide organization

1 representing the interests of children's advocacy centers
2 in Illinois.

3 The members representing the Office of the Attorney General
4 and the Department of Public Health shall serve as
5 co-chairpersons of the Task Force. The Office of the Attorney
6 General shall provide administrative and other support to the
7 Task Force.

8 (b) The first meeting of the Task Force shall be called by
9 the co-chairpersons no later than 90 days after the effective
10 date of this Section.

11 (c) The goals of the Task Force shall include, but not be
12 limited to, the following:

13 (1) to facilitate the development of areawide
14 treatment plans among hospitals and pediatric health care
15 facilities;

16 (2) to facilitate the development of on-call systems of
17 qualified medical providers and assist hospitals with the
18 development of plans to employ or contract with a qualified
19 medical provider to initiate medical forensic services to a
20 sexual assault survivor within 90 minutes of the patient
21 presenting to the hospital as required in subsection (a-7)
22 of Section 5;

23 (3) to identify photography and storage options for
24 hospitals to comply with the photo documentation
25 requirements in Sections 5 and 5.1;

26 (4) to develop a model written agreement for use by

1 rape crisis centers, hospitals, and approved pediatric
2 health care facilities with sexual assault treatment plans
3 to comply with subsection (c) of Section 2;

4 (5) to develop and distribute educational information
5 regarding the implementation of this Act to hospitals,
6 health care providers, rape crisis centers, children's
7 advocacy centers, State's Attorney's offices;

8 (6) to examine the role of telemedicine in the
9 provision of medical forensic services under this Act and
10 to develop recommendations for statutory change and
11 standards and procedures for the use of telemedicine to be
12 adopted by the Department;

13 (7) to seek inclusion of the International Association
14 of Forensic Nurses Sexual Assault Nurse Examiner Education
15 Guidelines for nurses within the registered nurse training
16 curriculum in Illinois nursing programs and the American
17 College of Emergency Physicians Management of the Patient
18 with the Complaint of Sexual Assault for emergency
19 physicians within the Illinois residency training
20 curriculum for emergency physicians; and

21 (8) to submit a report to the General Assembly by
22 January 1, 2023 regarding the status of implementation of
23 this amendatory Act of the 100th General Assembly,
24 including, but not limited to, the impact of transfers to
25 out-of-state hospitals on sexual assault survivors and the
26 availability of treatment hospitals in Illinois; the

1 report to the General Assembly shall be filed with the
2 Clerk of the House of Representatives and the Secretary of
3 the Senate in electronic form only, in the manner that the
4 Clerk and the Secretary shall direct.

5 (d) This Section is repealed on January 1, 2024.

6 (Source: P.A. 100-775, eff. 8-10-18.)

7 Section 825. The Smoke Free Illinois Act is amended by
8 changing Sections 40 and 45 as follows:

9 (410 ILCS 82/40)

10 Sec. 40. Enforcement; complaints.

11 (a) The Department, State-certified local public health
12 departments, and local, Department of Natural Resources, and
13 Illinois Department of State Police law enforcement agencies
14 shall enforce the provisions of this Act through the issuance
15 of citations and may assess civil penalties pursuant to Section
16 45 of this Act.

17 (a-2) The citations issued pursuant to this Act shall
18 conspicuously include the following:

19 (1) the name of the offense and its statutory
20 reference;

21 (2) the nature and elements of the violation;

22 (3) the date and location of the violation;

23 (4) the name of the enforcing agency;

24 (5) the name of the violator;

1 (6) the amount of the imposed civil penalty and the
2 location where the violator can pay the civil penalty
3 without objection;

4 (7) the address and phone number of the enforcing
5 agency where the violator can request a hearing before the
6 Department to contest the imposition of the civil penalty
7 imposed by the citation under the rules and procedures of
8 the Illinois Administrative Procedure Act;

9 (8) the time period in which to pay the civil penalty
10 or to request a hearing to contest the imposition of the
11 civil penalty imposed by the citation; and

12 (9) the verified signature of the person issuing the
13 citation.

14 (a-3) One copy of the citation shall be provided to the
15 violator, one copy shall be retained by the enforcing agency,
16 and one copy shall be provided to the entity otherwise
17 authorized by the enforcing agency to receive civil penalties
18 on their behalf.

19 (b) Any person may register a complaint with the
20 Department, a State-certified local public health department,
21 or a law enforcement agency for a violation of this Act. The
22 Department shall establish a telephone number that a person may
23 call to register a complaint under this subsection (b).

24 (c) The Department shall afford a violator the opportunity
25 to pay the civil penalty without objection or to contest the
26 citation in accordance with the Illinois Administrative

1 Procedure Act, except that in case of a conflict between the
2 Illinois Administrative Procedure Act and this Act, the
3 provisions of this Act shall control.

4 (d) Upon receipt of a request for hearing to contest the
5 imposition of a civil penalty imposed by a citation, the
6 enforcing agency shall immediately forward a copy of the
7 citation and notice of the request for hearing to the
8 Department for initiation of a hearing conducted in accordance
9 with the Illinois Administrative Procedure Act and the rules
10 established thereto by the Department applicable to contested
11 cases, except that in case of a conflict between the Illinois
12 Administrative Procedure Act and this Act, the provisions of
13 this Act shall control. Parties to the hearing shall be the
14 enforcing agency and the violator.

15 The Department shall notify the violator in writing of the
16 time, place, and location of the hearing. The hearing shall be
17 conducted at the nearest regional office of the Department, or
18 in a location contracted by the Department in the county where
19 the citation was issued.

20 (e) Civil penalties imposed under this Act may be collected
21 in accordance with all methods otherwise available to the
22 enforcing agency or the Department, except that there shall be
23 no collection efforts during the pendency of the hearing before
24 the Department.

25 (f) Rulemaking authority to implement this amendatory Act
26 of the 95th General Assembly, if any, is conditioned on the

1 rules being adopted in accordance with all provisions of the
2 Illinois Administrative Procedure Act and all rules and
3 procedures of the Joint Committee on Administrative Rules; any
4 purported rule not so adopted, for whatever reason, is
5 unauthorized.

6 (Source: P.A. 100-877, eff. 1-1-19.)

7 (410 ILCS 82/45)

8 Sec. 45. Violations.

9 (a) A person, corporation, partnership, association or
10 other entity who violates Section 15 or 20 of this Act shall be
11 liable for a civil penalty pursuant to this Section. Each day
12 that a violation occurs is a separate violation.

13 (b) A person who smokes in an area where smoking is
14 prohibited under Section 15 of this Act shall be liable for a
15 civil penalty in an amount that is \$100 for a first offense and
16 \$250 for each subsequent offense. A person who owns, operates,
17 or otherwise controls a public place or place of employment
18 that violates Section 15 or 20 of this Act shall be liable for
19 a civil penalty of (i) \$250 for the first violation, (ii) \$500
20 for the second violation within one year after the first
21 violation, and (iii) \$2,500 for each additional violation
22 within one year after the first violation.

23 (c) A civil penalty imposed under this Section shall be
24 allocated as follows:

25 (1) one-half of the civil penalty shall be distributed

1 to the Department; and

2 (2) one-half of the civil penalty shall be distributed
3 to the enforcing agency.

4 With respect to funds designated for the Illinois
5 ~~Department of~~ State Police under this subsection, the Illinois
6 ~~Department of~~ State Police shall deposit the moneys into the
7 State Police Operations Assistance Fund. With respect to funds
8 designated for the Department of Natural Resources under this
9 subsection, the Department of Natural Resources shall deposit
10 the moneys into the Conservation Police Operations Assistance
11 Fund.

12 (d) Rulemaking authority to implement this amendatory Act
13 of the 95th General Assembly, if any, is conditioned on the
14 rules being adopted in accordance with all provisions of the
15 Illinois Administrative Procedure Act and all rules and
16 procedures of the Joint Committee on Administrative Rules; any
17 purported rule not so adopted, for whatever reason, is
18 unauthorized.

19 (Source: P.A. 100-877, eff. 1-1-19.)

20 Section 830. The Compassionate Use of Medical Cannabis
21 Pilot Program Act is amended by changing Sections 85, 95, 100,
22 105, 145, 150, and 180 as follows:

23 (410 ILCS 130/85)

24 Sec. 85. Issuance and denial of medical cannabis

1 cultivation permit.

2 (a) The Department of Agriculture may register up to 22
3 cultivation center registrations for operation. The Department
4 of Agriculture may not issue more than one registration per
5 each Illinois State Police District boundary as specified on
6 the date of January 1, 2013. The Department of Agriculture may
7 not issue less than the 22 registrations if there are qualified
8 applicants who have applied with the Department.

9 (b) The registrations shall be issued and renewed annually
10 as determined by administrative rule.

11 (c) The Department of Agriculture shall determine a
12 registration fee by rule.

13 (d) A cultivation center may only operate if it has been
14 issued a valid registration from the Department of Agriculture.
15 When applying for a cultivation center registration, the
16 applicant shall submit the following in accordance with
17 Department of Agriculture rules:

18 (1) the proposed legal name of the cultivation center;

19 (2) the proposed physical address of the cultivation
20 center and description of the enclosed, locked facility as
21 it applies to cultivation centers where medical cannabis
22 will be grown, harvested, manufactured, packaged, or
23 otherwise prepared for distribution to a dispensing
24 organization;

25 (3) the name, address, and date of birth of each
26 principal officer and board member of the cultivation

1 center, provided that all those individuals shall be at
2 least 21 years of age;

3 (4) any instance in which a business that any of the
4 prospective board members of the cultivation center had
5 managed or served on the board of the business and was
6 convicted, fined, censured, or had a registration or
7 license suspended or revoked in any administrative or
8 judicial proceeding;

9 (5) cultivation, inventory, and packaging plans;

10 (6) proposed operating by-laws that include procedures
11 for the oversight of the cultivation center, development
12 and implementation of a plant monitoring system, medical
13 cannabis container tracking system, accurate record
14 keeping, staffing plan, and security plan reviewed by the
15 Illinois State Police that are in accordance with the rules
16 issued by the Department of Agriculture under this Act. A
17 physical inventory shall be performed of all plants and
18 medical cannabis containers on a weekly basis;

19 (7) experience with agricultural cultivation
20 techniques and industry standards;

21 (8) any academic degrees, certifications, or relevant
22 experience with related businesses;

23 (9) the identity of every person, association, trust,
24 or corporation having any direct or indirect pecuniary
25 interest in the cultivation center operation with respect
26 to which the registration is sought. If the disclosed

1 entity is a trust, the application shall disclose the names
2 and addresses of the beneficiaries; if a corporation, the
3 names and addresses of all stockholders and directors; if a
4 partnership, the names and addresses of all partners, both
5 general and limited;

6 (10) verification from the Illinois State Police that
7 all background checks of the principal officer, board
8 members, and registered agents have been conducted and
9 those individuals have not been convicted of an excluded
10 offense;

11 (11) provide a copy of the current local zoning
12 ordinance to the Department of Agriculture and verify that
13 proposed cultivation center is in compliance with the local
14 zoning rules issued in accordance with Section 140;

15 (12) an application fee set by the Department of
16 Agriculture by rule; and

17 (13) any other information required by Department of
18 Agriculture rules, including, but not limited to a
19 cultivation center applicant's experience with the
20 cultivation of agricultural or horticultural products,
21 operating an agriculturally related business, or operating
22 a horticultural business.

23 (e) An application for a cultivation center permit must be
24 denied if any of the following conditions are met:

25 (1) the applicant failed to submit the materials
26 required by this Section, including if the applicant's

1 plans do not satisfy the security, oversight, inventory, or
2 recordkeeping rules issued by the Department of
3 Agriculture;

4 (2) the applicant would not be in compliance with local
5 zoning rules issued in accordance with Section 140;

6 (3) one or more of the prospective principal officers
7 or board members has been convicted of an excluded offense;

8 (4) one or more of the prospective principal officers
9 or board members has served as a principal officer or board
10 member for a registered dispensing organization or
11 cultivation center that has had its registration revoked;

12 (5) one or more of the principal officers or board
13 members is under 21 years of age;

14 (6) a principal officer or board member of the
15 cultivation center has been convicted of a felony under the
16 laws of this State, any other state, or the United States;

17 (7) a principal officer or board member of the
18 cultivation center has been convicted of any violation of
19 Article 28 of the Criminal Code of 2012, or substantially
20 similar laws of any other jurisdiction; or

21 (8) the person has submitted an application for a
22 certificate under this Act which contains false
23 information.

24 (Source: P.A. 98-122, eff. 1-1-14.)

25 (410 ILCS 130/95)

1 Sec. 95. Background checks.

2 (a) The Department of Agriculture through the Illinois
3 ~~Department of~~ State Police shall conduct a background check of
4 the prospective cultivation center agents. The Illinois
5 ~~Department of~~ State Police shall charge a fee for conducting
6 the criminal history record check, which shall be deposited in
7 the State Police Services Fund and shall not exceed the actual
8 cost of the record check. In order to carry out this provision,
9 each person applying as a cultivation center agent shall submit
10 a full set of fingerprints to the Illinois ~~Department of~~ State
11 Police for the purpose of obtaining a State and federal
12 criminal records check. These fingerprints shall be checked
13 against the fingerprint records now and hereafter, to the
14 extent allowed by law, filed in the Illinois ~~Department of~~
15 State Police and Federal Bureau of Investigation criminal
16 history records databases. The Illinois ~~Department of~~ State
17 Police shall furnish, following positive identification, all
18 Illinois conviction information to the Department of
19 Agriculture.

20 (b) When applying for the initial permit, the background
21 checks for the principal officer, board members, and registered
22 agents shall be completed prior to submitting the application
23 to the Department of Agriculture.

24 (Source: P.A. 98-122, eff. 1-1-14; 98-1172, eff. 1-12-15.)

25 (410 ILCS 130/100)

1 Sec. 100. Cultivation center agent identification card.

2 (a) The Department of Agriculture shall:

3 (1) verify the information contained in an application
4 or renewal for a cultivation center identification card
5 submitted under this Act, and approve or deny an
6 application or renewal, within 30 days of receiving a
7 completed application or renewal application and all
8 supporting documentation required by rule;

9 (2) issue a cultivation center agent identification
10 card to a qualifying agent within 15 business days of
11 approving the application or renewal;

12 (3) enter the registry identification number of the
13 cultivation center where the agent works; and

14 (4) allow for an electronic application process, and
15 provide a confirmation by electronic or other methods that
16 an application has been submitted.

17 (b) A cultivation center agent must keep his or her
18 identification card visible at all times when on the property
19 of a cultivation center and during the transportation of
20 medical cannabis to a registered dispensary organization.

21 (c) The cultivation center agent identification cards
22 shall contain the following:

23 (1) the name of the cardholder;

24 (2) the date of issuance and expiration date of
25 cultivation center agent identification cards;

26 (3) a random 10 digit alphanumeric identification

1 number containing at least 4 numbers and at least 4
2 letters; that is unique to the holder; and

3 (4) a photograph of the cardholder.

4 (d) The cultivation center agent identification cards
5 shall be immediately returned to the cultivation center upon
6 termination of employment.

7 (e) Any card lost by a cultivation center agent shall be
8 reported to the Illinois State Police and the Department of
9 Agriculture immediately upon discovery of the loss.

10 (f) An applicant shall be denied a cultivation center agent
11 identification card if he or she has been convicted of an
12 excluded offense.

13 (Source: P.A. 98-122, eff. 1-1-14.)

14 (410 ILCS 130/105)

15 Sec. 105. Requirements; prohibitions; penalties for
16 cultivation centers.

17 (a) The operating documents of a registered cultivation
18 center shall include procedures for the oversight of the
19 cultivation center, a cannabis plant monitoring system
20 including a physical inventory recorded weekly, a cannabis
21 container system including a physical inventory recorded
22 weekly, accurate record keeping, and a staffing plan.

23 (b) A registered cultivation center shall implement a
24 security plan reviewed by the Illinois State Police and
25 including but not limited to: facility access controls,

1 perimeter intrusion detection systems, personnel
2 identification systems, 24-hour surveillance system to monitor
3 the interior and exterior of the registered cultivation center
4 facility and accessible to authorized law enforcement and the
5 Department of Agriculture in real-time.

6 (c) A registered cultivation center may not be located
7 within 2,500 feet of the property line of a pre-existing public
8 or private preschool or elementary or secondary school or day
9 care center, day care home, group day care home, part day child
10 care facility, or an area zoned for residential use.

11 (d) All cultivation of cannabis for distribution to a
12 registered dispensing organization must take place in an
13 enclosed, locked facility as it applies to cultivation centers
14 at the physical address provided to the Department of
15 Agriculture during the registration process. The cultivation
16 center location shall only be accessed by the cultivation
17 center agents working for the registered cultivation center,
18 Department of Agriculture staff performing inspections,
19 Department of Public Health staff performing inspections, law
20 enforcement or other emergency personnel, and contractors
21 working on jobs unrelated to medical cannabis, such as
22 installing or maintaining security devices or performing
23 electrical wiring.

24 (e) A cultivation center may not sell or distribute any
25 cannabis to any individual or entity other than another
26 cultivation center, a dispensing organization registered under

1 this Act, or a laboratory licensed by the Department of
2 Agriculture.

3 (f) All harvested cannabis intended for distribution to a
4 dispensing organization must be packaged in a labeled medical
5 cannabis container and entered into a data collection system.

6 (g) No person who has been convicted of an excluded offense
7 may be a cultivation center agent.

8 (h) Registered cultivation centers are subject to random
9 inspection by the Illinois State Police.

10 (i) Registered cultivation centers are subject to random
11 inspections by the Department of Agriculture and the Department
12 of Public Health.

13 (j) A cultivation center agent shall notify local law
14 enforcement, the Illinois State Police, and the Department of
15 Agriculture within 24 hours of the discovery of any loss or
16 theft. Notification shall be made by phone or in-person, or by
17 written or electronic communication.

18 (k) A cultivation center shall comply with all State and
19 federal rules and regulations regarding the use of pesticides.

20 (Source: P.A. 101-363, eff. 8-9-19.)

21 (410 ILCS 130/145)

22 Sec. 145. Confidentiality.

23 (a) The following information received and records kept by
24 the Department of Public Health, Department of Financial and
25 Professional Regulation, Department of Agriculture, or

1 Illinois ~~Department of~~ State Police for purposes of
2 administering this Act are subject to all applicable federal
3 privacy laws, confidential, and exempt from the Freedom of
4 Information Act, and not subject to disclosure to any
5 individual or public or private entity, except as necessary for
6 authorized employees of those authorized agencies to perform
7 official duties under this Act and the following information
8 received and records kept by Department of Public Health,
9 Department of Agriculture, Department of Financial and
10 Professional Regulation, and Illinois ~~Department of~~ State
11 Police, excluding any existing or non-existing Illinois or
12 national criminal history record information as defined in
13 subsection (d), may be disclosed to each other upon request:

14 (1) Applications and renewals, their contents, and
15 supporting information submitted by qualifying patients
16 and designated caregivers, including information regarding
17 their designated caregivers and certifying health care
18 professionals.

19 (2) Applications and renewals, their contents, and
20 supporting information submitted by or on behalf of
21 cultivation centers and dispensing organizations in
22 compliance with this Act, including their physical
23 addresses.

24 (3) The individual names and other information
25 identifying persons to whom the Department of Public Health
26 has issued registry identification cards.

1 (4) Any dispensing information required to be kept
2 under Section 135, Section 150, or Department of Public
3 Health, Department of Agriculture, or Department of
4 Financial and Professional Regulation rules shall identify
5 cardholders and registered cultivation centers by their
6 registry identification numbers and medical cannabis
7 dispensing organizations by their registration number and
8 not contain names or other personally identifying
9 information.

10 (5) All medical records provided to the Department of
11 Public Health in connection with an application for a
12 registry card.

13 (b) Nothing in this Section precludes the following:

14 (1) Department of Agriculture, Department of Financial
15 and Professional Regulation, or Public Health employees
16 may notify law enforcement about falsified or fraudulent
17 information submitted to the Departments if the employee
18 who suspects that falsified or fraudulent information has
19 been submitted conferred with his or her supervisor and
20 both agree that circumstances exist that warrant
21 reporting.

22 (2) If the employee conferred with his or her
23 supervisor and both agree that circumstances exist that
24 warrant reporting, Department of Public Health employees
25 may notify the Department of Financial and Professional
26 Regulation if there is reasonable cause to believe a

1 certifying health care professional:

2 (A) issued a written certification without a bona
3 fide health care professional-patient relationship
4 under this Act;

5 (B) issued a written certification to a person who
6 was not under the certifying health care
7 professional's care for the debilitating medical
8 condition; or

9 (C) failed to abide by the acceptable and
10 prevailing standard of care when evaluating a
11 patient's medical condition.

12 (3) The Department of Public Health, Department of
13 Agriculture, and Department of Financial and Professional
14 Regulation may notify State or local law enforcement about
15 apparent criminal violations of this Act if the employee
16 who suspects the offense has conferred with his or her
17 supervisor and both agree that circumstances exist that
18 warrant reporting.

19 (4) Medical cannabis cultivation center agents and
20 medical cannabis dispensing organizations may notify the
21 Department of Public Health, Department of Financial and
22 Professional Regulation, or Department of Agriculture of a
23 suspected violation or attempted violation of this Act or
24 the rules issued under it.

25 (5) Each Department may verify registry identification
26 cards under Section 150.

1 (6) The submission of the report to the General
2 Assembly under Section 160.

3 (c) It is a Class B misdemeanor with a \$1,000 fine for any
4 person, including an employee or official of the Department of
5 Public Health, Department of Financial and Professional
6 Regulation, or Department of Agriculture or another State
7 agency or local government, to breach the confidentiality of
8 information obtained under this Act.

9 (d) The Department of Public Health, the Department of
10 Agriculture, the Illinois ~~Department of~~ State Police, and the
11 Department of Financial and Professional Regulation shall not
12 share or disclose any existing or non-existing Illinois or
13 national criminal history record information. For the purposes
14 of this Section, "any existing or non-existing Illinois or
15 national criminal history record information" means any
16 Illinois or national criminal history record information,
17 including but not limited to the lack of or non-existence of
18 these records.

19 (Source: P.A. 101-363, eff. 8-9-19.)

20 (410 ILCS 130/150)

21 Sec. 150. Registry identification and registration
22 certificate verification.

23 (a) The Department of Public Health shall maintain a
24 confidential list of the persons to whom the Department of
25 Public Health has issued registry identification cards and

1 their addresses, phone numbers, and registry identification
2 numbers. This confidential list may not be combined or linked
3 in any manner with any other list or database except as
4 provided in this Section.

5 (b) Within 180 days of the effective date of this Act, the
6 Department of Public Health, Department of Financial and
7 Professional Regulation, and Department of Agriculture shall
8 together establish a computerized database or verification
9 system. The database or verification system must allow law
10 enforcement personnel and medical cannabis dispensary
11 organization agents to determine whether or not the
12 identification number corresponds with a current, valid
13 registry identification card. The system shall only disclose
14 whether the identification card is valid, whether the
15 cardholder is a registered qualifying patient or a registered
16 designated caregiver, the registry identification number of
17 the registered medical cannabis dispensing organization
18 designated to serve the registered qualifying patient who holds
19 the card, and the registry identification number of the patient
20 who is assisted by a registered designated caregiver who holds
21 the card. The Department of Public Health, the Department of
22 Agriculture, the Illinois ~~Department of~~ State Police, and the
23 Department of Financial and Professional Regulation shall not
24 share or disclose any existing or non-existing Illinois or
25 national criminal history record information. Notwithstanding
26 any other requirements established by this subsection, the

1 Department of Public Health shall issue registry cards to
2 qualifying patients, the Department of Financial and
3 Professional Regulation may issue registration to medical
4 cannabis dispensing organizations for the period during which
5 the database is being established, and the Department of
6 Agriculture may issue registration to medical cannabis
7 cultivation organizations for the period during which the
8 database is being established.

9 (c) For the purposes of this Section, "any existing or
10 non-existing Illinois or national criminal history record
11 information" means any Illinois or national criminal history
12 record information, including but not limited to the lack of or
13 non-existence of these records.

14 (Source: P.A. 98-122, eff. 1-1-14; 98-1172, eff. 1-12-15.)

15 (410 ILCS 130/180)

16 Sec. 180. Destruction of medical cannabis.

17 (a) All cannabis byproduct, scrap, and harvested cannabis
18 not intended for distribution to a medical cannabis
19 organization must be destroyed and disposed of pursuant to
20 State law. Documentation of destruction and disposal shall be
21 retained at the cultivation center for a period of not less
22 than 5 years.

23 (b) A cultivation center shall prior to the destruction,
24 notify the Department of Agriculture and the Illinois State
25 Police.

1 (c) The cultivation center shall keep record of the date of
2 destruction and how much was destroyed.

3 (d) A dispensary organization shall destroy all cannabis,
4 including cannabis-infused products, that are not sold to
5 registered qualifying patients. Documentation of destruction
6 and disposal shall be retained at the dispensary organization
7 for a period of not less than 5 years.

8 (e) A dispensary organization shall prior to the
9 destruction, notify the Department of Financial and
10 Professional Regulation and the Illinois State Police.

11 (Source: P.A. 98-122, eff. 1-1-14.)

12 Section 835. The Vital Records Act is amended by changing
13 Sections 15.1 and 25.1 as follows:

14 (410 ILCS 535/15.1) (from Ch. 111 1/2, par. 73-15.1)

15 Sec. 15.1. (1) The Director of the Illinois ~~Department of~~
16 State Police or his designee may obtain a registration of a
17 fictitious vital record for the purpose and in the manner
18 prescribed in this Section.

19 (2) A registration of a fictitious vital record may be
20 obtained pursuant to this Section only for law enforcement
21 purposes in providing: (a) witnesses with new identification to
22 protect them during and following criminal investigations or
23 proceedings; and (b) law enforcement officers with new
24 identification to enable them to escape detection while

1 performing criminal investigations.

2 (3) The Director of the Illinois State Police or his
3 designee may apply to the circuit court on behalf of a person
4 for an order directing the State Registrar of Vital Records to
5 establish a fictitious vital record if it is determined by the
6 Director that normal procedures of investigation or protection
7 are inadequate or reasonably appear to be unlikely to succeed
8 if tried or are too dangerous to employ. The court shall fix a
9 time and place for hearing the application and, if it finds
10 that the application should be granted, shall order the State
11 Registrar of Vital Records to establish the vital record
12 requested. The order shall include the data to be registered,
13 and shall be delivered in person by the designee of the
14 Director of the Illinois ~~Department of~~ State Police to the
15 State Registrar of Vital Records. Upon receipt of such order,
16 the State Registrar of Vital Records shall establish a vital
17 record as if such data had been registered pursuant to Section
18 12 or 18 of this Act or pursuant to Section 210 or 413 of the
19 Illinois Marriage and Dissolution of Marriage Act.

20 (4) The general public shall be excluded from any hearing
21 on an application for an order under this Section and only
22 persons, including representatives of agencies, who in the
23 opinion of the court have a direct interest in the matter of
24 the application shall be admitted to the hearing.

25 (5) The court's file relating to any proceeding under this
26 Section shall be impounded by the clerk of the court and shall

1 be opened for examination only upon specific order of the
2 court, which order shall name the person or persons who are to
3 be permitted to examine such file. Certified copies of any
4 paper or document contained in any file so impounded shall be
5 made only on like order.

6 (6) Any documentation concerning a vital record registered
7 pursuant to this Section, including any court order entered
8 under subsection (3), maintained by the Illinois ~~Department of~~
9 State Police or by the State Registrar of Vital Records shall
10 be sealed. Such documentation maintained by the Registrar of
11 Vital Records shall be opened for examination only upon
12 specific order of the court, which order shall name the person
13 or persons who are to be permitted to examine such file. Such
14 documentation maintained by the Illinois ~~Department of~~ State
15 Police shall be opened for examination only upon the written
16 permission of the Director of that Department or his designee.

17 (7) The Registrar of Vital Records shall immediately notify
18 the Director of the Illinois ~~Department of~~ State Police or his
19 designee upon receiving any request for a copy of or
20 information concerning any vital record registered pursuant to
21 this Section.

22 (8) If the court order directing the State Registrar of
23 Vital Records to establish a fictitious vital record does not
24 specify a time for the destruction or elimination of such vital
25 record, the fictitious vital record shall be destroyed or
26 eliminated at the conclusion of the investigation or when the

1 Director of the Illinois ~~Department of~~ State Police determines
2 that such record is no longer necessary. After the destruction
3 of such record, the Director of the Illinois ~~Department of~~
4 State Police shall so notify the court which entered the order
5 directing the establishment of the fictitious vital record.

6 (Source: P.A. 85-829.)

7 (410 ILCS 535/25.1) (from Ch. 111 1/2, par. 73-25.1)

8 Sec. 25.1. (a) When the State Registrar of Vital Records
9 receives or prepares a death certificate the Registrar shall
10 make an appropriate notation in the birth certificate record of
11 that person that the person is deceased. The Registrar shall
12 also notify the appropriate municipal or county custodian of
13 such birth record that the person is deceased, and such
14 custodian shall likewise make an appropriate notation in its
15 records.

16 (b) In response to any inquiry, the Registrar or a
17 custodian shall not provide a copy of a birth certificate or
18 information concerning the birth record of any deceased person
19 except as provided in this subsection (b) or as otherwise
20 provided in this Act or as approved by the Department. When a
21 copy of the birth certificate of a deceased person is
22 requested, the Registrar or custodian shall require the person
23 making the request to complete an information form, which shall
24 be developed and furnished by the Department and shall include,
25 at a minimum, the name, address, telephone number, social

1 security number and driver's license number of the person
2 making the request. Before furnishing the copy, the custodian
3 shall prominently stamp on the copy the word "DECEASED" and
4 write or stamp on the copy the date of death of the deceased
5 person. The custodian shall retain the information form
6 completed by the person making the request, and note on the
7 birth certificate record that such a request was made. The
8 custodian shall make the information form available to the
9 Illinois ~~Department of~~ State Police or any local law
10 enforcement agency upon request. A city or county custodian
11 shall promptly submit copies of all completed forms to the
12 Registrar. The word "DECEASED" and the date of death shall not
13 appear on a copy of a birth certificate furnished to a parent
14 of a child who died within 3 months of birth, provided no other
15 copy of a birth certificate was furnished to the parent prior
16 to the child's death.

17 (c) The Registrar shall furnish, no later than 60 days
18 after receipt of a form used to request a birth certificate
19 record of a deceased person, a copy of the form and a copy of
20 the corresponding birth certificate record to the Department of
21 Healthcare and Family Services and the Department of Human
22 Services. The Department of Healthcare and Family Services and
23 the Department of Human Services shall, upon receipt of such
24 information, check their records to ensure that no claim for
25 public assistance under the Illinois Public Aid Code is being
26 made either by a person purporting to be the deceased person or

1 by any person on behalf of the deceased person.

2 (d) Notwithstanding the requirements of subsection (b),
3 when the death of a child occurs within 90 days of that child's
4 live birth, the mother listed on the birth certificate of that
5 child may request the issuance of a copy of a certificate of
6 live birth from the State Registrar. Such request shall be made
7 in accordance with subsection (b), shall indicate the
8 requestor's relationship to the child, and shall be made not
9 later than 9 months from the date of the death of the child.
10 Except as provided herein, the Registrar shall conform to all
11 requirements of this Act in issuing copies of certificates
12 under this subsection (d).

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

14 Section 840. The Illinois Food, Drug and Cosmetic Act is
15 amended by changing Section 3.21 as follows:

16 (410 ILCS 620/3.21) (from Ch. 56 1/2, par. 503.21)

17 Sec. 3.21. Except as authorized by this Act, the Illinois
18 Controlled Substances Act, the Pharmacy Practice Act, the
19 Dental Practice Act, the Medical Practice Act of 1987, the
20 Veterinary Medicine and Surgery Practice Act of 2004, the
21 Podiatric Medical Practice Act of 1987, Section 22-30 of the
22 School Code, Section 40 of the Illinois State Police Act,
23 Section 10.19 of the Illinois Police Training Act, or the
24 Epinephrine Injector Act, to sell or dispense a prescription

1 drug without a prescription.

2 (Source: P.A. 99-78, eff. 7-20-15; 99-711, eff. 1-1-17;
3 100-799, eff. 1-1-19.)

4 Section 845. The Cannabis Regulation and Tax Act is amended
5 by changing Sections 1-10, 5-20, 15-25, 15-30, 15-40, 15-65,
6 15-75, 15-100, 15-135, 20-15, 20-30, 20-35, 20-40, 25-30,
7 25-35, 30-10, 30-30, 30-35, 30-40, 35-10, 35-25, 35-30, 40-10,
8 40-25, 40-30, 40-35, 55-15, 55-30, 55-35, 55-40, 55-50, 55-55,
9 and 55-80 as follows:

10 (410 ILCS 705/1-10)

11 Sec. 1-10. Definitions. In this Act:

12 "Adult Use Cultivation Center License" means a license
13 issued by the Department of Agriculture that permits a person
14 to act as a cultivation center under this Act and any
15 administrative rule made in furtherance of this Act.

16 "Adult Use Dispensing Organization License" means a
17 license issued by the Department of Financial and Professional
18 Regulation that permits a person to act as a dispensing
19 organization under this Act and any administrative rule made in
20 furtherance of this Act.

21 "Advertise" means to engage in promotional activities
22 including, but not limited to: newspaper, radio, Internet and
23 electronic media, and television advertising; the distribution
24 of fliers and circulars; billboard advertising; and the display

1 of window and interior signs. "Advertise" does not mean
2 exterior signage displaying only the name of the licensed
3 cannabis business establishment.

4 "BLS Region" means a region in Illinois used by the United
5 States Bureau of Labor Statistics to gather and categorize
6 certain employment and wage data. The 17 such regions in
7 Illinois are: Bloomington, Cape Girardeau, Carbondale-Marion,
8 Champaign-Urbana, Chicago-Naperville-Elgin, Danville,
9 Davenport-Moline-Rock Island, Decatur, Kankakee, Peoria,
10 Rockford, St. Louis, Springfield, Northwest Illinois
11 nonmetropolitan area, West Central Illinois nonmetropolitan
12 area, East Central Illinois nonmetropolitan area, and South
13 Illinois nonmetropolitan area.

14 "Cannabis" means marijuana, hashish, and other substances
15 that are identified as including any parts of the plant
16 Cannabis sativa and including derivatives or subspecies, such
17 as indica, of all strains of cannabis, whether growing or not;
18 the seeds thereof, the resin extracted from any part of the
19 plant; and any compound, manufacture, salt, derivative,
20 mixture, or preparation of the plant, its seeds, or resin,
21 including tetrahydrocannabinol (THC) and all other naturally
22 produced cannabinol derivatives, whether produced directly or
23 indirectly by extraction; however, "cannabis" does not include
24 the mature stalks of the plant, fiber produced from the stalks,
25 oil or cake made from the seeds of the plant, any other
26 compound, manufacture, salt, derivative, mixture, or

1 preparation of the mature stalks (except the resin extracted
2 from it), fiber, oil or cake, or the sterilized seed of the
3 plant that is incapable of germination. "Cannabis" does not
4 include industrial hemp as defined and authorized under the
5 Industrial Hemp Act. "Cannabis" also means cannabis flower,
6 concentrate, and cannabis-infused products.

7 "Cannabis business establishment" means a cultivation
8 center, craft grower, processing organization, infuser
9 organization, dispensing organization, or transporting
10 organization.

11 "Cannabis concentrate" means a product derived from
12 cannabis that is produced by extracting cannabinoids,
13 including tetrahydrocannabinol (THC), from the plant through
14 the use of propylene glycol, glycerin, butter, olive oil or
15 other typical cooking fats; water, ice, or dry ice; or butane,
16 propane, CO₂, ethanol, or isopropanol and with the intended use
17 of smoking or making a cannabis-infused product. The use of any
18 other solvent is expressly prohibited unless and until it is
19 approved by the Department of Agriculture.

20 "Cannabis container" means a sealed, traceable, container,
21 or package used for the purpose of containment of cannabis or
22 cannabis-infused product during transportation.

23 "Cannabis flower" means marijuana, hashish, and other
24 substances that are identified as including any parts of the
25 plant Cannabis sativa and including derivatives or subspecies,
26 such as indica, of all strains of cannabis; including raw kief,

1 leaves, and buds, but not resin that has been extracted from
2 any part of such plant; nor any compound, manufacture, salt,
3 derivative, mixture, or preparation of such plant, its seeds,
4 or resin.

5 "Cannabis-infused product" means a beverage, food, oil,
6 ointment, tincture, topical formulation, or another product
7 containing cannabis or cannabis concentrate that is not
8 intended to be smoked.

9 "Cannabis paraphernalia" means equipment, products, or
10 materials intended to be used for planting, propagating,
11 cultivating, growing, harvesting, manufacturing, producing,
12 processing, preparing, testing, analyzing, packaging,
13 repackaging, storing, containing, concealing, ingesting, or
14 otherwise introducing cannabis into the human body.

15 "Cannabis plant monitoring system" or "plant monitoring
16 system" means a system that includes, but is not limited to,
17 testing and data collection established and maintained by the
18 cultivation center, craft grower, or processing organization
19 and that is available to the Department of Revenue, the
20 Department of Agriculture, the Department of Financial and
21 Professional Regulation, and the Illinois ~~Department of~~ State
22 Police for the purposes of documenting each cannabis plant and
23 monitoring plant development throughout the life cycle of a
24 cannabis plant cultivated for the intended use by a customer
25 from seed planting to final packaging.

26 "Cannabis testing facility" means an entity registered by

1 the Department of Agriculture to test cannabis for potency and
2 contaminants.

3 "Clone" means a plant section from a female cannabis plant
4 not yet rootbound, growing in a water solution or other
5 propagation matrix, that is capable of developing into a new
6 plant.

7 "Community College Cannabis Vocational Training Pilot
8 Program faculty participant" means a person who is 21 years of
9 age or older, licensed by the Department of Agriculture, and is
10 employed or contracted by an Illinois community college to
11 provide student instruction using cannabis plants at an
12 Illinois Community College.

13 "Community College Cannabis Vocational Training Pilot
14 Program faculty participant Agent Identification Card" means a
15 document issued by the Department of Agriculture that
16 identifies a person as Community College Cannabis Vocational
17 Training Pilot Program faculty participant.

18 "Conditional Adult Use Dispensing Organization License"
19 means a license awarded to top-scoring applicants for an Adult
20 Use Dispensing Organization License that reserves the right to
21 an Adult Use Dispensing Organization License if the applicant
22 meets certain conditions described in this Act, but does not
23 entitle the recipient to begin purchasing or selling cannabis
24 or cannabis-infused products.

25 "Conditional Adult Use Cultivation Center License" means a
26 license awarded to top-scoring applicants for an Adult Use

1 Cultivation Center License that reserves the right to an Adult
2 Use Cultivation Center License if the applicant meets certain
3 conditions as determined by the Department of Agriculture by
4 rule, but does not entitle the recipient to begin growing,
5 processing, or selling cannabis or cannabis-infused products.

6 "Craft grower" means a facility operated by an organization
7 or business that is licensed by the Department of Agriculture
8 to cultivate, dry, cure, and package cannabis and perform other
9 necessary activities to make cannabis available for sale at a
10 dispensing organization or use at a processing organization. A
11 craft grower may contain up to 5,000 square feet of canopy
12 space on its premises for plants in the flowering state. The
13 Department of Agriculture may authorize an increase or decrease
14 of flowering stage cultivation space in increments of 3,000
15 square feet by rule based on market need, craft grower
16 capacity, and the licensee's history of compliance or
17 noncompliance, with a maximum space of 14,000 square feet for
18 cultivating plants in the flowering stage, which must be
19 cultivated in all stages of growth in an enclosed and secure
20 area. A craft grower may share premises with a processing
21 organization or a dispensing organization, or both, provided
22 each licensee stores currency and cannabis or cannabis-infused
23 products in a separate secured vault to which the other
24 licensee does not have access or all licensees sharing a vault
25 share more than 50% of the same ownership.

26 "Craft grower agent" means a principal officer, board

1 member, employee, or other agent of a craft grower who is 21
2 years of age or older.

3 "Craft Grower Agent Identification Card" means a document
4 issued by the Department of Agriculture that identifies a
5 person as a craft grower agent.

6 "Cultivation center" means a facility operated by an
7 organization or business that is licensed by the Department of
8 Agriculture to cultivate, process, transport (unless otherwise
9 limited by this Act), and perform other necessary activities to
10 provide cannabis and cannabis-infused products to cannabis
11 business establishments.

12 "Cultivation center agent" means a principal officer,
13 board member, employee, or other agent of a cultivation center
14 who is 21 years of age or older.

15 "Cultivation Center Agent Identification Card" means a
16 document issued by the Department of Agriculture that
17 identifies a person as a cultivation center agent.

18 "Currency" means currency and coin of the United States.

19 "Dispensary" means a facility operated by a dispensing
20 organization at which activities licensed by this Act may
21 occur.

22 "Dispensing organization" means a facility operated by an
23 organization or business that is licensed by the Department of
24 Financial and Professional Regulation to acquire cannabis from
25 a cultivation center, craft grower, processing organization,
26 or another dispensary for the purpose of selling or dispensing

1 cannabis, cannabis-infused products, cannabis seeds,
2 paraphernalia, or related supplies under this Act to purchasers
3 or to qualified registered medical cannabis patients and
4 caregivers. As used in this Act, "dispensing organization"
5 includes a registered medical cannabis organization as defined
6 in the Compassionate Use of Medical Cannabis Program Act or its
7 successor Act that has obtained an Early Approval Adult Use
8 Dispensing Organization License.

9 "Dispensing organization agent" means a principal officer,
10 employee, or agent of a dispensing organization who is 21 years
11 of age or older.

12 "Dispensing organization agent identification card" means
13 a document issued by the Department of Financial and
14 Professional Regulation that identifies a person as a
15 dispensing organization agent.

16 "Disproportionately Impacted Area" means a census tract or
17 comparable geographic area that satisfies the following
18 criteria as determined by the Department of Commerce and
19 Economic Opportunity, that:

20 (1) meets at least one of the following criteria:

21 (A) the area has a poverty rate of at least 20%
22 according to the latest federal decennial census; or

23 (B) 75% or more of the children in the area
24 participate in the federal free lunch program
25 according to reported statistics from the State Board
26 of Education; or

1 (C) at least 20% of the households in the area
2 receive assistance under the Supplemental Nutrition
3 Assistance Program; or

4 (D) the area has an average unemployment rate, as
5 determined by the Illinois Department of Employment
6 Security, that is more than 120% of the national
7 unemployment average, as determined by the United
8 States Department of Labor, for a period of at least 2
9 consecutive calendar years preceding the date of the
10 application; and

11 (2) has high rates of arrest, conviction, and
12 incarceration related to the sale, possession, use,
13 cultivation, manufacture, or transport of cannabis.

14 "Early Approval Adult Use Cultivation Center License"
15 means a license that permits a medical cannabis cultivation
16 center licensed under the Compassionate Use of Medical Cannabis
17 Program Act as of the effective date of this Act to begin
18 cultivating, infusing, packaging, transporting (unless
19 otherwise provided in this Act), processing and selling
20 cannabis or cannabis-infused product to cannabis business
21 establishments for resale to purchasers as permitted by this
22 Act as of January 1, 2020.

23 "Early Approval Adult Use Dispensing Organization License"
24 means a license that permits a medical cannabis dispensing
25 organization licensed under the Compassionate Use of Medical
26 Cannabis Program Act as of the effective date of this Act to

1 begin selling cannabis or cannabis-infused product to
2 purchasers as permitted by this Act as of January 1, 2020.

3 "Early Approval Adult Use Dispensing Organization at a
4 secondary site" means a license that permits a medical cannabis
5 dispensing organization licensed under the Compassionate Use
6 of Medical Cannabis Program Act as of the effective date of
7 this Act to begin selling cannabis or cannabis-infused product
8 to purchasers as permitted by this Act on January 1, 2020 at a
9 different dispensary location from its existing registered
10 medical dispensary location.

11 "Enclosed, locked facility" means a room, greenhouse,
12 building, or other enclosed area equipped with locks or other
13 security devices that permit access only by cannabis business
14 establishment agents working for the licensed cannabis
15 business establishment or acting pursuant to this Act to
16 cultivate, process, store, or distribute cannabis.

17 "Enclosed, locked space" means a closet, room, greenhouse,
18 building or other enclosed area equipped with locks or other
19 security devices that permit access only by authorized
20 individuals under this Act. "Enclosed, locked space" may
21 include:

22 (1) a space within a residential building that (i) is
23 the primary residence of the individual cultivating 5 or
24 fewer cannabis plants that are more than 5 inches tall and
25 (ii) includes sleeping quarters and indoor plumbing. The
26 space must only be accessible by a key or code that is

1 different from any key or code that can be used to access
2 the residential building from the exterior; or

3 (2) a structure, such as a shed or greenhouse, that
4 lies on the same plot of land as a residential building
5 that (i) includes sleeping quarters and indoor plumbing and
6 (ii) is used as a primary residence by the person
7 cultivating 5 or fewer cannabis plants that are more than 5
8 inches tall, such as a shed or greenhouse. The structure
9 must remain locked when it is unoccupied by people.

10 "Financial institution" has the same meaning as "financial
11 organization" as defined in Section 1501 of the Illinois Income
12 Tax Act, and also includes the holding companies, subsidiaries,
13 and affiliates of such financial organizations.

14 "Flowering stage" means the stage of cultivation where and
15 when a cannabis plant is cultivated to produce plant material
16 for cannabis products. This includes mature plants as follows:

17 (1) if greater than 2 stigmas are visible at each
18 internode of the plant; or

19 (2) if the cannabis plant is in an area that has been
20 intentionally deprived of light for a period of time
21 intended to produce flower buds and induce maturation, from
22 the moment the light deprivation began through the
23 remainder of the marijuana plant growth cycle.

24 "Individual" means a natural person.

25 "Infuser organization" or "infuser" means a facility
26 operated by an organization or business that is licensed by the

1 Department of Agriculture to directly incorporate cannabis or
2 cannabis concentrate into a product formulation to produce a
3 cannabis-infused product.

4 "Kief" means the resinous crystal-like trichomes that are
5 found on cannabis and that are accumulated, resulting in a
6 higher concentration of cannabinoids, untreated by heat or
7 pressure, or extracted using a solvent.

8 "Labor peace agreement" means an agreement between a
9 cannabis business establishment and any labor organization
10 recognized under the National Labor Relations Act, referred to
11 in this Act as a bona fide labor organization, that prohibits
12 labor organizations and members from engaging in picketing,
13 work stoppages, boycotts, and any other economic interference
14 with the cannabis business establishment. This agreement means
15 that the cannabis business establishment has agreed not to
16 disrupt efforts by the bona fide labor organization to
17 communicate with, and attempt to organize and represent, the
18 cannabis business establishment's employees. The agreement
19 shall provide a bona fide labor organization access at
20 reasonable times to areas in which the cannabis business
21 establishment's employees work, for the purpose of meeting with
22 employees to discuss their right to representation, employment
23 rights under State law, and terms and conditions of employment.
24 This type of agreement shall not mandate a particular method of
25 election or certification of the bona fide labor organization.

26 "Limited access area" means a room or other area under the

1 control of a cannabis dispensing organization licensed under
2 this Act and upon the licensed premises where cannabis sales
3 occur with access limited to purchasers, dispensing
4 organization owners and other dispensing organization agents,
5 or service professionals conducting business with the
6 dispensing organization, or, if sales to registered qualifying
7 patients, caregivers, provisional patients, and Opioid
8 Alternative Pilot Program participants licensed pursuant to
9 the Compassionate Use of Medical Cannabis Program Act are also
10 permitted at the dispensary, registered qualifying patients,
11 caregivers, provisional patients, and Opioid Alternative Pilot
12 Program participants.

13 "Member of an impacted family" means an individual who has
14 a parent, legal guardian, child, spouse, or dependent, or was a
15 dependent of an individual who, prior to the effective date of
16 this Act, was arrested for, convicted of, or adjudicated
17 delinquent for any offense that is eligible for expungement
18 under this Act.

19 "Mother plant" means a cannabis plant that is cultivated or
20 maintained for the purpose of generating clones, and that will
21 not be used to produce plant material for sale to an infuser or
22 dispensing organization.

23 "Ordinary public view" means within the sight line with
24 normal visual range of a person, unassisted by visual aids,
25 from a public street or sidewalk adjacent to real property, or
26 from within an adjacent property.

1 "Ownership and control" means ownership of at least 51% of
2 the business, including corporate stock if a corporation, and
3 control over the management and day-to-day operations of the
4 business and an interest in the capital, assets, and profits
5 and losses of the business proportionate to percentage of
6 ownership.

7 "Person" means a natural individual, firm, partnership,
8 association, joint stock company, joint venture, public or
9 private corporation, limited liability company, or a receiver,
10 executor, trustee, guardian, or other representative appointed
11 by order of any court.

12 "Possession limit" means the amount of cannabis under
13 Section 10-10 that may be possessed at any one time by a person
14 21 years of age or older or who is a registered qualifying
15 medical cannabis patient or caregiver under the Compassionate
16 Use of Medical Cannabis Program Act.

17 "Principal officer" includes a cannabis business
18 establishment applicant or licensed cannabis business
19 establishment's board member, owner with more than 1% interest
20 of the total cannabis business establishment or more than 5%
21 interest of the total cannabis business establishment of a
22 publicly traded company, president, vice president, secretary,
23 treasurer, partner, officer, member, manager member, or person
24 with a profit sharing, financial interest, or revenue sharing
25 arrangement. The definition includes a person with authority to
26 control the cannabis business establishment, a person who

1 assumes responsibility for the debts of the cannabis business
2 establishment and who is further defined in this Act.

3 "Primary residence" means a dwelling where a person usually
4 stays or stays more often than other locations. It may be
5 determined by, without limitation, presence, tax filings;
6 address on an Illinois driver's license, an Illinois
7 Identification Card, or an Illinois Person with a Disability
8 Identification Card; or voter registration. No person may have
9 more than one primary residence.

10 "Processing organization" or "processor" means a facility
11 operated by an organization or business that is licensed by the
12 Department of Agriculture to either extract constituent
13 chemicals or compounds to produce cannabis concentrate or
14 incorporate cannabis or cannabis concentrate into a product
15 formulation to produce a cannabis product.

16 "Processing organization agent" means a principal officer,
17 board member, employee, or agent of a processing organization.

18 "Processing organization agent identification card" means
19 a document issued by the Department of Agriculture that
20 identifies a person as a processing organization agent.

21 "Purchaser" means a person 21 years of age or older who
22 acquires cannabis for a valuable consideration. "Purchaser"
23 does not include a cardholder under the Compassionate Use of
24 Medical Cannabis Program Act.

25 "Qualified Social Equity Applicant" means a Social Equity
26 Applicant who has been awarded a conditional license under this

1 Act to operate a cannabis business establishment.

2 "Resided" means an individual's primary residence was
3 located within the relevant geographic area as established by 2
4 of the following:

5 (1) a signed lease agreement that includes the
6 applicant's name;

7 (2) a property deed that includes the applicant's name;

8 (3) school records;

9 (4) a voter registration card;

10 (5) an Illinois driver's license, an Illinois
11 Identification Card, or an Illinois Person with a
12 Disability Identification Card;

13 (6) a paycheck stub;

14 (7) a utility bill;

15 (8) tax records; or

16 (9) any other proof of residency or other information
17 necessary to establish residence as provided by rule.

18 "Smoking" means the inhalation of smoke caused by the
19 combustion of cannabis.

20 "Social Equity Applicant" means an applicant that is an
21 Illinois resident that meets one of the following criteria:

22 (1) an applicant with at least 51% ownership and
23 control by one or more individuals who have resided for at
24 least 5 of the preceding 10 years in a Disproportionately
25 Impacted Area;

26 (2) an applicant with at least 51% ownership and

1 control by one or more individuals who:

2 (i) have been arrested for, convicted of, or
3 adjudicated delinquent for any offense that is
4 eligible for expungement under this Act; or

5 (ii) is a member of an impacted family;

6 (3) for applicants with a minimum of 10 full-time
7 employees, an applicant with at least 51% of current
8 employees who:

9 (i) currently reside in a Disproportionately
10 Impacted Area; or

11 (ii) have been arrested for, convicted of, or
12 adjudicated delinquent for any offense that is
13 eligible for expungement under this Act or member of an
14 impacted family.

15 Nothing in this Act shall be construed to preempt or limit
16 the duties of any employer under the Job Opportunities for
17 Qualified Applicants Act. Nothing in this Act shall permit an
18 employer to require an employee to disclose sealed or expunged
19 offenses, unless otherwise required by law.

20 "Tincture" means a cannabis-infused solution, typically
21 comprised of alcohol, glycerin, or vegetable oils, derived
22 either directly from the cannabis plant or from a processed
23 cannabis extract. A tincture is not an alcoholic liquor as
24 defined in the Liquor Control Act of 1934. A tincture shall
25 include a calibrated dropper or other similar device capable of
26 accurately measuring servings.

1 "Transporting organization" or "transporter" means an
2 organization or business that is licensed by the Department of
3 Agriculture to transport cannabis or cannabis-infused product
4 on behalf of a cannabis business establishment or a community
5 college licensed under the Community College Cannabis
6 Vocational Training Pilot Program.

7 "Transporting organization agent" means a principal
8 officer, board member, employee, or agent of a transporting
9 organization.

10 "Transporting organization agent identification card"
11 means a document issued by the Department of Agriculture that
12 identifies a person as a transporting organization agent.

13 "Unit of local government" means any county, city, village,
14 or incorporated town.

15 "Vegetative stage" means the stage of cultivation in which
16 a cannabis plant is propagated to produce additional cannabis
17 plants or reach a sufficient size for production. This includes
18 seedlings, clones, mothers, and other immature cannabis plants
19 as follows:

20 (1) if the cannabis plant is in an area that has not
21 been intentionally deprived of light for a period of time
22 intended to produce flower buds and induce maturation, it
23 has no more than 2 stigmas visible at each internode of the
24 cannabis plant; or

25 (2) any cannabis plant that is cultivated solely for
26 the purpose of propagating clones and is never used to

1 produce cannabis.

2 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

3 (410 ILCS 705/5-20)

4 Sec. 5-20. Background checks.

5 (a) Through the Illinois ~~Department of~~ State Police, the
6 licensing or issuing Department shall conduct a criminal
7 history record check of the prospective principal officers,
8 board members, and agents of a cannabis business establishment
9 applying for a license or identification card under this Act.

10 Each cannabis business establishment prospective principal
11 officer, board member, or agent shall submit his or her
12 fingerprints to the Illinois ~~Department of~~ State Police in the
13 form and manner prescribed by the Illinois ~~Department of~~ State
14 Police.

15 Unless otherwise provided in this Act, such fingerprints
16 shall be transmitted through a live scan fingerprint vendor
17 licensed by the Department of Financial and Professional
18 Regulation. These fingerprints shall be checked against the
19 fingerprint records now and hereafter filed in the Illinois
20 ~~Department of~~ State Police and Federal Bureau of Investigation
21 criminal history records databases. The Illinois ~~Department of~~
22 State Police shall charge a fee for conducting the criminal
23 history record check, which shall be deposited into the State
24 Police Services Fund and shall not exceed the actual cost of
25 the State and national criminal history record check. The

1 ~~Illinois Department of~~ State Police shall furnish, pursuant to
2 positive identification, all Illinois conviction information
3 and shall forward the national criminal history record
4 information to:

5 (i) the Department of Agriculture, with respect to a
6 cultivation center, craft grower, infuser organization, or
7 transporting organization; or

8 (ii) the Department of Financial and Professional
9 Regulation, with respect to a dispensing organization.

10 (b) When applying for the initial license or identification
11 card, the background checks for all prospective principal
12 officers, board members, and agents shall be completed before
13 submitting the application to the licensing or issuing agency.

14 (c) All applications for licensure under this Act by
15 applicants with criminal convictions shall be subject to
16 Sections 2105-131, 2105-135, and 2105-205 of the Department of
17 Professional Regulation Law of the Civil Administrative Code of
18 Illinois.

19 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

20 (410 ILCS 705/15-25)

21 Sec. 15-25. Awarding of Conditional Adult Use Dispensing
22 Organization Licenses prior to January 1, 2021.

23 (a) The Department shall issue up to 75 Conditional Adult
24 Use Dispensing Organization Licenses before May 1, 2020.

25 (b) The Department shall make the application for a

1 Conditional Adult Use Dispensing Organization License
2 available no later than October 1, 2019 and shall accept
3 applications no later than January 1, 2020.

4 (c) To ensure the geographic dispersion of Conditional
5 Adult Use Dispensing Organization License holders, the
6 following number of licenses shall be awarded in each BLS
7 Region as determined by each region's percentage of the State's
8 population:

9 (1) Bloomington: 1

10 (2) Cape Girardeau: 1

11 (3) Carbondale-Marion: 1

12 (4) Champaign-Urbana: 1

13 (5) Chicago-Naperville-Elgin: 47

14 (6) Danville: 1

15 (7) Davenport-Moline-Rock Island: 1

16 (8) Decatur: 1

17 (9) Kankakee: 1

18 (10) Peoria: 3

19 (11) Rockford: 2

20 (12) St. Louis: 4

21 (13) Springfield: 1

22 (14) Northwest Illinois nonmetropolitan: 3

23 (15) West Central Illinois nonmetropolitan: 3

24 (16) East Central Illinois nonmetropolitan: 2

25 (17) South Illinois nonmetropolitan: 2

26 (d) An applicant seeking issuance of a Conditional Adult

1 Use Dispensing Organization License shall submit an
2 application on forms provided by the Department. An applicant
3 must meet the following requirements:

4 (1) Payment of a nonrefundable application fee of
5 \$5,000 for each license for which the applicant is
6 applying, which shall be deposited into the Cannabis
7 Regulation Fund;

8 (2) Certification that the applicant will comply with
9 the requirements contained in this Act;

10 (3) The legal name of the proposed dispensing
11 organization;

12 (4) A statement that the dispensing organization
13 agrees to respond to the Department's supplemental
14 requests for information;

15 (5) From each principal officer, a statement
16 indicating whether that person:

17 (A) has previously held or currently holds an
18 ownership interest in a cannabis business
19 establishment in Illinois; or

20 (B) has held an ownership interest in a dispensing
21 organization or its equivalent in another state or
22 territory of the United States that had the dispensing
23 organization registration or license suspended,
24 revoked, placed on probationary status, or subjected
25 to other disciplinary action;

26 (6) Disclosure of whether any principal officer has

1 ever filed for bankruptcy or defaulted on spousal support
2 or child support obligation;

3 (7) A resume for each principal officer, including
4 whether that person has an academic degree, certification,
5 or relevant experience with a cannabis business
6 establishment or in a related industry;

7 (8) A description of the training and education that
8 will be provided to dispensing organization agents;

9 (9) A copy of the proposed operating bylaws;

10 (10) A copy of the proposed business plan that complies
11 with the requirements in this Act, including, at a minimum,
12 the following:

13 (A) A description of services to be offered; and

14 (B) A description of the process of dispensing
15 cannabis;

16 (11) A copy of the proposed security plan that complies
17 with the requirements in this Article, including:

18 (A) The process or controls that will be
19 implemented to monitor the dispensary, secure the
20 premises, agents, and currency, and prevent the
21 diversion, theft, or loss of cannabis; and

22 (B) The process to ensure that access to the
23 restricted access areas is restricted to, registered
24 agents, service professionals, transporting
25 organization agents, Department inspectors, and
26 security personnel;

1 (12) A proposed inventory control plan that complies
2 with this Section;

3 (13) A proposed floor plan, a square footage estimate,
4 and a description of proposed security devices, including,
5 without limitation, cameras, motion detectors, servers,
6 video storage capabilities, and alarm service providers;

7 (14) The name, address, social security number, and
8 date of birth of each principal officer and board member of
9 the dispensing organization; each of those individuals
10 shall be at least 21 years of age;

11 (15) Evidence of the applicant's status as a Social
12 Equity Applicant, if applicable, and whether a Social
13 Equity Applicant plans to apply for a loan or grant issued
14 by the Department of Commerce and Economic Opportunity;

15 (16) The address, telephone number, and email address
16 of the applicant's principal place of business, if
17 applicable. A post office box is not permitted;

18 (17) Written summaries of any information regarding
19 instances in which a business or not-for-profit that a
20 prospective board member previously managed or served on
21 were fined or censured, or any instances in which a
22 business or not-for-profit that a prospective board member
23 previously managed or served on had its registration
24 suspended or revoked in any administrative or judicial
25 proceeding;

26 (18) A plan for community engagement;

1 (19) Procedures to ensure accurate recordkeeping and
2 security measures that are in accordance with this Article
3 and Department rules;

4 (20) The estimated volume of cannabis it plans to store
5 at the dispensary;

6 (21) A description of the features that will provide
7 accessibility to purchasers as required by the Americans
8 with Disabilities Act;

9 (22) A detailed description of air treatment systems
10 that will be installed to reduce odors;

11 (23) A reasonable assurance that the issuance of a
12 license will not have a detrimental impact on the community
13 in which the applicant wishes to locate;

14 (24) The dated signature of each principal officer;

15 (25) A description of the enclosed, locked facility
16 where cannabis will be stored by the dispensing
17 organization;

18 (26) Signed statements from each dispensing
19 organization agent stating that he or she will not divert
20 cannabis;

21 (27) The number of licenses it is applying for in each
22 BLS Region;

23 (28) A diversity plan that includes a narrative of at
24 least 2,500 words that establishes a goal of diversity in
25 ownership, management, employment, and contracting to
26 ensure that diverse participants and groups are afforded

1 equality of opportunity;

2 (29) A contract with a private security contractor that
3 is licensed under Section 10-5 of the Private Detective,
4 Private Alarm, Private Security, Fingerprint Vendor, and
5 Locksmith Act of 2004 in order for the dispensary to have
6 adequate security at its facility; and

7 (30) Other information deemed necessary by the
8 Illinois Cannabis Regulation Oversight Officer to conduct
9 the disparity and availability study referenced in
10 subsection (e) of Section 5-45.

11 (e) An applicant who receives a Conditional Adult Use
12 Dispensing Organization License under this Section has 180 days
13 from the date of award to identify a physical location for the
14 dispensing organization retail storefront. Before a
15 conditional licensee receives an authorization to build out the
16 dispensing organization from the Department, the Department
17 shall inspect the physical space selected by the conditional
18 licensee. The Department shall verify the site is suitable for
19 public access, the layout promotes the safe dispensing of
20 cannabis, the location is sufficient in size, power allocation,
21 lighting, parking, handicapped accessible parking spaces,
22 accessible entry and exits as required by the Americans with
23 Disabilities Act, product handling, and storage. The applicant
24 shall also provide a statement of reasonable assurance that the
25 issuance of a license will not have a detrimental impact on the
26 community. The applicant shall also provide evidence that the

1 location is not within 1,500 feet of an existing dispensing
2 organization. If an applicant is unable to find a suitable
3 physical address in the opinion of the Department within 180
4 days of the issuance of the Conditional Adult Use Dispensing
5 Organization License, the Department may extend the period for
6 finding a physical address another 180 days if the Conditional
7 Adult Use Dispensing Organization License holder demonstrates
8 concrete attempts to secure a location and a hardship. If the
9 Department denies the extension or the Conditional Adult Use
10 Dispensing Organization License holder is unable to find a
11 location or become operational within 360 days of being awarded
12 a conditional license, the Department shall rescind the
13 conditional license and award it to the next highest scoring
14 applicant in the BLS Region for which the license was assigned,
15 provided the applicant receiving the license: (i) confirms a
16 continued interest in operating a dispensing organization;
17 (ii) can provide evidence that the applicant continues to meet
18 all requirements for holding a Conditional Adult Use Dispensing
19 Organization License set forth in this Act; and (iii) has not
20 otherwise become ineligible to be awarded a dispensing
21 organization license. If the new awardee is unable to accept
22 the Conditional Adult Use Dispensing Organization License, the
23 Department shall award the Conditional Adult Use Dispensing
24 Organization License to the next highest scoring applicant in
25 the same manner. The new awardee shall be subject to the same
26 required deadlines as provided in this subsection.

1 (e-5) If, within 180 days of being awarded a Conditional
2 Adult Use Dispensing Organization License, a dispensing
3 organization is unable to find a location within the BLS Region
4 in which it was awarded a Conditional Adult Use Dispensing
5 Organization License because no jurisdiction within the BLS
6 Region allows for the operation of an Adult Use Dispensing
7 Organization, the Department of Financial and Professional
8 Regulation may authorize the Conditional Adult Use Dispensing
9 Organization License holder to transfer its license to a BLS
10 Region specified by the Department.

11 (f) A dispensing organization that is awarded a Conditional
12 Adult Use Dispensing Organization License pursuant to the
13 criteria in Section 15-30 shall not purchase, possess, sell, or
14 dispense cannabis or cannabis-infused products until the
15 person has received an Adult Use Dispensing Organization
16 License issued by the Department pursuant to Section 15-36 of
17 this Act.

18 (g) The Department shall conduct a background check of the
19 prospective organization agents in order to carry out this
20 Article. The Illinois ~~Department of~~ State Police shall charge
21 the applicant a fee for conducting the criminal history record
22 check, which shall be deposited into the State Police Services
23 Fund and shall not exceed the actual cost of the record check.
24 Each person applying as a dispensing organization agent shall
25 submit a full set of fingerprints to the Illinois ~~Department of~~
26 State Police for the purpose of obtaining a State and federal

1 criminal records check. These fingerprints shall be checked
2 against the fingerprint records now and hereafter, to the
3 extent allowed by law, filed in the Illinois ~~Department of~~
4 State Police and Federal Bureau of Identification criminal
5 history records databases. The Illinois ~~Department of~~ State
6 Police shall furnish, following positive identification, all
7 Illinois conviction information to the Department.

8 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

9 (410 ILCS 705/15-30)

10 Sec. 15-30. Selection criteria for conditional licenses
11 awarded under Section 15-25.

12 (a) Applicants for a Conditional Adult Use Dispensing
13 Organization License must submit all required information,
14 including the information required in Section 15-25, to the
15 Department. Failure by an applicant to submit all required
16 information may result in the application being disqualified.

17 (b) If the Department receives an application that fails to
18 provide the required elements contained in this Section, the
19 Department shall issue a deficiency notice to the applicant.
20 The applicant shall have 10 calendar days from the date of the
21 deficiency notice to resubmit the incomplete information.
22 Applications that are still incomplete after this opportunity
23 to cure will not be scored and will be disqualified.

24 (c) The Department will award up to 250 points to complete
25 applications based on the sufficiency of the applicant's

1 responses to required information. Applicants will be awarded
2 points based on a determination that the application
3 satisfactorily includes the following elements:

4 (1) Suitability of Employee Training Plan (15 points).

5 The plan includes an employee training plan that
6 demonstrates that employees will understand the rules
7 and laws to be followed by dispensary employees, have
8 knowledge of any security measures and operating
9 procedures of the dispensary, and are able to advise
10 purchasers on how to safely consume cannabis and use
11 individual products offered by the dispensary.

12 (2) Security and Recordkeeping (65 points).

13 (A) The security plan accounts for the prevention
14 of the theft or diversion of cannabis. The security
15 plan demonstrates safety procedures for dispensing
16 organization agents and purchasers, and safe delivery
17 and storage of cannabis and currency. It demonstrates
18 compliance with all security requirements in this Act
19 and rules.

20 (B) A plan for recordkeeping, tracking, and
21 monitoring inventory, quality control, and other
22 policies and procedures that will promote standard
23 recordkeeping and discourage unlawful activity. This
24 plan includes the applicant's strategy to communicate
25 with the Department and the Illinois ~~Department of~~
26 State Police on the destruction and disposal of

1 cannabis. The plan must also demonstrate compliance
2 with this Act and rules.

3 (C) The security plan shall also detail which
4 private security contractor licensed under Section
5 10-5 of the Private Detective, Private Alarm, Private
6 Security, Fingerprint Vendor, and Locksmith Act of
7 2004 the dispensary will contract with in order to
8 provide adequate security at its facility.

9 (3) Applicant's Business Plan, Financials, Operating
10 and Floor Plan (65 points).

11 (A) The business plan shall describe, at a minimum,
12 how the dispensing organization will be managed on a
13 long-term basis. This shall include a description of
14 the dispensing organization's point-of-sale system,
15 purchases and denials of sale, confidentiality, and
16 products and services to be offered. It will
17 demonstrate compliance with this Act and rules.

18 (B) The operating plan shall include, at a minimum,
19 best practices for day-to-day dispensary operation and
20 staffing. The operating plan may also include
21 information about employment practices, including
22 information about the percentage of full-time
23 employees who will be provided a living wage.

24 (C) The proposed floor plan is suitable for public
25 access, the layout promotes safe dispensing of
26 cannabis, is compliant with the Americans with

1 Disabilities Act and the Environmental Barriers Act,
2 and facilitates safe product handling and storage.

3 (4) Knowledge and Experience (30 points).

4 (A) The applicant's principal officers must
5 demonstrate experience and qualifications in business
6 management or experience with the cannabis industry.
7 This includes ensuring optimal safety and accuracy in
8 the dispensing and sale of cannabis.

9 (B) The applicant's principal officers must
10 demonstrate knowledge of various cannabis product
11 strains or varieties and describe the types and
12 quantities of products planned to be sold. This
13 includes confirmation of whether the dispensing
14 organization plans to sell cannabis paraphernalia or
15 edibles.

16 (C) Knowledge and experience may be demonstrated
17 through experience in other comparable industries that
18 reflect on the applicant's ability to operate a
19 cannabis business establishment.

20 (5) Status as a Social Equity Applicant (50 points).

21 The applicant meets the qualifications for a
22 Social Equity Applicant as set forth in this Act.

23 (6) Labor and employment practices (5 points): The
24 applicant may describe plans to provide a safe, healthy,
25 and economically beneficial working environment for its
26 agents, including, but not limited to, codes of conduct,

1 health care benefits, educational benefits, retirement
2 benefits, living wage standards, and entering a labor peace
3 agreement with employees.

4 (7) Environmental Plan (5 points): The applicant may
5 demonstrate an environmental plan of action to minimize the
6 carbon footprint, environmental impact, and resource needs
7 for the dispensary, which may include, without limitation,
8 recycling cannabis product packaging.

9 (8) Illinois owner (5 points): The applicant is 51% or
10 more owned and controlled by an Illinois resident, who can
11 prove residency in each of the past 5 years with tax
12 records or 2 of the following:

13 (A) a signed lease agreement that includes the
14 applicant's name;

15 (B) a property deed that includes the applicant's
16 name;

17 (C) school records;

18 (D) a voter registration card;

19 (E) an Illinois driver's license, an Illinois
20 Identification Card, or an Illinois Person with a
21 Disability Identification Card;

22 (F) a paycheck stub;

23 (G) a utility bill; or

24 (H) any other proof of residency or other
25 information necessary to establish residence as
26 provided by rule.

1 (9) Status as veteran (5 points): The applicant is 51%
2 or more controlled and owned by an individual or
3 individuals who meet the qualifications of a veteran as
4 defined by Section 45-57 of the Illinois Procurement Code.

5 (10) A diversity plan (5 points): that includes a
6 narrative of not more than 2,500 words that establishes a
7 goal of diversity in ownership, management, employment,
8 and contracting to ensure that diverse participants and
9 groups are afforded equality of opportunity.

10 (d) The Department may also award up to 2 bonus points for
11 a plan to engage with the community. The applicant may
12 demonstrate a desire to engage with its community by
13 participating in one or more of, but not limited to, the
14 following actions: (i) establishment of an incubator program
15 designed to increase participation in the cannabis industry by
16 persons who would qualify as Social Equity Applicants; (ii)
17 providing financial assistance to substance abuse treatment
18 centers; (iii) educating children and teens about the potential
19 harms of cannabis use; or (iv) other measures demonstrating a
20 commitment to the applicant's community. Bonus points will only
21 be awarded if the Department receives applications that receive
22 an equal score for a particular region.

23 (e) The Department may verify information contained in each
24 application and accompanying documentation to assess the
25 applicant's veracity and fitness to operate a dispensing
26 organization.

1 (f) The Department may, in its discretion, refuse to issue
2 an authorization to any applicant:

3 (1) Who is unqualified to perform the duties required
4 of the applicant;

5 (2) Who fails to disclose or states falsely any
6 information called for in the application;

7 (3) Who has been found guilty of a violation of this
8 Act, or whose medical cannabis dispensing organization,
9 medical cannabis cultivation organization, or Early
10 Approval Adult Use Dispensing Organization License, or
11 Early Approval Adult Use Dispensing Organization License
12 at a secondary site, or Early Approval Cultivation Center
13 License was suspended, restricted, revoked, or denied for
14 just cause, or the applicant's cannabis business
15 establishment license was suspended, restricted, revoked,
16 or denied in any other state; or

17 (4) Who has engaged in a pattern or practice of unfair
18 or illegal practices, methods, or activities in the conduct
19 of owning a cannabis business establishment or other
20 business.

21 (g) The Department shall deny the license if any principal
22 officer, board member, or person having a financial or voting
23 interest of 5% or greater in the licensee is delinquent in
24 filing any required tax returns or paying any amounts owed to
25 the State of Illinois.

26 (h) The Department shall verify an applicant's compliance

1 with the requirements of this Article and rules before issuing
2 a dispensing organization license.

3 (i) Should the applicant be awarded a license, the
4 information and plans provided in the application, including
5 any plans submitted for bonus points, shall become a condition
6 of the Conditional Adult Use Dispensing Organization Licenses
7 and any Adult Use Dispensing Organization License issued to the
8 holder of the Conditional Adult Use Dispensing Organization
9 License, except as otherwise provided by this Act or rule.
10 Dispensing organizations have a duty to disclose any material
11 changes to the application. The Department shall review all
12 material changes disclosed by the dispensing organization, and
13 may re-evaluate its prior decision regarding the awarding of a
14 license, including, but not limited to, suspending or
15 permanently revoking a license. Failure to comply with the
16 conditions or requirements in the application may subject the
17 dispensing organization to discipline, up to and including
18 suspension or permanent revocation of its authorization or
19 license by the Department.

20 (j) If an applicant has not begun operating as a dispensing
21 organization within one year of the issuance of the Conditional
22 Adult Use Dispensing Organization License, the Department may
23 permanently revoke the Conditional Adult Use Dispensing
24 Organization License and award it to the next highest scoring
25 applicant in the BLS Region if a suitable applicant indicates a
26 continued interest in the license or begin a new selection

1 process to award a Conditional Adult Use Dispensing
2 Organization License.

3 (k) The Department shall deny an application if granting
4 that application would result in a single person or entity
5 having a direct or indirect financial interest in more than 10
6 Early Approval Adult Use Dispensing Organization Licenses,
7 Conditional Adult Use Dispensing Organization Licenses, or
8 Adult Use Dispensing Organization Licenses. Any entity that is
9 awarded a license that results in a single person or entity
10 having a direct or indirect financial interest in more than 10
11 licenses shall forfeit the most recently issued license and
12 suffer a penalty to be determined by the Department, unless the
13 entity declines the license at the time it is awarded.

14 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

15 (410 ILCS 705/15-40)

16 Sec. 15-40. Dispensing organization agent identification
17 card; agent training.

18 (a) The Department shall:

19 (1) verify the information contained in an application
20 or renewal for a dispensing organization agent
21 identification card submitted under this Article, and
22 approve or deny an application or renewal, within 30 days
23 of receiving a completed application or renewal
24 application and all supporting documentation required by
25 rule;

1 (2) issue a dispensing organization agent
2 identification card to a qualifying agent within 15
3 business days of approving the application or renewal;

4 (3) enter the registry identification number of the
5 dispensing organization where the agent works;

6 (4) within one year from the effective date of this
7 Act, allow for an electronic application process and
8 provide a confirmation by electronic or other methods that
9 an application has been submitted; and

10 (5) collect a \$100 nonrefundable fee from the applicant
11 to be deposited into the Cannabis Regulation Fund.

12 (b) A dispensing organization agent must keep his or her
13 identification card visible at all times when in the
14 dispensary.

15 (c) The dispensing organization agent identification cards
16 shall contain the following:

17 (1) the name of the cardholder;

18 (2) the date of issuance and expiration date of the
19 dispensing organization agent identification cards;

20 (3) a random 10-digit alphanumeric identification
21 number containing at least 4 numbers and at least 4 letters
22 that is unique to the cardholder; and

23 (4) a photograph of the cardholder.

24 (d) The dispensing organization agent identification cards
25 shall be immediately returned to the dispensing organization
26 upon termination of employment.

1 (e) The Department shall not issue an agent identification
2 card if the applicant is delinquent in filing any required tax
3 returns or paying any amounts owed to the State of Illinois.

4 (f) Any card lost by a dispensing organization agent shall
5 be reported to the Illinois ~~Department of~~ State Police and the
6 Department immediately upon discovery of the loss.

7 (g) An applicant shall be denied a dispensing organization
8 agent identification card renewal if he or she fails to
9 complete the training provided for in this Section.

10 (h) A dispensing organization agent shall only be required
11 to hold one card for the same employer regardless of what type
12 of dispensing organization license the employer holds.

13 (i) Cannabis retail sales training requirements.

14 (1) Within 90 days of September 1, 2019, or 90 days of
15 employment, whichever is later, all owners, managers,
16 employees, and agents involved in the handling or sale of
17 cannabis or cannabis-infused product employed by an adult
18 use dispensing organization or medical cannabis dispensing
19 organization as defined in Section 10 of the Compassionate
20 Use of Medical Cannabis Program Act shall attend and
21 successfully complete a Responsible Vendor Program.

22 (2) Each owner, manager, employee, and agent of an
23 adult use dispensing organization or medical cannabis
24 dispensing organization shall successfully complete the
25 program annually.

26 (3) Responsible Vendor Program Training modules shall

1 include at least 2 hours of instruction time approved by
2 the Department including:

3 (i) Health and safety concerns of cannabis use,
4 including the responsible use of cannabis, its
5 physical effects, onset of physiological effects,
6 recognizing signs of impairment, and appropriate
7 responses in the event of overconsumption.

8 (ii) Training on laws and regulations on driving
9 while under the influence and operating a watercraft or
10 snowmobile while under the influence.

11 (iii) Sales to minors prohibition. Training shall
12 cover all relevant Illinois laws and rules.

13 (iv) Quantity limitations on sales to purchasers.
14 Training shall cover all relevant Illinois laws and
15 rules.

16 (v) Acceptable forms of identification. Training
17 shall include:

18 (I) How to check identification; and

19 (II) Common mistakes made in verification;

20 (vi) Safe storage of cannabis;

21 (vii) Compliance with all inventory tracking
22 system regulations;

23 (viii) Waste handling, management, and disposal;

24 (ix) Health and safety standards;

25 (x) Maintenance of records;

26 (xi) Security and surveillance requirements;

1 (xii) Permitting inspections by State and local
2 licensing and enforcement authorities;

3 (xiii) Privacy issues;

4 (xiv) Packaging and labeling requirement for sales
5 to purchasers; and

6 (xv) Other areas as determined by rule.

7 (j) Blank.

8 (k) Upon the successful completion of the Responsible
9 Vendor Program, the provider shall deliver proof of completion
10 either through mail or electronic communication to the
11 dispensing organization, which shall retain a copy of the
12 certificate.

13 (l) The license of a dispensing organization or medical
14 cannabis dispensing organization whose owners, managers,
15 employees, or agents fail to comply with this Section may be
16 suspended or permanently revoked under Section 15-145 or may
17 face other disciplinary action.

18 (m) The regulation of dispensing organization and medical
19 cannabis dispensing employer and employee training is an
20 exclusive function of the State, and regulation by a unit of
21 local government, including a home rule unit, is prohibited.
22 This subsection (m) is a denial and limitation of home rule
23 powers and functions under subsection (h) of Section 6 of
24 Article VII of the Illinois Constitution.

25 (n) Persons seeking Department approval to offer the
26 training required by paragraph (3) of subsection (i) may apply

1 for such approval between August 1 and August 15 of each
2 odd-numbered year in a manner prescribed by the Department.

3 (o) Persons seeking Department approval to offer the
4 training required by paragraph (3) of subsection (i) shall
5 submit a nonrefundable application fee of \$2,000 to be
6 deposited into the Cannabis Regulation Fund or a fee as may be
7 set by rule. Any changes made to the training module shall be
8 approved by the Department.

9 (p) The Department shall not unreasonably deny approval of
10 a training module that meets all the requirements of paragraph
11 (3) of subsection (i). A denial of approval shall include a
12 detailed description of the reasons for the denial.

13 (q) Any person approved to provide the training required by
14 paragraph (3) of subsection (i) shall submit an application for
15 re-approval between August 1 and August 15 of each odd-numbered
16 year and include a nonrefundable application fee of \$2,000 to
17 be deposited into the Cannabis Regulation Fund or a fee as may
18 be set by rule.

19 (r) All persons applying to become or renewing their
20 registrations to be agents, including agents-in-charge and
21 principal officers, shall disclose any disciplinary action
22 taken against them that may have occurred in Illinois, another
23 state, or another country in relation to their employment at a
24 cannabis business establishment or at any cannabis cultivation
25 center, processor, infuser, dispensary, or other cannabis
26 business establishment.

1 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

2 (410 ILCS 705/15-65)

3 Sec. 15-65. Administration.

4 (a) A dispensing organization shall establish, maintain,
5 and comply with written policies and procedures as submitted in
6 the Business, Financial and Operating plan as required in this
7 Article or by rules established by the Department, and approved
8 by the Department, for the security, storage, inventory, and
9 distribution of cannabis. These policies and procedures shall
10 include methods for identifying, recording, and reporting
11 diversion, theft, or loss, and for correcting errors and
12 inaccuracies in inventories. At a minimum, dispensing
13 organizations shall ensure the written policies and procedures
14 provide for the following:

15 (1) Mandatory and voluntary recalls of cannabis
16 products. The policies shall be adequate to deal with
17 recalls due to any action initiated at the request of the
18 Department and any voluntary action by the dispensing
19 organization to remove defective or potentially defective
20 cannabis from the market or any action undertaken to
21 promote public health and safety, including:

22 (i) A mechanism reasonably calculated to contact
23 purchasers who have, or likely have, obtained the
24 product from the dispensary, including information on
25 the policy for return of the recalled product;

1 (ii) A mechanism to identify and contact the adult
2 use cultivation center, craft grower, or infuser that
3 manufactured the cannabis;

4 (iii) Policies for communicating with the
5 Department, the Department of Agriculture, and the
6 Department of Public Health within 24 hours of
7 discovering defective or potentially defective
8 cannabis; and

9 (iv) Policies for destruction of any recalled
10 cannabis product;

11 (2) Responses to local, State, or national
12 emergencies, including natural disasters, that affect the
13 security or operation of a dispensary;

14 (3) Segregation and destruction of outdated, damaged,
15 deteriorated, misbranded, or adulterated cannabis. This
16 procedure shall provide for written documentation of the
17 cannabis disposition;

18 (4) Ensure the oldest stock of a cannabis product is
19 distributed first. The procedure may permit deviation from
20 this requirement, if such deviation is temporary and
21 appropriate;

22 (5) Training of dispensing organization agents in the
23 provisions of this Act and rules, to effectively operate
24 the point-of-sale system and the State's verification
25 system, proper inventory handling and tracking, specific
26 uses of cannabis or cannabis-infused products, instruction

1 regarding regulatory inspection preparedness and law
2 enforcement interaction, awareness of the legal
3 requirements for maintaining status as an agent, and other
4 topics as specified by the dispensing organization or the
5 Department. The dispensing organization shall maintain
6 evidence of all training provided to each agent in its
7 files that is subject to inspection and audit by the
8 Department. The dispensing organization shall ensure
9 agents receive a minimum of 8 hours of training subject to
10 the requirements in subsection (i) of Section 15-40
11 annually, unless otherwise approved by the Department;

12 (6) Maintenance of business records consistent with
13 industry standards, including bylaws, consents, manual or
14 computerized records of assets and liabilities, audits,
15 monetary transactions, journals, ledgers, and supporting
16 documents, including agreements, checks, invoices,
17 receipts, and vouchers. Records shall be maintained in a
18 manner consistent with this Act and shall be retained for 5
19 years;

20 (7) Inventory control, including:

21 (i) Tracking purchases and denials of sale;

22 (ii) Disposal of unusable or damaged cannabis as
23 required by this Act and rules; and

24 (8) Purchaser education and support, including:

25 (i) Whether possession of cannabis is illegal
26 under federal law;

1 (ii) Current educational information issued by the
2 Department of Public Health about the health risks
3 associated with the use or abuse of cannabis;

4 (iii) Information about possible side effects;

5 (iv) Prohibition on smoking cannabis in public
6 places; and

7 (v) Offering any other appropriate purchaser
8 education or support materials.

9 (b) Blank.

10 (c) A dispensing organization shall maintain copies of the
11 policies and procedures on the dispensary premises and provide
12 copies to the Department upon request. The dispensing
13 organization shall review the dispensing organization policies
14 and procedures at least once every 12 months from the issue
15 date of the license and update as needed due to changes in
16 industry standards or as requested by the Department.

17 (d) A dispensing organization shall ensure that each
18 principal officer and each dispensing organization agent has a
19 current agent identification card in the agent's immediate
20 possession when the agent is at the dispensary.

21 (e) A dispensing organization shall provide prompt written
22 notice to the Department, including the date of the event, when
23 a dispensing organization agent no longer is employed by the
24 dispensing organization.

25 (f) A dispensing organization shall promptly document and
26 report any loss or theft of cannabis from the dispensary to the

1 ~~Illinois Department of~~ State Police and the Department. It is
2 the duty of any dispensing organization agent who becomes aware
3 of the loss or theft to report it as provided in this Article.

4 (g) A dispensing organization shall post the following
5 information in a conspicuous location in an area of the
6 dispensary accessible to consumers:

7 (1) The dispensing organization's license;

8 (2) The hours of operation.

9 (h) Signage that shall be posted inside the premises.

10 (1) All dispensing organizations must display a
11 placard that states the following: "Cannabis consumption
12 can impair cognition and driving, is for adult use only,
13 may be habit forming, and should not be used by pregnant or
14 breastfeeding women."

15 (2) Any dispensing organization that sells edible
16 cannabis-infused products must display a placard that
17 states the following:

18 (A) "Edible cannabis-infused products were
19 produced in a kitchen that may also process common food
20 allergens."; and

21 (B) "The effects of cannabis products can vary from
22 person to person, and it can take as long as two hours
23 to feel the effects of some cannabis-infused products.
24 Carefully review the portion size information and
25 warnings contained on the product packaging before
26 consuming."

1 (3) All of the required signage in this subsection (h)
2 shall be no smaller than 24 inches tall by 36 inches wide,
3 with typed letters no smaller than 2 inches. The signage
4 shall be clearly visible and readable by customers. The
5 signage shall be placed in the area where cannabis and
6 cannabis-infused products are sold and may be translated
7 into additional languages as needed. The Department may
8 require a dispensary to display the required signage in a
9 different language, other than English, if the Secretary
10 deems it necessary.

11 (i) A dispensing organization shall prominently post
12 notices inside the dispensing organization that state
13 activities that are strictly prohibited and punishable by law,
14 including, but not limited to:

15 (1) no minors permitted on the premises unless the
16 minor is a minor qualifying patient under the Compassionate
17 Use of Medical Cannabis Program Act;

18 (2) distribution to persons under the age of 21 is
19 prohibited;

20 (3) transportation of cannabis or cannabis products
21 across state lines is prohibited.

22 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

23 (410 ILCS 705/15-75)

24 Sec. 15-75. Inventory control system.

25 (a) A dispensing organization agent-in-charge shall have

1 primary oversight of the dispensing organization's cannabis
2 inventory verification system, and its point-of-sale system.
3 The inventory point-of-sale system shall be real-time,
4 web-based, and accessible by the Department at any time. The
5 point-of-sale system shall track, at a minimum the date of
6 sale, amount, price, and currency.

7 (b) A dispensing organization shall establish an account
8 with the State's verification system that documents:

9 (1) Each sales transaction at the time of sale and each
10 day's beginning inventory, acquisitions, sales, disposal,
11 and ending inventory.

12 (2) Acquisition of cannabis and cannabis-infused
13 products from a licensed adult use cultivation center,
14 craft grower, infuser, or transporter, including:

15 (i) A description of the products, including the
16 quantity, strain, variety, and batch number of each
17 product received;

18 (ii) The name and registry identification number
19 of the licensed adult use cultivation center, craft
20 grower, or infuser providing the cannabis and
21 cannabis-infused products;

22 (iii) The name and registry identification number
23 of the licensed adult use cultivation center, craft
24 grower, infuser, or transporting agent delivering the
25 cannabis;

26 (iv) The name and registry identification number

1 of the dispensing organization agent receiving the
2 cannabis; and

3 (v) The date of acquisition.

4 (3) The disposal of cannabis, including:

5 (i) A description of the products, including the
6 quantity, strain, variety, batch number, and reason
7 for the cannabis being disposed;

8 (ii) The method of disposal; and

9 (iii) The date and time of disposal.

10 (c) Upon cannabis delivery, a dispensing organization
11 shall confirm the product's name, strain name, weight, and
12 identification number on the manifest matches the information
13 on the cannabis product label and package. The product name
14 listed and the weight listed in the State's verification system
15 shall match the product packaging.

16 (d) The agent-in-charge shall conduct daily inventory
17 reconciliation documenting and balancing cannabis inventory by
18 confirming the State's verification system matches the
19 dispensing organization's point-of-sale system and the amount
20 of physical product at the dispensary.

21 (1) A dispensing organization must receive Department
22 approval before completing an inventory adjustment. It
23 shall provide a detailed reason for the adjustment.
24 Inventory adjustment documentation shall be kept at the
25 dispensary for 2 years from the date performed.

26 (2) If the dispensing organization identifies an

1 imbalance in the amount of cannabis after the daily
2 inventory reconciliation due to mistake, the dispensing
3 organization shall determine how the imbalance occurred
4 and immediately upon discovery take and document
5 corrective action. If the dispensing organization cannot
6 identify the reason for the mistake within 2 calendar days
7 after first discovery, it shall inform the Department
8 immediately in writing of the imbalance and the corrective
9 action taken to date. The dispensing organization shall
10 work diligently to determine the reason for the mistake.

11 (3) If the dispensing organization identifies an
12 imbalance in the amount of cannabis after the daily
13 inventory reconciliation or through other means due to
14 theft, criminal activity, or suspected criminal activity,
15 the dispensing organization shall immediately determine
16 how the reduction occurred and take and document corrective
17 action. Within 24 hours after the first discovery of the
18 reduction due to theft, criminal activity, or suspected
19 criminal activity, the dispensing organization shall
20 inform the Department and the Illinois ~~Department of~~ State
21 Police in writing.

22 (4) The dispensing organization shall file an annual
23 compilation report with the Department, including a
24 financial statement that shall include, but not be limited
25 to, an income statement, balance sheet, profit and loss
26 statement, statement of cash flow, wholesale cost and

1 sales, and any other documentation requested by the
2 Department in writing. The financial statement shall
3 include any other information the Department deems
4 necessary in order to effectively administer this Act and
5 all rules, orders, and final decisions promulgated under
6 this Act. Statements required by this Section shall be
7 filed with the Department within 60 days after the end of
8 the calendar year. The compilation report shall include a
9 letter authored by a licensed certified public accountant
10 that it has been reviewed and is accurate based on the
11 information provided. The dispensing organization,
12 financial statement, and accompanying documents are not
13 required to be audited unless specifically requested by the
14 Department.

15 (e) A dispensing organization shall:

16 (1) Maintain the documentation required in this
17 Section in a secure locked location at the dispensing
18 organization for 5 years from the date on the document;

19 (2) Provide any documentation required to be
20 maintained in this Section to the Department for review
21 upon request; and

22 (3) If maintaining a bank account, retain for a period
23 of 5 years a record of each deposit or withdrawal from the
24 account.

25 (f) If a dispensing organization chooses to have a return
26 policy for cannabis and cannabis products, the dispensing

1 organization shall seek prior approval from the Department.

2 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

3 (410 ILCS 705/15-100)

4 Sec. 15-100. Security.

5 (a) A dispensing organization shall implement security
6 measures to deter and prevent entry into and theft of cannabis
7 or currency.

8 (b) A dispensing organization shall submit any changes to
9 the floor plan or security plan to the Department for
10 pre-approval. All cannabis shall be maintained and stored in a
11 restricted access area during construction.

12 (c) The dispensing organization shall implement security
13 measures to protect the premises, purchasers, and dispensing
14 organization agents including, but not limited to the
15 following:

16 (1) Establish a locked door or barrier between the
17 facility's entrance and the limited access area;

18 (2) Prevent individuals from remaining on the premises
19 if they are not engaging in activity permitted by this Act
20 or rules;

21 (3) Develop a policy that addresses the maximum
22 capacity and purchaser flow in the waiting rooms and
23 limited access areas;

24 (4) Dispose of cannabis in accordance with this Act and
25 rules;

1 (5) During hours of operation, store and dispense all
2 cannabis from the restricted access area. During
3 operational hours, cannabis shall be stored in an enclosed
4 locked room or cabinet and accessible only to specifically
5 authorized dispensing organization agents;

6 (6) When the dispensary is closed, store all cannabis
7 and currency in a reinforced vault room in the restricted
8 access area and in a manner as to prevent diversion, theft,
9 or loss;

10 (7) Keep the reinforced vault room and any other
11 equipment or cannabis storage areas securely locked and
12 protected from unauthorized entry;

13 (8) Keep an electronic daily log of dispensing
14 organization agents with access to the reinforced vault
15 room and knowledge of the access code or combination;

16 (9) Keep all locks and security equipment in good
17 working order;

18 (10) Maintain an operational security and alarm system
19 at all times;

20 (11) Prohibit keys, if applicable, from being left in
21 the locks, or stored or placed in a location accessible to
22 persons other than specifically authorized personnel;

23 (12) Prohibit accessibility of security measures,
24 including combination numbers, passwords, or electronic or
25 biometric security systems to persons other than
26 specifically authorized dispensing organization agents;

1 (13) Ensure that the dispensary interior and exterior
2 premises are sufficiently lit to facilitate surveillance;

3 (14) Ensure that trees, bushes, and other foliage
4 outside of the dispensary premises do not allow for a
5 person or persons to conceal themselves from sight;

6 (15) Develop emergency policies and procedures for
7 securing all product and currency following any instance of
8 diversion, theft, or loss of cannabis, and conduct an
9 assessment to determine whether additional safeguards are
10 necessary; and

11 (16) Develop sufficient additional safeguards in
12 response to any special security concerns, or as required
13 by the Department.

14 (d) The Department may request or approve alternative
15 security provisions that it determines are an adequate
16 substitute for a security requirement specified in this
17 Article. Any additional protections may be considered by the
18 Department in evaluating overall security measures.

19 (e) A dispensing organization may share premises with a
20 craft grower or an infuser organization, or both, provided each
21 licensee stores currency and cannabis or cannabis-infused
22 products in a separate secured vault to which the other
23 licensee does not have access or all licensees sharing a vault
24 share more than 50% of the same ownership.

25 (f) A dispensing organization shall provide additional
26 security as needed and in a manner appropriate for the

1 community where it operates.

2 (g) Restricted access areas.

3 (1) All restricted access areas must be identified by
4 the posting of a sign that is a minimum of 12 inches by 12
5 inches and that states "Do Not Enter - Restricted Access
6 Area - Authorized Personnel Only" in lettering no smaller
7 than one inch in height.

8 (2) All restricted access areas shall be clearly
9 described in the floor plan of the premises, in the form
10 and manner determined by the Department, reflecting walls,
11 partitions, counters, and all areas of entry and exit. The
12 floor plan shall show all storage, disposal, and retail
13 sales areas.

14 (3) All restricted access areas must be secure, with
15 locking devices that prevent access from the limited access
16 areas.

17 (h) Security and alarm.

18 (1) A dispensing organization shall have an adequate
19 security plan and security system to prevent and detect
20 diversion, theft, or loss of cannabis, currency, or
21 unauthorized intrusion using commercial grade equipment
22 installed by an Illinois licensed private alarm contractor
23 or private alarm contractor agency that shall, at a
24 minimum, include:

25 (i) A perimeter alarm on all entry points and glass
26 break protection on perimeter windows;

1 (ii) Security shatterproof tinted film on exterior
2 windows;

3 (iii) A failure notification system that provides
4 an audible, text, or visual notification of any failure
5 in the surveillance system, including, but not limited
6 to, panic buttons, alarms, and video monitoring
7 system. The failure notification system shall provide
8 an alert to designated dispensing organization agents
9 within 5 minutes after the failure, either by telephone
10 or text message;

11 (iv) A duress alarm, panic button, and alarm, or
12 holdup alarm and after-hours intrusion detection alarm
13 that by design and purpose will directly or indirectly
14 notify, by the most efficient means, the Public Safety
15 Answering Point for the law enforcement agency having
16 primary jurisdiction;

17 (v) Security equipment to deter and prevent
18 unauthorized entrance into the dispensary, including
19 electronic door locks on the limited and restricted
20 access areas that include devices or a series of
21 devices to detect unauthorized intrusion that may
22 include a signal system interconnected with a radio
23 frequency method, cellular, private radio signals or
24 other mechanical or electronic device.

25 (2) All security system equipment and recordings shall
26 be maintained in good working order, in a secure location

1 so as to prevent theft, loss, destruction, or alterations.

2 (3) Access to surveillance monitoring recording
3 equipment shall be limited to persons who are essential to
4 surveillance operations, law enforcement authorities
5 acting within their jurisdiction, security system service
6 personnel, and the Department. A current list of authorized
7 dispensing organization agents and service personnel that
8 have access to the surveillance equipment must be available
9 to the Department upon request.

10 (4) All security equipment shall be inspected and
11 tested at regular intervals, not to exceed one month from
12 the previous inspection, and tested to ensure the systems
13 remain functional.

14 (5) The security system shall provide protection
15 against theft and diversion that is facilitated or hidden
16 by tampering with computers or electronic records.

17 (6) The dispensary shall ensure all access doors are
18 not solely controlled by an electronic access panel to
19 ensure that locks are not released during a power outage.

20 (i) To monitor the dispensary, the dispensing organization
21 shall incorporate continuous electronic video monitoring
22 including the following:

23 (1) All monitors must be 19 inches or greater;

24 (2) Unobstructed video surveillance of all enclosed
25 dispensary areas, unless prohibited by law, including all
26 points of entry and exit that shall be appropriate for the

1 normal lighting conditions of the area under surveillance.
2 The cameras shall be directed so all areas are captured,
3 including, but not limited to, safes, vaults, sales areas,
4 and areas where cannabis is stored, handled, dispensed, or
5 destroyed. Cameras shall be angled to allow for facial
6 recognition, the capture of clear and certain
7 identification of any person entering or exiting the
8 dispensary area and in lighting sufficient during all times
9 of night or day;

10 (3) Unobstructed video surveillance of outside areas,
11 the storefront, and the parking lot, that shall be
12 appropriate for the normal lighting conditions of the area
13 under surveillance. Cameras shall be angled so as to allow
14 for the capture of facial recognition, clear and certain
15 identification of any person entering or exiting the
16 dispensary and the immediate surrounding area, and license
17 plates of vehicles in the parking lot;

18 (4) 24-hour recordings from all video cameras
19 available for immediate viewing by the Department upon
20 request. Recordings shall not be destroyed or altered and
21 shall be retained for at least 90 days. Recordings shall be
22 retained as long as necessary if the dispensing
23 organization is aware of the loss or theft of cannabis or a
24 pending criminal, civil, or administrative investigation
25 or legal proceeding for which the recording may contain
26 relevant information;

1 (5) The ability to immediately produce a clear, color
2 still photo from the surveillance video, either live or
3 recorded;

4 (6) A date and time stamp embedded on all video
5 surveillance recordings. The date and time shall be
6 synchronized and set correctly and shall not significantly
7 obscure the picture;

8 (7) The ability to remain operational during a power
9 outage and ensure all access doors are not solely
10 controlled by an electronic access panel to ensure that
11 locks are not released during a power outage;

12 (8) All video surveillance equipment shall allow for
13 the exporting of still images in an industry standard image
14 format, including .jpg, .bmp, and .gif. Exported video
15 shall have the ability to be archived in a proprietary
16 format that ensures authentication of the video and
17 guarantees that no alteration of the recorded image has
18 taken place. Exported video shall also have the ability to
19 be saved in an industry standard file format that can be
20 played on a standard computer operating system. All
21 recordings shall be erased or destroyed before disposal;

22 (9) The video surveillance system shall be operational
23 during a power outage with a 4-hour minimum battery backup;

24 (10) A video camera or cameras recording at each
25 point-of-sale location allowing for the identification of
26 the dispensing organization agent distributing the

1 cannabis and any purchaser. The camera or cameras shall
2 capture the sale, the individuals and the computer monitors
3 used for the sale;

4 (11) A failure notification system that provides an
5 audible and visual notification of any failure in the
6 electronic video monitoring system; and

7 (12) All electronic video surveillance monitoring must
8 record at least the equivalent of 8 frames per second and
9 be available as recordings to the Department and the
10 Illinois ~~Department of~~ State Police 24 hours a day via a
11 secure web-based portal with reverse functionality.

12 (j) The requirements contained in this Act are minimum
13 requirements for operating a dispensing organization. The
14 Department may establish additional requirements by rule.

15 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

16 (410 ILCS 705/15-135)

17 Sec. 15-135. Investigations.

18 (a) Dispensing organizations are subject to random and
19 unannounced dispensary inspections and cannabis testing by the
20 Department, the Illinois ~~Department of~~ State Police, and local
21 law enforcement.

22 (b) The Department and its authorized representatives may
23 enter any place, including a vehicle, in which cannabis is
24 held, stored, dispensed, sold, produced, delivered,
25 transported, manufactured, or disposed of and inspect, in a

1 reasonable manner, the place and all pertinent equipment,
2 containers and labeling, and all things including records,
3 files, financial data, sales data, shipping data, pricing data,
4 personnel data, research, papers, processes, controls, and
5 facility, and inventory any stock of cannabis and obtain
6 samples of any cannabis or cannabis-infused product, any labels
7 or containers for cannabis, or paraphernalia.

8 (c) The Department may conduct an investigation of an
9 applicant, application, dispensing organization, principal
10 officer, dispensary agent, third party vendor, or any other
11 party associated with a dispensing organization for an alleged
12 violation of this Act or rules or to determine qualifications
13 to be granted a registration by the Department.

14 (d) The Department may require an applicant or holder of
15 any license issued pursuant to this Article to produce
16 documents, records, or any other material pertinent to the
17 investigation of an application or alleged violations of this
18 Act or rules. Failure to provide the required material may be
19 grounds for denial or discipline.

20 (e) Every person charged with preparation, obtaining, or
21 keeping records, logs, reports, or other documents in
22 connection with this Act and rules and every person in charge,
23 or having custody, of those documents shall, upon request by
24 the Department, make the documents immediately available for
25 inspection and copying by the Department, the Department's
26 authorized representative, or others authorized by law to

1 review the documents.

2 (Source: P.A. 101-27, eff. 6-25-19.)

3 (410 ILCS 705/20-15)

4 Sec. 20-15. Conditional Adult Use Cultivation Center
5 application.

6 (a) If the Department of Agriculture makes available
7 additional cultivation center licenses pursuant to Section
8 20-5, applicants for a Conditional Adult Use Cultivation Center
9 License shall electronically submit the following in such form
10 as the Department of Agriculture may direct:

11 (1) the nonrefundable application fee set by rule by
12 the Department of Agriculture, to be deposited into the
13 Cannabis Regulation Fund;

14 (2) the legal name of the cultivation center;

15 (3) the proposed physical address of the cultivation
16 center;

17 (4) the name, address, social security number, and date
18 of birth of each principal officer and board member of the
19 cultivation center; each principal officer and board
20 member shall be at least 21 years of age;

21 (5) the details of any administrative or judicial
22 proceeding in which any of the principal officers or board
23 members of the cultivation center (i) pled guilty, were
24 convicted, were fined, or had a registration or license
25 suspended or revoked, or (ii) managed or served on the

1 board of a business or non-profit organization that pled
2 guilty, was convicted, was fined, or had a registration or
3 license suspended or revoked;

4 (6) proposed operating bylaws that include procedures
5 for the oversight of the cultivation center, including the
6 development and implementation of a plant monitoring
7 system, accurate recordkeeping, staffing plan, and
8 security plan approved by the Illinois ~~Department of~~ State
9 Police that are in accordance with the rules issued by the
10 Department of Agriculture under this Act. A physical
11 inventory shall be performed of all plants and cannabis on
12 a weekly basis by the cultivation center;

13 (7) verification from the Illinois ~~Department of~~ State
14 Police that all background checks of the prospective
15 principal officers, board members, and agents of the
16 cannabis business establishment have been conducted;

17 (8) a copy of the current local zoning ordinance or
18 permit and verification that the proposed cultivation
19 center is in compliance with the local zoning rules and
20 distance limitations established by the local
21 jurisdiction;

22 (9) proposed employment practices, in which the
23 applicant must demonstrate a plan of action to inform,
24 hire, and educate minorities, women, veterans, and persons
25 with disabilities, engage in fair labor practices, and
26 provide worker protections;

1 (10) whether an applicant can demonstrate experience
2 in or business practices that promote economic empowerment
3 in Disproportionately Impacted Areas;

4 (11) experience with the cultivation of agricultural
5 or horticultural products, operating an agriculturally
6 related business, or operating a horticultural business;

7 (12) a description of the enclosed, locked facility
8 where cannabis will be grown, harvested, manufactured,
9 processed, packaged, or otherwise prepared for
10 distribution to a dispensing organization;

11 (13) a survey of the enclosed, locked facility,
12 including the space used for cultivation;

13 (14) cultivation, processing, inventory, and packaging
14 plans;

15 (15) a description of the applicant's experience with
16 agricultural cultivation techniques and industry
17 standards;

18 (16) a list of any academic degrees, certifications, or
19 relevant experience of all prospective principal officers,
20 board members, and agents of the related business;

21 (17) the identity of every person having a financial or
22 voting interest of 5% or greater in the cultivation center
23 operation with respect to which the license is sought,
24 whether a trust, corporation, partnership, limited
25 liability company, or sole proprietorship, including the
26 name and address of each person;

1 (18) a plan describing how the cultivation center will
2 address each of the following:

3 (i) energy needs, including estimates of monthly
4 electricity and gas usage, to what extent it will
5 procure energy from a local utility or from on-site
6 generation, and if it has or will adopt a sustainable
7 energy use and energy conservation policy;

8 (ii) water needs, including estimated water draw
9 and if it has or will adopt a sustainable water use and
10 water conservation policy; and

11 (iii) waste management, including if it has or will
12 adopt a waste reduction policy;

13 (19) a diversity plan that includes a narrative of not
14 more than 2,500 words that establishes a goal of diversity
15 in ownership, management, employment, and contracting to
16 ensure that diverse participants and groups are afforded
17 equality of opportunity;

18 (20) any other information required by rule;

19 (21) a recycling plan:

20 (A) Purchaser packaging, including cartridges,
21 shall be accepted by the applicant and recycled.

22 (B) Any recyclable waste generated by the cannabis
23 cultivation facility shall be recycled per applicable
24 State and local laws, ordinances, and rules.

25 (C) Any cannabis waste, liquid waste, or hazardous
26 waste shall be disposed of in accordance with 8 Ill.

1 Adm. Code 1000.460, except, to the greatest extent
2 feasible, all cannabis plant waste will be rendered
3 unusable by grinding and incorporating the cannabis
4 plant waste with compostable mixed waste to be disposed
5 of in accordance with 8 Ill. Adm. Code 1000.460(g)(1);

6 (22) commitment to comply with local waste provisions:
7 a cultivation facility must remain in compliance with
8 applicable State and federal environmental requirements,
9 including, but not limited to:

10 (A) storing, securing, and managing all
11 recyclables and waste, including organic waste
12 composed of or containing finished cannabis and
13 cannabis products, in accordance with applicable State
14 and local laws, ordinances, and rules; and

15 (B) disposing liquid waste containing cannabis or
16 byproducts of cannabis processing in compliance with
17 all applicable State and federal requirements,
18 including, but not limited to, the cannabis
19 cultivation facility's permits under Title X of the
20 Environmental Protection Act; and

21 (23) a commitment to a technology standard for resource
22 efficiency of the cultivation center facility.

23 (A) A cannabis cultivation facility commits to use
24 resources efficiently, including energy and water. For
25 the following, a cannabis cultivation facility commits
26 to meet or exceed the technology standard identified in

1 items (i), (ii), (iii), and (iv), which may be modified
2 by rule:

3 (i) lighting systems, including light bulbs;

4 (ii) HVAC system;

5 (iii) water application system to the crop;

6 and

7 (iv) filtration system for removing
8 contaminants from wastewater.

9 (B) Lighting. The Lighting Power Densities (LPD)
10 for cultivation space commits to not exceed an average
11 of 36 watts per gross square foot of active and growing
12 space canopy, or all installed lighting technology
13 shall meet a photosynthetic photon efficacy (PPE) of no
14 less than 2.2 micromoles per joule fixture and shall be
15 featured on the DesignLights Consortium (DLC)
16 Horticultural Specification Qualified Products List
17 (QPL). In the event that DLC requirement for minimum
18 efficacy exceeds 2.2 micromoles per joule fixture,
19 that PPE shall become the new standard.

20 (C) HVAC.

21 (i) For cannabis grow operations with less
22 than 6,000 square feet of canopy, the licensee
23 commits that all HVAC units will be
24 high-efficiency ductless split HVAC units, or
25 other more energy efficient equipment.

26 (ii) For cannabis grow operations with 6,000

1 square feet of canopy or more, the licensee commits
2 that all HVAC units will be variable refrigerant
3 flow HVAC units, or other more energy efficient
4 equipment.

5 (D) Water application.

6 (i) The cannabis cultivation facility commits
7 to use automated watering systems, including, but
8 not limited to, drip irrigation and flood tables,
9 to irrigate cannabis crop.

10 (ii) The cannabis cultivation facility commits
11 to measure runoff from watering events and report
12 this volume in its water usage plan, and that on
13 average, watering events shall have no more than
14 20% of runoff of water.

15 (E) Filtration. The cultivator commits that HVAC
16 condensate, dehumidification water, excess runoff, and
17 other wastewater produced by the cannabis cultivation
18 facility shall be captured and filtered to the best of
19 the facility's ability to achieve the quality needed to
20 be reused in subsequent watering rounds.

21 (F) Reporting energy use and efficiency as
22 required by rule.

23 (b) Applicants must submit all required information,
24 including the information required in Section 20-10, to the
25 Department of Agriculture. Failure by an applicant to submit
26 all required information may result in the application being

1 disqualified.

2 (c) If the Department of Agriculture receives an
3 application with missing information, the Department of
4 Agriculture may issue a deficiency notice to the applicant. The
5 applicant shall have 10 calendar days from the date of the
6 deficiency notice to resubmit the incomplete information.
7 Applications that are still incomplete after this opportunity
8 to cure will not be scored and will be disqualified.

9 (e) A cultivation center that is awarded a Conditional
10 Adult Use Cultivation Center License pursuant to the criteria
11 in Section 20-20 shall not grow, purchase, possess, or sell
12 cannabis or cannabis-infused products until the person has
13 received an Adult Use Cultivation Center License issued by the
14 Department of Agriculture pursuant to Section 20-21 of this
15 Act.

16 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

17 (410 ILCS 705/20-30)

18 Sec. 20-30. Cultivation center requirements; prohibitions.

19 (a) The operating documents of a cultivation center shall
20 include procedures for the oversight of the cultivation center
21 a cannabis plant monitoring system including a physical
22 inventory recorded weekly, accurate recordkeeping, and a
23 staffing plan.

24 (b) A cultivation center shall implement a security plan
25 reviewed by the Illinois ~~Department of~~ State Police that

1 includes, but is not limited to: facility access controls,
2 perimeter intrusion detection systems, personnel
3 identification systems, 24-hour surveillance system to monitor
4 the interior and exterior of the cultivation center facility
5 and accessibility to authorized law enforcement, the
6 Department of Public Health where processing takes place, and
7 the Department of Agriculture in real time.

8 (c) All cultivation of cannabis by a cultivation center
9 must take place in an enclosed, locked facility at the physical
10 address provided to the Department of Agriculture during the
11 licensing process. The cultivation center location shall only
12 be accessed by the agents working for the cultivation center,
13 the Department of Agriculture staff performing inspections,
14 the Department of Public Health staff performing inspections,
15 local and State law enforcement or other emergency personnel,
16 contractors working on jobs unrelated to cannabis, such as
17 installing or maintaining security devices or performing
18 electrical wiring, transporting organization agents as
19 provided in this Act, individuals in a mentoring or educational
20 program approved by the State, or other individuals as provided
21 by rule.

22 (d) A cultivation center may not sell or distribute any
23 cannabis or cannabis-infused products to any person other than
24 a dispensing organization, craft grower, infuser organization,
25 transporter, or as otherwise authorized by rule.

26 (e) A cultivation center may not either directly or

1 indirectly discriminate in price between different dispensing
2 organizations, craft growers, or infuser organizations that
3 are purchasing a like grade, strain, brand, and quality of
4 cannabis or cannabis-infused product. Nothing in this
5 subsection (e) prevents a cultivation centers from pricing
6 cannabis differently based on differences in the cost of
7 manufacturing or processing, the quantities sold, such as
8 volume discounts, or the way the products are delivered.

9 (f) All cannabis harvested by a cultivation center and
10 intended for distribution to a dispensing organization must be
11 entered into a data collection system, packaged and labeled
12 under Section 55-21, and placed into a cannabis container for
13 transport. All cannabis harvested by a cultivation center and
14 intended for distribution to a craft grower or infuser
15 organization must be packaged in a labeled cannabis container
16 and entered into a data collection system before transport.

17 (g) Cultivation centers are subject to random inspections
18 by the Department of Agriculture, the Department of Public
19 Health, local safety or health inspectors, and the Illinois
20 ~~Department of~~ State Police.

21 (h) A cultivation center agent shall notify local law
22 enforcement, the Illinois ~~Department of~~ State Police, and the
23 Department of Agriculture within 24 hours of the discovery of
24 any loss or theft. Notification shall be made by phone or in
25 person, or by written or electronic communication.

26 (i) A cultivation center shall comply with all State and

1 any applicable federal rules and regulations regarding the use
2 of pesticides on cannabis plants.

3 (j) No person or entity shall hold any legal, equitable,
4 ownership, or beneficial interest, directly or indirectly, of
5 more than 3 cultivation centers licensed under this Article.
6 Further, no person or entity that is employed by, an agent of,
7 has a contract to receive payment in any form from a
8 cultivation center, is a principal officer of a cultivation
9 center, or entity controlled by or affiliated with a principal
10 officer of a cultivation shall hold any legal, equitable,
11 ownership, or beneficial interest, directly or indirectly, in a
12 cultivation that would result in the person or entity owning or
13 controlling in combination with any cultivation center,
14 principal officer of a cultivation center, or entity controlled
15 or affiliated with a principal officer of a cultivation center
16 by which he, she, or it is employed, is an agent of, or
17 participates in the management of, more than 3 cultivation
18 center licenses.

19 (k) A cultivation center may not contain more than 210,000
20 square feet of canopy space for plants in the flowering stage
21 for cultivation of adult use cannabis as provided in this Act.

22 (l) A cultivation center may process cannabis, cannabis
23 concentrates, and cannabis-infused products.

24 (m) Beginning July 1, 2020, a cultivation center shall not
25 transport cannabis or cannabis-infused products to a craft
26 grower, dispensing organization, infuser organization, or

1 laboratory licensed under this Act, unless it has obtained a
2 transporting organization license.

3 (n) It is unlawful for any person having a cultivation
4 center license or any officer, associate, member,
5 representative, or agent of such licensee to offer or deliver
6 money, or anything else of value, directly or indirectly to any
7 person having an Early Approval Adult Use Dispensing
8 Organization License, a Conditional Adult Use Dispensing
9 Organization License, an Adult Use Dispensing Organization
10 License, or a medical cannabis dispensing organization license
11 issued under the Compassionate Use of Medical Cannabis Program
12 Act, or to any person connected with or in any way
13 representing, or to any member of the family of, such person
14 holding an Early Approval Adult Use Dispensing Organization
15 License, a Conditional Adult Use Dispensing Organization
16 License, an Adult Use Dispensing Organization License, or a
17 medical cannabis dispensing organization license issued under
18 the Compassionate Use of Medical Cannabis Program Act, or to
19 any stockholders in any corporation engaged in the retail sale
20 of cannabis, or to any officer, manager, agent, or
21 representative of the Early Approval Adult Use Dispensing
22 Organization License, a Conditional Adult Use Dispensing
23 Organization License, an Adult Use Dispensing Organization
24 License, or a medical cannabis dispensing organization license
25 issued under the Compassionate Use of Medical Cannabis Program
26 Act to obtain preferential placement within the dispensing

1 organization, including, without limitation, on shelves and in
2 display cases where purchasers can view products, or on the
3 dispensing organization's website.

4 (o) A cultivation center must comply with any other
5 requirements or prohibitions set by administrative rule of the
6 Department of Agriculture.

7 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

8 (410 ILCS 705/20-35)

9 Sec. 20-35. Cultivation center agent identification card.

10 (a) The Department of Agriculture shall:

11 (1) establish by rule the information required in an
12 initial application or renewal application for an agent
13 identification card submitted under this Act and the
14 nonrefundable fee to accompany the initial application or
15 renewal application;

16 (2) verify the information contained in an initial
17 application or renewal application for an agent
18 identification card submitted under this Act, and approve
19 or deny an application within 30 days of receiving a
20 completed initial application or renewal application and
21 all supporting documentation required by rule;

22 (3) issue an agent identification card to a qualifying
23 agent within 15 business days of approving the initial
24 application or renewal application;

25 (4) enter the license number of the cultivation center

1 where the agent works; and

2 (5) allow for an electronic initial application and
3 renewal application process, and provide a confirmation by
4 electronic or other methods that an application has been
5 submitted. The Department of Agriculture may by rule
6 require prospective agents to file their applications by
7 electronic means and provide notices to the agents by
8 electronic means.

9 (b) An agent must keep his or her identification card
10 visible at all times when on the property of the cultivation
11 center at which the agent is employed.

12 (c) The agent identification cards shall contain the
13 following:

14 (1) the name of the cardholder;

15 (2) the date of issuance and expiration date of the
16 identification card;

17 (3) a random 10-digit alphanumeric identification
18 number containing at least 4 numbers and at least 4 letters
19 that is unique to the holder;

20 (4) a photograph of the cardholder; and

21 (5) the legal name of the cultivation center employing
22 the agent.

23 (d) An agent identification card shall be immediately
24 returned to the cultivation center of the agent upon
25 termination of his or her employment.

26 (e) Any agent identification card lost by a cultivation

1 center agent shall be reported to the Illinois ~~Department of~~
2 State Police and the Department of Agriculture immediately upon
3 discovery of the loss.

4 (f) The Department of Agriculture shall not issue an agent
5 identification card if the applicant is delinquent in filing
6 any required tax returns or paying any amounts owed to the
7 State of Illinois.

8 (Source: P.A. 101-27, eff. 6-25-19.)

9 (410 ILCS 705/20-40)

10 Sec. 20-40. Cultivation center background checks.

11 (a) Through the Illinois ~~Department of~~ State Police, the
12 Department of Agriculture shall conduct a background check of
13 the prospective principal officers, board members, and agents
14 of a cultivation center applying for a license or
15 identification card under this Act. The Illinois ~~Department of~~
16 State Police shall charge a fee set by rule for conducting the
17 criminal history record check, which shall be deposited into
18 the State Police Services Fund and shall not exceed the actual
19 cost of the record check. In order to carry out this provision,
20 each cultivation center prospective principal officer, board
21 member, or agent shall submit a full set of fingerprints to the
22 Illinois ~~Department of~~ State Police for the purpose of
23 obtaining a State and federal criminal records check. These
24 fingerprints shall be checked against the fingerprint records
25 now and hereafter, to the extent allowed by law, filed in the

1 Illinois ~~Department of~~ State Police and Federal Bureau of
2 Investigation criminal history records databases. The Illinois
3 ~~Department of~~ State Police shall furnish, following positive
4 identification, all conviction information to the Department
5 of Agriculture.

6 (b) When applying for the initial license or identification
7 card, the background checks for all prospective principal
8 officers, board members, and agents shall be completed before
9 submitting the application to the licensing or issuing agency.

10 (Source: P.A. 101-27, eff. 6-25-19.)

11 (410 ILCS 705/25-30)

12 (Section scheduled to be repealed on July 1, 2026)

13 Sec. 25-30. Inspection rights.

14 (a) A licensee's enclosed, locked facilities are subject to
15 random inspections by the Department and the Illinois
16 ~~Department of~~ State Police.

17 (b) Nothing in this Section shall be construed to give the
18 Department or the Illinois ~~Department of~~ State Police a right
19 of inspection or access to any location on the licensee's
20 premises beyond the facilities licensed under this Article.

21 (Source: P.A. 101-27, eff. 6-25-19.)

22 (410 ILCS 705/25-35)

23 (Section scheduled to be repealed on July 1, 2026)

24 Sec. 25-35. Community College Cannabis Vocational Training

1 Pilot Program faculty participant agent identification card.

2 (a) The Department shall:

3 (1) establish by rule the information required in an
4 initial application or renewal application for an agent
5 identification card submitted under this Article and the
6 nonrefundable fee to accompany the initial application or
7 renewal application;

8 (2) verify the information contained in an initial
9 application or renewal application for an agent
10 identification card submitted under this Article, and
11 approve or deny an application within 30 days of receiving
12 a completed initial application or renewal application and
13 all supporting documentation required by rule;

14 (3) issue an agent identification card to a qualifying
15 agent within 15 business days of approving the initial
16 application or renewal application;

17 (4) enter the license number of the community college
18 where the agent works; and

19 (5) allow for an electronic initial application and
20 renewal application process, and provide a confirmation by
21 electronic or other methods that an application has been
22 submitted. Each Department may by rule require prospective
23 agents to file their applications by electronic means and
24 to provide notices to the agents by electronic means.

25 (b) An agent must keep his or her identification card
26 visible at all times when in the enclosed, locked facility, or

1 facilities for which he or she is an agent.

2 (c) The agent identification cards shall contain the
3 following:

4 (1) the name of the cardholder;

5 (2) the date of issuance and expiration date of the
6 identification card;

7 (3) a random 10-digit alphanumeric identification
8 number containing at least 4 numbers and at least 4 letters
9 that is unique to the holder;

10 (4) a photograph of the cardholder; and

11 (5) the legal name of the community college employing
12 the agent.

13 (d) An agent identification card shall be immediately
14 returned to the community college of the agent upon termination
15 of his or her employment.

16 (e) Any agent identification card lost shall be reported to
17 the Illinois ~~Department of~~ State Police and the Department of
18 Agriculture immediately upon discovery of the loss.

19 (Source: P.A. 101-27, eff. 6-25-19.)

20 (410 ILCS 705/30-10)

21 Sec. 30-10. Application.

22 (a) When applying for a license, the applicant shall
23 electronically submit the following in such form as the
24 Department of Agriculture may direct:

25 (1) the nonrefundable application fee of \$5,000 to be

1 deposited into the Cannabis Regulation Fund, or another
2 amount as the Department of Agriculture may set by rule
3 after January 1, 2021;

4 (2) the legal name of the craft grower;

5 (3) the proposed physical address of the craft grower;

6 (4) the name, address, social security number, and date
7 of birth of each principal officer and board member of the
8 craft grower; each principal officer and board member shall
9 be at least 21 years of age;

10 (5) the details of any administrative or judicial
11 proceeding in which any of the principal officers or board
12 members of the craft grower (i) pled guilty, were
13 convicted, were fined, or had a registration or license
14 suspended or revoked or (ii) managed or served on the board
15 of a business or non-profit organization that pled guilty,
16 was convicted, was fined, or had a registration or license
17 suspended or revoked;

18 (6) proposed operating bylaws that include procedures
19 for the oversight of the craft grower, including the
20 development and implementation of a plant monitoring
21 system, accurate recordkeeping, staffing plan, and
22 security plan approved by the Illinois ~~Department of~~ State
23 Police that are in accordance with the rules issued by the
24 Department of Agriculture under this Act; a physical
25 inventory shall be performed of all plants and on a weekly
26 basis by the craft grower;

1 (7) verification from the Illinois ~~Department of~~ State
2 Police that all background checks of the prospective
3 principal officers, board members, and agents of the
4 cannabis business establishment have been conducted;

5 (8) a copy of the current local zoning ordinance or
6 permit and verification that the proposed craft grower is
7 in compliance with the local zoning rules and distance
8 limitations established by the local jurisdiction;

9 (9) proposed employment practices, in which the
10 applicant must demonstrate a plan of action to inform,
11 hire, and educate minorities, women, veterans, and persons
12 with disabilities, engage in fair labor practices, and
13 provide worker protections;

14 (10) whether an applicant can demonstrate experience
15 in or business practices that promote economic empowerment
16 in Disproportionately Impacted Areas;

17 (11) experience with the cultivation of agricultural
18 or horticultural products, operating an agriculturally
19 related business, or operating a horticultural business;

20 (12) a description of the enclosed, locked facility
21 where cannabis will be grown, harvested, manufactured,
22 packaged, or otherwise prepared for distribution to a
23 dispensing organization or other cannabis business
24 establishment;

25 (13) a survey of the enclosed, locked facility,
26 including the space used for cultivation;

1 (14) cultivation, processing, inventory, and packaging
2 plans;

3 (15) a description of the applicant's experience with
4 agricultural cultivation techniques and industry
5 standards;

6 (16) a list of any academic degrees, certifications, or
7 relevant experience of all prospective principal officers,
8 board members, and agents of the related business;

9 (17) the identity of every person having a financial or
10 voting interest of 5% or greater in the craft grower
11 operation, whether a trust, corporation, partnership,
12 limited liability company, or sole proprietorship,
13 including the name and address of each person;

14 (18) a plan describing how the craft grower will
15 address each of the following:

16 (i) energy needs, including estimates of monthly
17 electricity and gas usage, to what extent it will
18 procure energy from a local utility or from on-site
19 generation, and if it has or will adopt a sustainable
20 energy use and energy conservation policy;

21 (ii) water needs, including estimated water draw
22 and if it has or will adopt a sustainable water use and
23 water conservation policy; and

24 (iii) waste management, including if it has or will
25 adopt a waste reduction policy;

26 (19) a recycling plan:

1 (A) Purchaser packaging, including cartridges,
2 shall be accepted by the applicant and recycled.

3 (B) Any recyclable waste generated by the craft
4 grower facility shall be recycled per applicable State
5 and local laws, ordinances, and rules.

6 (C) Any cannabis waste, liquid waste, or hazardous
7 waste shall be disposed of in accordance with 8 Ill.
8 Adm. Code 1000.460, except, to the greatest extent
9 feasible, all cannabis plant waste will be rendered
10 unusable by grinding and incorporating the cannabis
11 plant waste with compostable mixed waste to be disposed
12 of in accordance with 8 Ill. Adm. Code 1000.460(g)(1);

13 (20) a commitment to comply with local waste
14 provisions: a craft grower facility must remain in
15 compliance with applicable State and federal environmental
16 requirements, including, but not limited to:

17 (A) storing, securing, and managing all
18 recyclables and waste, including organic waste
19 composed of or containing finished cannabis and
20 cannabis products, in accordance with applicable State
21 and local laws, ordinances, and rules; and

22 (B) disposing liquid waste containing cannabis or
23 byproducts of cannabis processing in compliance with
24 all applicable State and federal requirements,
25 including, but not limited to, the cannabis
26 cultivation facility's permits under Title X of the

1 Environmental Protection Act;

2 (21) a commitment to a technology standard for resource
3 efficiency of the craft grower facility.

4 (A) A craft grower facility commits to use
5 resources efficiently, including energy and water. For
6 the following, a cannabis cultivation facility commits
7 to meet or exceed the technology standard identified in
8 paragraphs (i), (ii), (iii), and (iv), which may be
9 modified by rule:

10 (i) lighting systems, including light bulbs;

11 (ii) HVAC system;

12 (iii) water application system to the crop;

13 and

14 (iv) filtration system for removing
15 contaminants from wastewater.

16 (B) Lighting. The Lighting Power Densities (LPD)
17 for cultivation space commits to not exceed an average
18 of 36 watts per gross square foot of active and growing
19 space canopy, or all installed lighting technology
20 shall meet a photosynthetic photon efficacy (PPE) of no
21 less than 2.2 micromoles per joule fixture and shall be
22 featured on the DesignLights Consortium (DLC)
23 Horticultural Specification Qualified Products List
24 (QPL). In the event that DLC requirement for minimum
25 efficacy exceeds 2.2 micromoles per joule fixture,
26 that PPE shall become the new standard.

1 (C) HVAC.

2 (i) For cannabis grow operations with less
3 than 6,000 square feet of canopy, the licensee
4 commits that all HVAC units will be
5 high-efficiency ductless split HVAC units, or
6 other more energy efficient equipment.

7 (ii) For cannabis grow operations with 6,000
8 square feet of canopy or more, the licensee commits
9 that all HVAC units will be variable refrigerant
10 flow HVAC units, or other more energy efficient
11 equipment.

12 (D) Water application.

13 (i) The craft grower facility commits to use
14 automated watering systems, including, but not
15 limited to, drip irrigation and flood tables, to
16 irrigate cannabis crop.

17 (ii) The craft grower facility commits to
18 measure runoff from watering events and report
19 this volume in its water usage plan, and that on
20 average, watering events shall have no more than
21 20% of runoff of water.

22 (E) Filtration. The craft grower commits that HVAC
23 condensate, dehumidification water, excess runoff, and
24 other wastewater produced by the craft grower facility
25 shall be captured and filtered to the best of the
26 facility's ability to achieve the quality needed to be

1 reused in subsequent watering rounds.

2 (F) Reporting energy use and efficiency as
3 required by rule; and

4 (22) any other information required by rule.

5 (b) Applicants must submit all required information,
6 including the information required in Section 30-15, to the
7 Department of Agriculture. Failure by an applicant to submit
8 all required information may result in the application being
9 disqualified.

10 (c) If the Department of Agriculture receives an
11 application with missing information, the Department of
12 Agriculture may issue a deficiency notice to the applicant. The
13 applicant shall have 10 calendar days from the date of the
14 deficiency notice to resubmit the incomplete information.
15 Applications that are still incomplete after this opportunity
16 to cure will not be scored and will be disqualified.

17 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

18 (410 ILCS 705/30-30)

19 Sec. 30-30. Craft grower requirements; prohibitions.

20 (a) The operating documents of a craft grower shall include
21 procedures for the oversight of the craft grower, a cannabis
22 plant monitoring system including a physical inventory
23 recorded weekly, accurate recordkeeping, and a staffing plan.

24 (b) A craft grower shall implement a security plan reviewed
25 by the Illinois ~~Department of~~ State Police that includes, but

1 is not limited to: facility access controls, perimeter
2 intrusion detection systems, personnel identification systems,
3 and a 24-hour surveillance system to monitor the interior and
4 exterior of the craft grower facility and that is accessible to
5 authorized law enforcement and the Department of Agriculture in
6 real time.

7 (c) All cultivation of cannabis by a craft grower must take
8 place in an enclosed, locked facility at the physical address
9 provided to the Department of Agriculture during the licensing
10 process. The craft grower location shall only be accessed by
11 the agents working for the craft grower, the Department of
12 Agriculture staff performing inspections, the Department of
13 Public Health staff performing inspections, State and local law
14 enforcement or other emergency personnel, contractors working
15 on jobs unrelated to cannabis, such as installing or
16 maintaining security devices or performing electrical wiring,
17 transporting organization agents as provided in this Act, or
18 participants in the incubator program, individuals in a
19 mentoring or educational program approved by the State, or
20 other individuals as provided by rule. However, if a craft
21 grower shares a premises with an infuser or dispensing
22 organization, agents from those other licensees may access the
23 craft grower portion of the premises if that is the location of
24 common bathrooms, lunchrooms, locker rooms, or other areas of
25 the building where work or cultivation of cannabis is not
26 performed. At no time may an infuser or dispensing organization

1 agent perform work at a craft grower without being a registered
2 agent of the craft grower.

3 (d) A craft grower may not sell or distribute any cannabis
4 to any person other than a cultivation center, a craft grower,
5 an infuser organization, a dispensing organization, or as
6 otherwise authorized by rule.

7 (e) A craft grower may not be located in an area zoned for
8 residential use.

9 (f) A craft grower may not either directly or indirectly
10 discriminate in price between different cannabis business
11 establishments that are purchasing a like grade, strain, brand,
12 and quality of cannabis or cannabis-infused product. Nothing in
13 this subsection (f) prevents a craft grower from pricing
14 cannabis differently based on differences in the cost of
15 manufacturing or processing, the quantities sold, such as
16 volume discounts, or the way the products are delivered.

17 (g) All cannabis harvested by a craft grower and intended
18 for distribution to a dispensing organization must be entered
19 into a data collection system, packaged and labeled under
20 Section 55-21, and, if distribution is to a dispensing
21 organization that does not share a premises with the dispensing
22 organization receiving the cannabis, placed into a cannabis
23 container for transport. All cannabis harvested by a craft
24 grower and intended for distribution to a cultivation center,
25 to an infuser organization, or to a craft grower with which it
26 does not share a premises, must be packaged in a labeled

1 cannabis container and entered into a data collection system
2 before transport.

3 (h) Craft growers are subject to random inspections by the
4 Department of Agriculture, local safety or health inspectors,
5 and the Illinois ~~Department of~~ State Police.

6 (i) A craft grower agent shall notify local law
7 enforcement, the Illinois ~~Department of~~ State Police, and the
8 Department of Agriculture within 24 hours of the discovery of
9 any loss or theft. Notification shall be made by phone, in
10 person, or written or electronic communication.

11 (j) A craft grower shall comply with all State and any
12 applicable federal rules and regulations regarding the use of
13 pesticides.

14 (k) A craft grower or craft grower agent shall not
15 transport cannabis or cannabis-infused products to any other
16 cannabis business establishment without a transport
17 organization license unless:

18 (i) If the craft grower is located in a county with a
19 population of 3,000,000 or more, the cannabis business
20 establishment receiving the cannabis is within 2,000 feet
21 of the property line of the craft grower;

22 (ii) If the craft grower is located in a county with a
23 population of more than 700,000 but fewer than 3,000,000,
24 the cannabis business establishment receiving the cannabis
25 is within 2 miles of the craft grower; or

26 (iii) If the craft grower is located in a county with a

1 population of fewer than 700,000, the cannabis business
2 establishment receiving the cannabis is within 15 miles of
3 the craft grower.

4 (l) A craft grower may enter into a contract with a
5 transporting organization to transport cannabis to a
6 cultivation center, a craft grower, an infuser organization, a
7 dispensing organization, or a laboratory.

8 (m) No person or entity shall hold any legal, equitable,
9 ownership, or beneficial interest, directly or indirectly, of
10 more than 3 craft grower licenses. Further, no person or entity
11 that is employed by, an agent of, or has a contract to receive
12 payment from or participate in the management of a craft
13 grower, is a principal officer of a craft grower, or entity
14 controlled by or affiliated with a principal officer of a craft
15 grower shall hold any legal, equitable, ownership, or
16 beneficial interest, directly or indirectly, in a craft grower
17 license that would result in the person or entity owning or
18 controlling in combination with any craft grower, principal
19 officer of a craft grower, or entity controlled or affiliated
20 with a principal officer of a craft grower by which he, she, or
21 it is employed, is an agent of, or participates in the
22 management of more than 3 craft grower licenses.

23 (n) It is unlawful for any person having a craft grower
24 license or any officer, associate, member, representative, or
25 agent of the licensee to offer or deliver money, or anything
26 else of value, directly or indirectly, to any person having an

1 Early Approval Adult Use Dispensing Organization License, a
2 Conditional Adult Use Dispensing Organization License, an
3 Adult Use Dispensing Organization License, or a medical
4 cannabis dispensing organization license issued under the
5 Compassionate Use of Medical Cannabis Program Act, or to any
6 person connected with or in any way representing, or to any
7 member of the family of, the person holding an Early Approval
8 Adult Use Dispensing Organization License, a Conditional Adult
9 Use Dispensing Organization License, an Adult Use Dispensing
10 Organization License, or a medical cannabis dispensing
11 organization license issued under the Compassionate Use of
12 Medical Cannabis Program Act, or to any stockholders in any
13 corporation engaged in the retail sale of cannabis, or to any
14 officer, manager, agent, or representative of the Early
15 Approval Adult Use Dispensing Organization License, a
16 Conditional Adult Use Dispensing Organization License, an
17 Adult Use Dispensing Organization License, or a medical
18 cannabis dispensing organization license issued under the
19 Compassionate Use of Medical Cannabis Program Act to obtain
20 preferential placement within the dispensing organization,
21 including, without limitation, on shelves and in display cases
22 where purchasers can view products, or on the dispensing
23 organization's website.

24 (o) A craft grower shall not be located within 1,500 feet
25 of another craft grower or a cultivation center.

26 (p) A craft grower may process cannabis, cannabis

1 concentrates, and cannabis-infused products.

2 (q) A craft grower must comply with any other requirements
3 or prohibitions set by administrative rule of the Department of
4 Agriculture.

5 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

6 (410 ILCS 705/30-35)

7 Sec. 30-35. Craft grower agent identification card.

8 (a) The Department of Agriculture shall:

9 (1) establish by rule the information required in an
10 initial application or renewal application for an agent
11 identification card submitted under this Act and the
12 nonrefundable fee to accompany the initial application or
13 renewal application;

14 (2) verify the information contained in an initial
15 application or renewal application for an agent
16 identification card submitted under this Act and approve or
17 deny an application within 30 days of receiving a completed
18 initial application or renewal application and all
19 supporting documentation required by rule;

20 (3) issue an agent identification card to a qualifying
21 agent within 15 business days of approving the initial
22 application or renewal application;

23 (4) enter the license number of the craft grower where
24 the agent works; and

25 (5) allow for an electronic initial application and

1 renewal application process, and provide a confirmation by
2 electronic or other methods that an application has been
3 submitted. The Department of Agriculture may by rule
4 require prospective agents to file their applications by
5 electronic means and provide notices to the agents by
6 electronic means.

7 (b) An agent must keep his or her identification card
8 visible at all times when on the property of a cannabis
9 business establishment, including the craft grower
10 organization for which he or she is an agent.

11 (c) The agent identification cards shall contain the
12 following:

13 (1) the name of the cardholder;

14 (2) the date of issuance and expiration date of the
15 identification card;

16 (3) a random 10-digit alphanumeric identification
17 number containing at least 4 numbers and at least 4 letters
18 that is unique to the holder;

19 (4) a photograph of the cardholder; and

20 (5) the legal name of the craft grower organization
21 employing the agent.

22 (d) An agent identification card shall be immediately
23 returned to the cannabis business establishment of the agent
24 upon termination of his or her employment.

25 (e) Any agent identification card lost by a craft grower
26 agent shall be reported to the Illinois ~~Department of State~~

1 Police and the Department of Agriculture immediately upon
2 discovery of the loss.

3 (Source: P.A. 101-27, eff. 6-25-19.)

4 (410 ILCS 705/30-40)

5 Sec. 30-40. Craft grower background checks.

6 (a) Through the Illinois ~~Department of~~ State Police, the
7 Department of Agriculture shall conduct a background check of
8 the prospective principal officers, board members, and agents
9 of a craft grower applying for a license or identification card
10 under this Act. The Illinois ~~Department of~~ State Police shall
11 charge a fee set by rule for conducting the criminal history
12 record check, which shall be deposited into the State Police
13 Services Fund and shall not exceed the actual cost of the
14 record check. In order to carry out this Section, each craft
15 grower organization's prospective principal officer, board
16 member, or agent shall submit a full set of fingerprints to the
17 Illinois ~~Department of~~ State Police for the purpose of
18 obtaining a State and federal criminal records check. These
19 fingerprints shall be checked against the fingerprint records
20 now and hereafter, to the extent allowed by law, filed in the
21 Illinois ~~Department of~~ State Police and Federal Bureau of
22 Investigation criminal history records databases. The Illinois
23 ~~Department of~~ State Police shall furnish, following positive
24 identification, all conviction information to the Department
25 of Agriculture.

1 (b) When applying for the initial license or identification
2 card, the background checks for all prospective principal
3 officers, board members, and agents shall be completed before
4 submitting the application to the licensing or issuing agency.
5 (Source: P.A. 101-27, eff. 6-25-19.)

6 (410 ILCS 705/35-10)

7 Sec. 35-10. Application.

8 (a) When applying for a license, the applicant shall
9 electronically submit the following in such form as the
10 Department of Agriculture may direct:

11 (1) the nonrefundable application fee of \$5,000 or,
12 after January 1, 2021, another amount as set by rule by the
13 Department of Agriculture, to be deposited into the
14 Cannabis Regulation Fund;

15 (2) the legal name of the infuser;

16 (3) the proposed physical address of the infuser;

17 (4) the name, address, social security number, and date
18 of birth of each principal officer and board member of the
19 infuser; each principal officer and board member shall be
20 at least 21 years of age;

21 (5) the details of any administrative or judicial
22 proceeding in which any of the principal officers or board
23 members of the infuser (i) pled guilty, were convicted,
24 fined, or had a registration or license suspended or
25 revoked, or (ii) managed or served on the board of a

1 business or non-profit organization that pled guilty, was
2 convicted, fined, or had a registration or license
3 suspended or revoked;

4 (6) proposed operating bylaws that include procedures
5 for the oversight of the infuser, including the development
6 and implementation of a plant monitoring system, accurate
7 recordkeeping, staffing plan, and security plan approved
8 by the Illinois ~~Department of~~ State Police that are in
9 accordance with the rules issued by the Department of
10 Agriculture under this Act; a physical inventory of all
11 cannabis shall be performed on a weekly basis by the
12 infuser;

13 (7) verification from the Illinois ~~Department of~~ State
14 Police that all background checks of the prospective
15 principal officers, board members, and agents of the
16 infuser organization have been conducted;

17 (8) a copy of the current local zoning ordinance and
18 verification that the proposed infuser is in compliance
19 with the local zoning rules and distance limitations
20 established by the local jurisdiction;

21 (9) proposed employment practices, in which the
22 applicant must demonstrate a plan of action to inform,
23 hire, and educate minorities, women, veterans, and persons
24 with disabilities, engage in fair labor practices, and
25 provide worker protections;

26 (10) whether an applicant can demonstrate experience

1 in or business practices that promote economic empowerment
2 in Disproportionately Impacted Areas;

3 (11) experience with infusing products with cannabis
4 concentrate;

5 (12) a description of the enclosed, locked facility
6 where cannabis will be infused, packaged, or otherwise
7 prepared for distribution to a dispensing organization or
8 other infuser;

9 (13) processing, inventory, and packaging plans;

10 (14) a description of the applicant's experience with
11 operating a commercial kitchen or laboratory preparing
12 products for human consumption;

13 (15) a list of any academic degrees, certifications, or
14 relevant experience of all prospective principal officers,
15 board members, and agents of the related business;

16 (16) the identity of every person having a financial or
17 voting interest of 5% or greater in the infuser operation
18 with respect to which the license is sought, whether a
19 trust, corporation, partnership, limited liability
20 company, or sole proprietorship, including the name and
21 address of each person;

22 (17) a plan describing how the infuser will address
23 each of the following:

24 (i) energy needs, including estimates of monthly
25 electricity and gas usage, to what extent it will
26 procure energy from a local utility or from on-site

1 generation, and if it has or will adopt a sustainable
2 energy use and energy conservation policy;

3 (ii) water needs, including estimated water draw,
4 and if it has or will adopt a sustainable water use and
5 water conservation policy; and

6 (iii) waste management, including if it has or will
7 adopt a waste reduction policy;

8 (18) a recycling plan:

9 (A) a commitment that any recyclable waste
10 generated by the infuser shall be recycled per
11 applicable State and local laws, ordinances, and
12 rules; and

13 (B) a commitment to comply with local waste
14 provisions. An infuser commits to remain in compliance
15 with applicable State and federal environmental
16 requirements, including, but not limited to, storing,
17 securing, and managing all recyclables and waste,
18 including organic waste composed of or containing
19 finished cannabis and cannabis products, in accordance
20 with applicable State and local laws, ordinances, and
21 rules; and

22 (19) any other information required by rule.

23 (b) Applicants must submit all required information,
24 including the information required in Section 35-15, to the
25 Department of Agriculture. Failure by an applicant to submit
26 all required information may result in the application being

1 disqualified.

2 (c) If the Department of Agriculture receives an
3 application with missing information, the Department of
4 Agriculture may issue a deficiency notice to the applicant. The
5 applicant shall have 10 calendar days from the date of the
6 deficiency notice to resubmit the incomplete information.
7 Applications that are still incomplete after this opportunity
8 to cure will not be scored and will be disqualified.

9 (Source: P.A. 101-27, eff. 6-25-19.)

10 (410 ILCS 705/35-25)

11 Sec. 35-25. Infuser organization requirements;
12 prohibitions.

13 (a) The operating documents of an infuser shall include
14 procedures for the oversight of the infuser, an inventory
15 monitoring system including a physical inventory recorded
16 weekly, accurate recordkeeping, and a staffing plan.

17 (b) An infuser shall implement a security plan reviewed by
18 the Illinois ~~Department of~~ State Police that includes, but is
19 not limited to: facility access controls, perimeter intrusion
20 detection systems, personnel identification systems, and a
21 24-hour surveillance system to monitor the interior and
22 exterior of the infuser facility and that is accessible to
23 authorized law enforcement, the Department of Public Health,
24 and the Department of Agriculture in real time.

25 (c) All processing of cannabis by an infuser must take

1 place in an enclosed, locked facility at the physical address
2 provided to the Department of Agriculture during the licensing
3 process. The infuser location shall only be accessed by the
4 agents working for the infuser, the Department of Agriculture
5 staff performing inspections, the Department of Public Health
6 staff performing inspections, State and local law enforcement
7 or other emergency personnel, contractors working on jobs
8 unrelated to cannabis, such as installing or maintaining
9 security devices or performing electrical wiring, transporting
10 organization agents as provided in this Act, participants in
11 the incubator program, individuals in a mentoring or
12 educational program approved by the State, local safety or
13 health inspectors, or other individuals as provided by rule.
14 However, if an infuser shares a premises with a craft grower or
15 dispensing organization, agents from these other licensees may
16 access the infuser portion of the premises if that is the
17 location of common bathrooms, lunchrooms, locker rooms, or
18 other areas of the building where processing of cannabis is not
19 performed. At no time may a craft grower or dispensing
20 organization agent perform work at an infuser without being a
21 registered agent of the infuser.

22 (d) An infuser may not sell or distribute any cannabis to
23 any person other than a dispensing organization, or as
24 otherwise authorized by rule.

25 (e) An infuser may not either directly or indirectly
26 discriminate in price between different cannabis business

1 establishments that are purchasing a like grade, strain, brand,
2 and quality of cannabis or cannabis-infused product. Nothing in
3 this subsection (e) prevents an infuser from pricing cannabis
4 differently based on differences in the cost of manufacturing
5 or processing, the quantities sold, such volume discounts, or
6 the way the products are delivered.

7 (f) All cannabis infused by an infuser and intended for
8 distribution to a dispensing organization must be entered into
9 a data collection system, packaged and labeled under Section
10 55-21, and, if distribution is to a dispensing organization
11 that does not share a premises with the infuser, placed into a
12 cannabis container for transport. All cannabis produced by an
13 infuser and intended for distribution to a cultivation center,
14 infuser organization, or craft grower with which it does not
15 share a premises, must be packaged in a labeled cannabis
16 container and entered into a data collection system before
17 transport.

18 (g) Infusers are subject to random inspections by the
19 Department of Agriculture, the Department of Public Health, the
20 Illinois Department of State Police, and local law enforcement.

21 (h) An infuser agent shall notify local law enforcement,
22 the Illinois Department of State Police, and the Department of
23 Agriculture within 24 hours of the discovery of any loss or
24 theft. Notification shall be made by phone, in person, or by
25 written or electronic communication.

26 (i) An infuser organization may not be located in an area

1 zoned for residential use.

2 (j) An infuser or infuser agent shall not transport
3 cannabis or cannabis-infused products to any other cannabis
4 business establishment without a transport organization
5 license unless:

6 (i) If the infuser is located in a county with a
7 population of 3,000,000 or more, the cannabis business
8 establishment receiving the cannabis or cannabis-infused
9 product is within 2,000 feet of the property line of the
10 infuser;

11 (ii) If the infuser is located in a county with a
12 population of more than 700,000 but fewer than 3,000,000,
13 the cannabis business establishment receiving the cannabis
14 or cannabis-infused product is within 2 miles of the
15 infuser; or

16 (iii) If the infuser is located in a county with a
17 population of fewer than 700,000, the cannabis business
18 establishment receiving the cannabis or cannabis-infused
19 product is within 15 miles of the infuser.

20 (k) An infuser may enter into a contract with a
21 transporting organization to transport cannabis to a
22 dispensing organization or a laboratory.

23 (l) An infuser organization may share premises with a craft
24 grower or a dispensing organization, or both, provided each
25 licensee stores currency and cannabis or cannabis-infused
26 products in a separate secured vault to which the other

1 licensee does not have access or all licensees sharing a vault
2 share more than 50% of the same ownership.

3 (m) It is unlawful for any person or entity having an
4 infuser organization license or any officer, associate,
5 member, representative or agent of such licensee to offer or
6 deliver money, or anything else of value, directly or
7 indirectly to any person having an Early Approval Adult Use
8 Dispensing Organization License, a Conditional Adult Use
9 Dispensing Organization License, an Adult Use Dispensing
10 Organization License, or a medical cannabis dispensing
11 organization license issued under the Compassionate Use of
12 Medical Cannabis Program Act, or to any person connected with
13 or in any way representing, or to any member of the family of,
14 such person holding an Early Approval Adult Use Dispensing
15 Organization License, a Conditional Adult Use Dispensing
16 Organization License, an Adult Use Dispensing Organization
17 License, or a medical cannabis dispensing organization license
18 issued under the Compassionate Use of Medical Cannabis Program
19 Act, or to any stockholders in any corporation engaged the
20 retail sales of cannabis, or to any officer, manager, agent, or
21 representative of the Early Approval Adult Use Dispensing
22 Organization License, a Conditional Adult Use Dispensing
23 Organization License, an Adult Use Dispensing Organization
24 License, or a medical cannabis dispensing organization license
25 issued under the Compassionate Use of Medical Cannabis Program
26 Act to obtain preferential placement within the dispensing

1 organization, including, without limitation, on shelves and in
2 display cases where purchasers can view products, or on the
3 dispensing organization's website.

4 (n) At no time shall an infuser organization or an infuser
5 agent perform the extraction of cannabis concentrate from
6 cannabis flower.

7 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

8 (410 ILCS 705/35-30)

9 Sec. 35-30. Infuser agent identification card.

10 (a) The Department of Agriculture shall:

11 (1) establish by rule the information required in an
12 initial application or renewal application for an agent
13 identification card submitted under this Act and the
14 nonrefundable fee to accompany the initial application or
15 renewal application;

16 (2) verify the information contained in an initial
17 application or renewal application for an agent
18 identification card submitted under this Act, and approve
19 or deny an application within 30 days of receiving a
20 completed initial application or renewal application and
21 all supporting documentation required by rule;

22 (3) issue an agent identification card to a qualifying
23 agent within 15 business days of approving the initial
24 application or renewal application;

25 (4) enter the license number of the infuser where the

1 agent works; and

2 (5) allow for an electronic initial application and
3 renewal application process, and provide a confirmation by
4 electronic or other methods that an application has been
5 submitted. The Department of Agriculture may by rule
6 require prospective agents to file their applications by
7 electronic means and provide notices to the agents by
8 electronic means.

9 (b) An agent must keep his or her identification card
10 visible at all times when on the property of a cannabis
11 business establishment including the cannabis business
12 establishment for which he or she is an agent.

13 (c) The agent identification cards shall contain the
14 following:

15 (1) the name of the cardholder;

16 (2) the date of issuance and expiration date of the
17 identification card;

18 (3) a random 10-digit alphanumeric identification
19 number containing at least 4 numbers and at least 4 letters
20 that is unique to the holder;

21 (4) a photograph of the cardholder; and

22 (5) the legal name of the infuser organization
23 employing the agent.

24 (d) An agent identification card shall be immediately
25 returned to the infuser organization of the agent upon
26 termination of his or her employment.

1 (e) Any agent identification card lost by a transporting
2 agent shall be reported to the Illinois ~~Department of~~ State
3 Police and the Department of Agriculture immediately upon
4 discovery of the loss.

5 (Source: P.A. 101-27, eff. 6-25-19.)

6 (410 ILCS 705/40-10)

7 Sec. 40-10. Application.

8 (a) When applying for a transporting organization license,
9 the applicant shall submit the following in such form as the
10 Department of Agriculture may direct:

11 (1) the nonrefundable application fee of \$5,000 or,
12 after January 1, 2021, another amount as set by rule by the
13 Department of Agriculture, to be deposited into the
14 Cannabis Regulation Fund;

15 (2) the legal name of the transporting organization;

16 (3) the proposed physical address of the transporting
17 organization, if one is proposed;

18 (4) the name, address, social security number, and date
19 of birth of each principal officer and board member of the
20 transporting organization; each principal officer and
21 board member shall be at least 21 years of age;

22 (5) the details of any administrative or judicial
23 proceeding in which any of the principal officers or board
24 members of the transporting organization (i) pled guilty,
25 were convicted, fined, or had a registration or license

1 suspended or revoked, or (ii) managed or served on the
2 board of a business or non-profit organization that pled
3 guilty, was convicted, fined, or had a registration or
4 license suspended or revoked;

5 (6) proposed operating bylaws that include procedures
6 for the oversight of the transporting organization,
7 including the development and implementation of an
8 accurate recordkeeping plan, staffing plan, and security
9 plan approved by the Illinois ~~Department of~~ State Police
10 that are in accordance with the rules issued by the
11 Department of Agriculture under this Act; a physical
12 inventory shall be performed of all cannabis on a weekly
13 basis by the transporting organization;

14 (7) verification from the Illinois ~~Department of~~ State
15 Police that all background checks of the prospective
16 principal officers, board members, and agents of the
17 transporting organization have been conducted;

18 (8) a copy of the current local zoning ordinance or
19 permit and verification that the proposed transporting
20 organization is in compliance with the local zoning rules
21 and distance limitations established by the local
22 jurisdiction, if the transporting organization has a
23 business address;

24 (9) proposed employment practices, in which the
25 applicant must demonstrate a plan of action to inform,
26 hire, and educate minorities, women, veterans, and persons

1 with disabilities, engage in fair labor practices, and
2 provide worker protections;

3 (10) whether an applicant can demonstrate experience
4 in or business practices that promote economic empowerment
5 in Disproportionately Impacted Areas;

6 (11) the number and type of equipment the transporting
7 organization will use to transport cannabis and
8 cannabis-infused products;

9 (12) loading, transporting, and unloading plans;

10 (13) a description of the applicant's experience in the
11 distribution or security business;

12 (14) the identity of every person having a financial or
13 voting interest of 5% or more in the transporting
14 organization with respect to which the license is sought,
15 whether a trust, corporation, partnership, limited
16 liability company, or sole proprietorship, including the
17 name and address of each person; and

18 (15) any other information required by rule.

19 (b) Applicants must submit all required information,
20 including the information required in Section 40-35 to the
21 Department. Failure by an applicant to submit all required
22 information may result in the application being disqualified.

23 (c) If the Department receives an application with missing
24 information, the Department of Agriculture may issue a
25 deficiency notice to the applicant. The applicant shall have 10
26 calendar days from the date of the deficiency notice to

1 resubmit the incomplete information. Applications that are
2 still incomplete after this opportunity to cure will not be
3 scored and will be disqualified.

4 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

5 (410 ILCS 705/40-25)

6 Sec. 40-25. Transporting organization requirements;
7 prohibitions.

8 (a) The operating documents of a transporting organization
9 shall include procedures for the oversight of the transporter,
10 an inventory monitoring system including a physical inventory
11 recorded weekly, accurate recordkeeping, and a staffing plan.

12 (b) A transporting organization may not transport cannabis
13 or cannabis-infused products to any person other than a
14 cultivation center, a craft grower, an infuser organization, a
15 dispensing organization, a testing facility, or as otherwise
16 authorized by rule.

17 (c) All cannabis transported by a transporting
18 organization must be entered into a data collection system and
19 placed into a cannabis container for transport.

20 (d) Transporters are subject to random inspections by the
21 Department of Agriculture, the Department of Public Health, and
22 the Illinois ~~Department of~~ State Police.

23 (e) A transporting organization agent shall notify local
24 law enforcement, the Illinois ~~Department of~~ State Police, and
25 the Department of Agriculture within 24 hours of the discovery

1 of any loss or theft. Notification shall be made by phone, in
2 person, or by written or electronic communication.

3 (f) No person under the age of 21 years shall be in a
4 commercial vehicle or trailer transporting cannabis goods.

5 (g) No person or individual who is not a transporting
6 organization agent shall be in a vehicle while transporting
7 cannabis goods.

8 (h) Transporters may not use commercial motor vehicles with
9 a weight rating of over 10,001 pounds.

10 (i) It is unlawful for any person to offer or deliver
11 money, or anything else of value, directly or indirectly, to
12 any of the following persons to obtain preferential placement
13 within the dispensing organization, including, without
14 limitation, on shelves and in display cases where purchasers
15 can view products, or on the dispensing organization's website:

16 (1) a person having a transporting organization
17 license, or any officer, associate, member,
18 representative, or agent of the licensee;

19 (2) a person having an Early Applicant Adult Use
20 Dispensing Organization License, an Adult Use Dispensing
21 Organization License, or a medical cannabis dispensing
22 organization license issued under the Compassionate Use of
23 Medical Cannabis Program Act;

24 (3) a person connected with or in any way representing,
25 or a member of the family of, a person holding an Early
26 Applicant Adult Use Dispensing Organization License, an

1 Adult Use Dispensing Organization License, or a medical
2 cannabis dispensing organization license issued under the
3 Compassionate Use of Medical Cannabis Program Act; or

4 (4) a stockholder, officer, manager, agent, or
5 representative of a corporation engaged in the retail sale
6 of cannabis, an Early Applicant Adult Use Dispensing
7 Organization License, an Adult Use Dispensing Organization
8 License, or a medical cannabis dispensing organization
9 license issued under the Compassionate Use of Medical
10 Cannabis Program Act.

11 (j) A transporting organization agent must keep his or her
12 identification card visible at all times when on the property
13 of a cannabis business establishment and during the
14 transporting of cannabis when acting under his or her duties as
15 a transportation organization agent. During these times, the
16 transporting organization agent must also provide the
17 identification card upon request of any law enforcement officer
18 engaged in his or her official duties.

19 (k) A copy of the transporting organization's registration
20 and a manifest for the delivery shall be present in any vehicle
21 transporting cannabis.

22 (l) Cannabis shall be transported so it is not visible or
23 recognizable from outside the vehicle.

24 (m) A vehicle transporting cannabis must not bear any
25 markings to indicate the vehicle contains cannabis or bear the
26 name or logo of the cannabis business establishment.

1 (n) Cannabis must be transported in an enclosed, locked
2 storage compartment that is secured or affixed to the vehicle.

3 (o) The Department of Agriculture may, by rule, impose any
4 other requirements or prohibitions on the transportation of
5 cannabis.

6 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

7 (410 ILCS 705/40-30)

8 Sec. 40-30. Transporting agent identification card.

9 (a) The Department of Agriculture shall:

10 (1) establish by rule the information required in an
11 initial application or renewal application for an agent
12 identification card submitted under this Act and the
13 nonrefundable fee to accompany the initial application or
14 renewal application;

15 (2) verify the information contained in an initial
16 application or renewal application for an agent
17 identification card submitted under this Act and approve or
18 deny an application within 30 days of receiving a completed
19 initial application or renewal application and all
20 supporting documentation required by rule;

21 (3) issue an agent identification card to a qualifying
22 agent within 15 business days of approving the initial
23 application or renewal application;

24 (4) enter the license number of the transporting
25 organization where the agent works; and

1 (5) allow for an electronic initial application and
2 renewal application process, and provide a confirmation by
3 electronic or other methods that an application has been
4 submitted. The Department of Agriculture may by rule
5 require prospective agents to file their applications by
6 electronic means and provide notices to the agents by
7 electronic means.

8 (b) An agent must keep his or her identification card
9 visible at all times when on the property of a cannabis
10 business establishment, including the cannabis business
11 establishment for which he or she is an agent.

12 (c) The agent identification cards shall contain the
13 following:

14 (1) the name of the cardholder;

15 (2) the date of issuance and expiration date of the
16 identification card;

17 (3) a random 10-digit alphanumeric identification
18 number containing at least 4 numbers and at least 4 letters
19 that is unique to the holder;

20 (4) a photograph of the cardholder; and

21 (5) the legal name of the transporting organization
22 employing the agent.

23 (d) An agent identification card shall be immediately
24 returned to the transporting organization of the agent upon
25 termination of his or her employment.

26 (e) Any agent identification card lost by a transporting

1 agent shall be reported to the Illinois ~~Department of~~ State
2 Police and the Department of Agriculture immediately upon
3 discovery of the loss.

4 (f) An application for an agent identification card shall
5 be denied if the applicant is delinquent in filing any required
6 tax returns or paying any amounts owed to the State of
7 Illinois.

8 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

9 (410 ILCS 705/40-35)

10 Sec. 40-35. Transporting organization background checks.

11 (a) Through the Illinois ~~Department of~~ State Police, the
12 Department of Agriculture shall conduct a background check of
13 the prospective principal officers, board members, and agents
14 of a transporter applying for a license or identification card
15 under this Act. The Illinois ~~Department of~~ State Police shall
16 charge a fee set by rule for conducting the criminal history
17 record check, which shall be deposited into the State Police
18 Services Fund and shall not exceed the actual cost of the
19 record check. In order to carry out this provision, each
20 transporting organization's prospective principal officer,
21 board member, or agent shall submit a full set of fingerprints
22 to the Illinois ~~Department of~~ State Police for the purpose of
23 obtaining a State and federal criminal records check. These
24 fingerprints shall be checked against the fingerprint records
25 now and hereafter, to the extent allowed by law, filed in the

1 ~~Illinois Department of~~ State Police and Federal Bureau of
2 Investigation criminal history records databases. The Illinois
3 ~~Department of~~ State Police shall furnish, following positive
4 identification, all conviction information to the Department
5 of Agriculture.

6 (b) When applying for the initial license or identification
7 card, the background checks for all prospective principal
8 officers, board members, and agents shall be completed before
9 submitting the application to the Department of Agriculture.

10 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

11 (410 ILCS 705/55-15)

12 Sec. 55-15. Destruction of cannabis.

13 (a) All cannabis byproduct, scrap, and harvested cannabis
14 not intended for distribution to a dispensing organization must
15 be destroyed and disposed of under rules adopted by the
16 Department of Agriculture under this Act. Documentation of
17 destruction and disposal shall be retained at the cultivation
18 center, craft grower, infuser organization, transporter, or
19 testing facility as applicable for a period of not less than 5
20 years.

21 (b) A cultivation center, craft grower, or infuser
22 organization shall, before destruction, notify the Department
23 of Agriculture and the Illinois ~~Department of~~ State Police. A
24 dispensing organization shall, before destruction, notify the
25 Department of Financial and Professional Regulation and the

1 Illinois ~~Department of~~ State Police. The Department of
2 Agriculture may by rule require that an employee of the
3 Department of Agriculture or the Department of Financial and
4 Professional Regulation be present during the destruction of
5 any cannabis byproduct, scrap, and harvested cannabis, as
6 applicable.

7 (c) The cultivation center, craft grower, infuser
8 organization, or dispensing organization shall keep a record of
9 the date of destruction and how much was destroyed.

10 (d) A dispensing organization shall destroy all cannabis,
11 including cannabis-infused products, not sold to purchasers.
12 Documentation of destruction and disposal shall be retained at
13 the dispensing organization for a period of not less than 5
14 years.

15 (Source: P.A. 101-27, eff. 6-25-19.)

16 (410 ILCS 705/55-30)

17 Sec. 55-30. Confidentiality.

18 (a) Information provided by the cannabis business
19 establishment licensees or applicants to the Department of
20 Agriculture, the Department of Public Health, the Department of
21 Financial and Professional Regulation, the Department of
22 Commerce and Economic Opportunity, or other agency shall be
23 limited to information necessary for the purposes of
24 administering this Act. The information is subject to the
25 provisions and limitations contained in the Freedom of

1 Information Act and may be disclosed in accordance with Section
2 55-65.

3 (b) The following information received and records kept by
4 the Department of Agriculture, the Department of Public Health,
5 the Illinois ~~Department of~~ State Police, and the Department of
6 Financial and Professional Regulation for purposes of
7 administering this Article are subject to all applicable
8 federal privacy laws, are confidential and exempt from
9 disclosure under the Freedom of Information Act, except as
10 provided in this Act, and not subject to disclosure to any
11 individual or public or private entity, except to the
12 Department of Financial and Professional Regulation, the
13 Department of Agriculture, the Department of Public Health, and
14 the Illinois ~~Department of~~ State Police as necessary to perform
15 official duties under this Article and to the Attorney General
16 as necessary to enforce the provisions of this Act. The
17 following information received and kept by the Department of
18 Financial and Professional Regulation or the Department of
19 Agriculture may be disclosed to the Department of Public
20 Health, the Department of Agriculture, the Department of
21 Revenue, the Illinois ~~Department of~~ State Police, or the
22 Attorney General upon proper request:

23 (1) Applications and renewals, their contents, and
24 supporting information submitted by or on behalf of
25 dispensing organizations in compliance with this Article,
26 including their physical addresses;

1 (2) Any plans, procedures, policies, or other records
2 relating to dispensing organization security; and

3 (3) Information otherwise exempt from disclosure by
4 State or federal law.

5 Illinois or national criminal history record information,
6 or the nonexistence or lack of such information, may not be
7 disclosed by the Department of Financial and Professional
8 Regulation or the Department of Agriculture, except as
9 necessary to the Attorney General to enforce this Act.

10 (c) The name and address of a dispensing organization
11 licensed under this Act shall be subject to disclosure under
12 the Freedom of Information Act. The name and cannabis business
13 establishment address of the person or entity holding each
14 cannabis business establishment license shall be subject to
15 disclosure.

16 (d) All information collected by the Department of
17 Financial and Professional Regulation in the course of an
18 examination, inspection, or investigation of a licensee or
19 applicant, including, but not limited to, any complaint against
20 a licensee or applicant filed with the Department and
21 information collected to investigate any such complaint, shall
22 be maintained for the confidential use of the Department and
23 shall not be disclosed, except as otherwise provided in this
24 Act. A formal complaint against a licensee by the Department or
25 any disciplinary order issued by the Department against a
26 licensee or applicant shall be a public record, except as

1 otherwise provided by law. Complaints from consumers or members
2 of the general public received regarding a specific, named
3 licensee or complaints regarding conduct by unlicensed
4 entities shall be subject to disclosure under the Freedom of
5 Information Act.

6 (e) The Department of Agriculture, the Illinois ~~Department~~
7 ~~of~~ State Police, and the Department of Financial and
8 Professional Regulation shall not share or disclose any
9 Illinois or national criminal history record information, or
10 the nonexistence or lack of such information, to any person or
11 entity not expressly authorized by this Act.

12 (f) Each Department responsible for licensure under this
13 Act shall publish on the Department's website a list of the
14 ownership information of cannabis business establishment
15 licensees under the Department's jurisdiction. The list shall
16 include, but is not limited to: the name of the person or
17 entity holding each cannabis business establishment license;
18 and the address at which the entity is operating under this
19 Act. This list shall be published and updated monthly.

20 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

21 (410 ILCS 705/55-35)

22 Sec. 55-35. Administrative rulemaking.

23 (a) No later than 180 days after the effective date of this
24 Act, the Department of Agriculture, the Illinois ~~Department of~~
25 State Police, the Department of Financial and Professional

1 Regulation, the Department of Revenue, the Department of
2 Commerce and Economic Opportunity, and the Treasurer's Office
3 shall adopt permanent rules in accordance with their
4 responsibilities under this Act. The Department of
5 Agriculture, the Illinois ~~Department of~~ State Police, the
6 Department of Financial and Professional Regulation, the
7 Department of Revenue, and the Department of Commerce and
8 Economic Opportunity may adopt rules necessary to regulate
9 personal cannabis use through the use of emergency rulemaking
10 in accordance with subsection (gg) of Section 5-45 of the
11 Illinois Administrative Procedure Act. The General Assembly
12 finds that the adoption of rules to regulate cannabis use is
13 deemed an emergency and necessary for the public interest,
14 safety, and welfare.

15 (b) The Department of Agriculture rules may address, but
16 are not limited to, the following matters related to
17 cultivation centers, craft growers, infuser organizations, and
18 transporting organizations with the goal of protecting against
19 diversion and theft, without imposing an undue burden on the
20 cultivation centers, craft growers, infuser organizations, or
21 transporting organizations:

22 (1) oversight requirements for cultivation centers,
23 craft growers, infuser organizations, and transporting
24 organizations;

25 (2) recordkeeping requirements for cultivation
26 centers, craft growers, infuser organizations, and

1 transporting organizations;

2 (3) security requirements for cultivation centers,
3 craft growers, infuser organizations, and transporting
4 organizations, which shall include that each cultivation
5 center, craft grower, infuser organization, and
6 transporting organization location must be protected by a
7 fully operational security alarm system;

8 (4) standards for enclosed, locked facilities under
9 this Act;

10 (5) procedures for suspending or revoking the
11 identification cards of agents of cultivation centers,
12 craft growers, infuser organizations, and transporting
13 organizations that commit violations of this Act or the
14 rules adopted under this Section;

15 (6) rules concerning the intrastate transportation of
16 cannabis from a cultivation center, craft grower, infuser
17 organization, and transporting organization to a
18 dispensing organization;

19 (7) standards concerning the testing, quality,
20 cultivation, and processing of cannabis; and

21 (8) any other matters under oversight by the Department
22 of Agriculture as are necessary for the fair, impartial,
23 stringent, and comprehensive administration of this Act.

24 (c) The Department of Financial and Professional
25 Regulation rules may address, but are not limited to, the
26 following matters related to dispensing organizations, with

1 the goal of protecting against diversion and theft, without
2 imposing an undue burden on the dispensing organizations:

3 (1) oversight requirements for dispensing
4 organizations;

5 (2) recordkeeping requirements for dispensing
6 organizations;

7 (3) security requirements for dispensing
8 organizations, which shall include that each dispensing
9 organization location must be protected by a fully
10 operational security alarm system;

11 (4) procedures for suspending or revoking the licenses
12 of dispensing organization agents that commit violations
13 of this Act or the rules adopted under this Act;

14 (5) any other matters under oversight by the Department
15 of Financial and Professional Regulation that are
16 necessary for the fair, impartial, stringent, and
17 comprehensive administration of this Act.

18 (d) The Department of Revenue rules may address, but are
19 not limited to, the following matters related to the payment of
20 taxes by cannabis business establishments:

21 (1) recording of sales;

22 (2) documentation of taxable income and expenses;

23 (3) transfer of funds for the payment of taxes; or

24 (4) any other matter under the oversight of the
25 Department of Revenue.

26 (e) The Department of Commerce and Economic Opportunity

1 rules may address, but are not limited to, a loan program or
2 grant program to assist Social Equity Applicants access the
3 capital needed to start a cannabis business establishment. The
4 names of recipients and the amounts of any moneys received
5 through a loan program or grant program shall be a public
6 record.

7 (f) The Illinois ~~Department of~~ State Police rules may
8 address enforcement of its authority under this Act. The
9 Illinois ~~Department of~~ State Police shall not make rules that
10 infringe on the exclusive authority of the Department of
11 Financial and Professional Regulation or the Department of
12 Agriculture over licensees under this Act.

13 (g) The Department of Human Services shall develop and
14 disseminate:

15 (1) educational information about the health risks
16 associated with the use of cannabis; and

17 (2) one or more public education campaigns in
18 coordination with local health departments and community
19 organizations, including one or more prevention campaigns
20 directed at children, adolescents, parents, and pregnant
21 or breastfeeding women, to inform them of the potential
22 health risks associated with intentional or unintentional
23 cannabis use.

24 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

25 (410 ILCS 705/55-40)

1 Sec. 55-40. Enforcement.

2 (a) If the Department of Agriculture, Illinois ~~Department~~
3 ~~of~~ State Police, Department of Financial and Professional
4 Regulation, Department of Commerce and Economic Opportunity,
5 or Department of Revenue fails to adopt rules to implement this
6 Act within the times provided in this Act, any citizen may
7 commence a mandamus action in the circuit court to compel the
8 agencies to perform the actions mandated under Section 55-35.

9 (b) If the Department of Agriculture or the Department of
10 Financial and Professional Regulation fails to issue a valid
11 agent identification card in response to a valid initial
12 application or renewal application submitted under this Act or
13 fails to issue a verbal or written notice of denial of the
14 application within 30 days of its submission, the agent
15 identification card is deemed granted and a copy of the agent
16 identification initial application or renewal application
17 shall be deemed a valid agent identification card.

18 (c) Authorized employees of State or local law enforcement
19 agencies shall immediately notify the Department of
20 Agriculture and the Department of Financial and Professional
21 Regulation when any person in possession of an agent
22 identification card has been convicted of or pled guilty to
23 violating this Act.

24 (Source: P.A. 101-27, eff. 6-25-19.)

25 (410 ILCS 705/55-50)

1 Sec. 55-50. Petition for rehearing. Within 20 days after
2 the service of any order or decision of the Department of
3 Public Health, the Department of Agriculture, the Department of
4 Financial and Professional Regulation, or the Illinois
5 ~~Department of~~ State Police upon any party to the proceeding,
6 the party may apply for a rehearing in respect to any matters
7 determined by them under this Act, except for decisions made
8 under the Cannabis Cultivation Privilege Tax Law, the Cannabis
9 Purchaser Excise Tax Law, the County Cannabis Retailers'
10 Occupation Tax Law, and the Municipal Cannabis Retailers'
11 Occupation Tax Law, which shall be governed by the provisions
12 of those Laws. If a rehearing is granted, an agency shall hold
13 the rehearing and render a decision within 30 days from the
14 filing of the application for rehearing with the agency. The
15 time for holding such rehearing and rendering a decision may be
16 extended for a period not to exceed 30 days, for good cause
17 shown, and by notice in writing to all parties of interest. If
18 an agency fails to act on the application for rehearing within
19 30 days, or the date the time for rendering a decision was
20 extended for good cause shown, the order or decision of the
21 agency is final. No action for the judicial review of any order
22 or decision of an agency shall be allowed unless the party
23 commencing such action has first filed an application for a
24 rehearing and the agency has acted or failed to act upon the
25 application. Only one rehearing may be granted by an agency on
26 application of any one party.

1 (Source: P.A. 101-27, eff. 6-25-19.)

2 (410 ILCS 705/55-55)

3 Sec. 55-55. Review of administrative decisions. All final
4 administrative decisions of the Department of Public Health,
5 the Department of Agriculture, the Department of Financial and
6 Professional Regulation, and the Illinois ~~Department of~~ State
7 Police are subject to judicial review under the Administrative
8 Review Law and the rules adopted under that Law. The term
9 "administrative decision" is defined as in Section 3-101 of the
10 Code of Civil Procedure.

11 (Source: P.A. 101-27, eff. 6-25-19.)

12 (410 ILCS 705/55-80)

13 Sec. 55-80. Annual reports.

14 (a) The Department of Financial and Professional
15 Regulation shall submit to the General Assembly and Governor a
16 report, by September 30 of each year, that does not disclose
17 any information identifying information about cultivation
18 centers, craft growers, infuser organizations, transporting
19 organizations, or dispensing organizations, but does contain,
20 at a minimum, all of the following information for the previous
21 fiscal year:

22 (1) The number of licenses issued to dispensing
23 organizations by county, or, in counties with greater than
24 3,000,000 residents, by zip code;

1 (2) The total number of dispensing organization owners
2 that are Social Equity Applicants or minority persons,
3 women, or persons with disabilities as those terms are
4 defined in the Business Enterprise for Minorities, Women,
5 and Persons with Disabilities Act;

6 (3) The total number of revenues received from
7 dispensing organizations, segregated from revenues
8 received from dispensing organizations under the
9 Compassionate Use of Medical Cannabis Program Act by
10 county, separated by source of revenue;

11 (4) The total amount of revenue received from
12 dispensing organizations that share a premises or majority
13 ownership with a craft grower;

14 (5) The total amount of revenue received from
15 dispensing organizations that share a premises or majority
16 ownership with an infuser; and

17 (6) An analysis of revenue generated from taxation,
18 licensing, and other fees for the State, including
19 recommendations to change the tax rate applied.

20 (b) The Department of Agriculture shall submit to the
21 General Assembly and Governor a report, by September 30 of each
22 year, that does not disclose any information identifying
23 information about cultivation centers, craft growers, infuser
24 organizations, transporting organizations, or dispensing
25 organizations, but does contain, at a minimum, all of the
26 following information for the previous fiscal year:

1 (1) The number of licenses issued to cultivation
2 centers, craft growers, infusers, and transporters by
3 license type, and, in counties with more than 3,000,000
4 residents, by zip code;

5 (2) The total number of cultivation centers, craft
6 growers, infusers, and transporters by license type that
7 are Social Equity Applicants or minority persons, women, or
8 persons with disabilities as those terms are defined in the
9 Business Enterprise for Minorities, Women, and Persons
10 with Disabilities Act;

11 (3) The total amount of revenue received from
12 cultivation centers, craft growers, infusers, and
13 transporters, separated by license types and source of
14 revenue;

15 (4) The total amount of revenue received from craft
16 growers and infusers that share a premises or majority
17 ownership with a dispensing organization;

18 (5) The total amount of revenue received from craft
19 growers that share a premises or majority ownership with an
20 infuser, but do not share a premises or ownership with a
21 dispensary;

22 (6) The total amount of revenue received from infusers
23 that share a premises or majority ownership with a craft
24 grower, but do not share a premises or ownership with a
25 dispensary;

26 (7) The total amount of revenue received from craft

1 growers that share a premises or majority ownership with a
2 dispensing organization, but do not share a premises or
3 ownership with an infuser;

4 (8) The total amount of revenue received from infusers
5 that share a premises or majority ownership with a
6 dispensing organization, but do not share a premises or
7 ownership with a craft grower;

8 (9) The total amount of revenue received from
9 transporters; and

10 (10) An analysis of revenue generated from taxation,
11 licensing, and other fees for the State, including
12 recommendations to change the tax rate applied.

13 (c) The Illinois Department of State Police shall submit to
14 the General Assembly and Governor a report, by September 30 of
15 each year that contains, at a minimum, all of the following
16 information for the previous fiscal year:

17 (1) The effect of regulation and taxation of cannabis
18 on law enforcement resources;

19 (2) The impact of regulation and taxation of cannabis
20 on highway and waterway safety and rates of impaired
21 driving or operating, where impairment was determined
22 based on failure of a field sobriety test;

23 (3) The available and emerging methods for detecting
24 the metabolites for delta-9-tetrahydrocannabinol in bodily
25 fluids, including, without limitation, blood and saliva;

26 (4) The effectiveness of current DUI laws and

1 recommendations for improvements to policy to better
2 ensure safe highways and fair laws.

3 (d) The Adult Use Cannabis Health Advisory Committee shall
4 submit to the General Assembly and Governor a report, by
5 September 30 of each year, that does not disclose any
6 identifying information about any individuals, but does
7 contain, at a minimum:

8 (1) Self-reported youth cannabis use, as published in
9 the most recent Illinois Youth Survey available;

10 (2) Self-reported adult cannabis use, as published in
11 the most recent Behavioral Risk Factor Surveillance Survey
12 available;

13 (3) Hospital room admissions and hospital utilization
14 rates caused by cannabis consumption, including the
15 presence or detection of other drugs;

16 (4) Overdoses of cannabis and poison control data,
17 including the presence of other drugs that may have
18 contributed;

19 (5) Incidents of impaired driving caused by the
20 consumption of cannabis or cannabis products, including
21 the presence of other drugs or alcohol that may have
22 contributed to the impaired driving;

23 (6) Prevalence of infants born testing positive for
24 cannabis or delta-9-tetrahydrocannabinol, including
25 demographic and racial information on which infants are
26 tested;

- 1 (7) Public perceptions of use and risk of harm;
2 (8) Revenue collected from cannabis taxation and how
3 that revenue was used;
4 (9) Cannabis retail licenses granted and locations;
5 (10) Cannabis-related arrests; and
6 (11) The number of individuals completing required bud
7 tender training.

8 (e) Each agency or committee submitting reports under this
9 Section may consult with one another in the preparation of each
10 report.

11 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

12 Section 850. The Radiation Protection Act of 1990 is
13 amended by changing Section 34 as follows:

14 (420 ILCS 40/34) (from Ch. 111 1/2, par. 210-34)

15 (Section scheduled to be repealed on January 1, 2021)

16 Sec. 34. All intrastate and interstate carriers of
17 irradiated nuclear reactor fuel in the State of Illinois are
18 hereby required to notify the Agency 24 hours prior to any
19 transportation of irradiated nuclear reactor fuel within this
20 State of the proposed route, the place and time of entry into
21 the State, and the amount and the source of the fuel. The
22 Agency shall immediately notify the Illinois State Police,
23 which shall notify the sheriff of those counties along the
24 route of such shipment.

1 For the purpose of this subsection, a "carrier" is any
2 entity charged with transportation of such irradiated reactor
3 fuel from the nuclear steam-generating facility to a storage
4 facility.

5 For the purpose of this subsection, "irradiated reactor
6 fuel" is any nuclear fuel assembly containing fissile-bearing
7 material that has been irradiated in and removed from a nuclear
8 reactor facility.

9 (Source: P.A. 94-104, eff. 7-1-05.)

10 Section 865. The Firearm Owners Identification Card Act is
11 amended by changing Sections 1.1, 2, 3, 3.1, 3.3, 4, 5, 5.1, 6,
12 8, 8.1, 8.2, 8.3, 9.5, 10, 11, 13.1, 13.2, 13.3, 15a, and 15b
13 as follows:

14 (430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

15 Sec. 1.1. For purposes of this Act:

16 "Addicted to narcotics" means a person who has been:

17 (1) convicted of an offense involving the use or
18 possession of cannabis, a controlled substance, or
19 methamphetamine within the past year; or

20 (2) determined by the Illinois ~~Department of~~ State
21 Police to be addicted to narcotics based upon federal law
22 or federal guidelines.

23 "Addicted to narcotics" does not include possession or use
24 of a prescribed controlled substance under the direction and

1 authority of a physician or other person authorized to
2 prescribe the controlled substance when the controlled
3 substance is used in the prescribed manner.

4 "Adjudicated as a person with a mental disability" means
5 the person is the subject of a determination by a court, board,
6 commission or other lawful authority that the person, as a
7 result of marked subnormal intelligence, or mental illness,
8 mental impairment, incompetency, condition, or disease:

9 (1) presents a clear and present danger to himself,
10 herself, or to others;

11 (2) lacks the mental capacity to manage his or her own
12 affairs or is adjudicated a person with a disability as
13 defined in Section 11a-2 of the Probate Act of 1975;

14 (3) is not guilty in a criminal case by reason of
15 insanity, mental disease or defect;

16 (3.5) is guilty but mentally ill, as provided in
17 Section 5-2-6 of the Unified Code of Corrections;

18 (4) is incompetent to stand trial in a criminal case;

19 (5) is not guilty by reason of lack of mental
20 responsibility under Articles 50a and 72b of the Uniform
21 Code of Military Justice, 10 U.S.C. 850a, 876b;

22 (6) is a sexually violent person under subsection (f)
23 of Section 5 of the Sexually Violent Persons Commitment
24 Act;

25 (7) is a sexually dangerous person under the Sexually
26 Dangerous Persons Act;

1 (8) is unfit to stand trial under the Juvenile Court
2 Act of 1987;

3 (9) is not guilty by reason of insanity under the
4 Juvenile Court Act of 1987;

5 (10) is subject to involuntary admission as an
6 inpatient as defined in Section 1-119 of the Mental Health
7 and Developmental Disabilities Code;

8 (11) is subject to involuntary admission as an
9 outpatient as defined in Section 1-119.1 of the Mental
10 Health and Developmental Disabilities Code;

11 (12) is subject to judicial admission as set forth in
12 Section 4-500 of the Mental Health and Developmental
13 Disabilities Code; or

14 (13) is subject to the provisions of the Interstate
15 Agreements on Sexually Dangerous Persons Act.

16 "Clear and present danger" means a person who:

17 (1) communicates a serious threat of physical violence
18 against a reasonably identifiable victim or poses a clear
19 and imminent risk of serious physical injury to himself,
20 herself, or another person as determined by a physician,
21 clinical psychologist, or qualified examiner; or

22 (2) demonstrates threatening physical or verbal
23 behavior, such as violent, suicidal, or assaultive
24 threats, actions, or other behavior, as determined by a
25 physician, clinical psychologist, qualified examiner,
26 school administrator, or law enforcement official.

1 "Clinical psychologist" has the meaning provided in
2 Section 1-103 of the Mental Health and Developmental
3 Disabilities Code.

4 "Controlled substance" means a controlled substance or
5 controlled substance analog as defined in the Illinois
6 Controlled Substances Act.

7 "Counterfeit" means to copy or imitate, without legal
8 authority, with intent to deceive.

9 "Federally licensed firearm dealer" means a person who is
10 licensed as a federal firearms dealer under Section 923 of the
11 federal Gun Control Act of 1968 (18 U.S.C. 923).

12 "Firearm" means any device, by whatever name known, which
13 is designed to expel a projectile or projectiles by the action
14 of an explosion, expansion of gas or escape of gas; excluding,
15 however:

16 (1) any pneumatic gun, spring gun, paint ball gun, or
17 B-B gun which expels a single globular projectile not
18 exceeding .18 inch in diameter or which has a maximum
19 muzzle velocity of less than 700 feet per second;

20 (1.1) any pneumatic gun, spring gun, paint ball gun, or
21 B-B gun which expels breakable paint balls containing
22 washable marking colors;

23 (2) any device used exclusively for signalling or
24 safety and required or recommended by the United States
25 Coast Guard or the Interstate Commerce Commission;

26 (3) any device used exclusively for the firing of stud

1 cartridges, explosive rivets or similar industrial
2 ammunition; and

3 (4) an antique firearm (other than a machine-gun)
4 which, although designed as a weapon, the Illinois
5 ~~Department of~~ State Police finds by reason of the date of
6 its manufacture, value, design, and other characteristics
7 is primarily a collector's item and is not likely to be
8 used as a weapon.

9 "Firearm ammunition" means any self-contained cartridge or
10 shotgun shell, by whatever name known, which is designed to be
11 used or adaptable to use in a firearm; excluding, however:

12 (1) any ammunition exclusively designed for use with a
13 device used exclusively for signalling or safety and
14 required or recommended by the United States Coast Guard or
15 the Interstate Commerce Commission; and

16 (2) any ammunition designed exclusively for use with a
17 stud or rivet driver or other similar industrial
18 ammunition.

19 "Gun show" means an event or function:

20 (1) at which the sale and transfer of firearms is the
21 regular and normal course of business and where 50 or more
22 firearms are displayed, offered, or exhibited for sale,
23 transfer, or exchange; or

24 (2) at which not less than 10 gun show vendors display,
25 offer, or exhibit for sale, sell, transfer, or exchange
26 firearms.

1 "Gun show" includes the entire premises provided for an
2 event or function, including parking areas for the event or
3 function, that is sponsored to facilitate the purchase, sale,
4 transfer, or exchange of firearms as described in this Section.
5 Nothing in this definition shall be construed to exclude a gun
6 show held in conjunction with competitive shooting events at
7 the World Shooting Complex sanctioned by a national governing
8 body in which the sale or transfer of firearms is authorized
9 under subparagraph (5) of paragraph (g) of subsection (A) of
10 Section 24-3 of the Criminal Code of 2012.

11 Unless otherwise expressly stated, "gun show" does not
12 include training or safety classes, competitive shooting
13 events, such as rifle, shotgun, or handgun matches, trap,
14 skeet, or sporting clays shoots, dinners, banquets, raffles, or
15 any other event where the sale or transfer of firearms is not
16 the primary course of business.

17 "Gun show promoter" means a person who organizes or
18 operates a gun show.

19 "Gun show vendor" means a person who exhibits, sells,
20 offers for sale, transfers, or exchanges any firearms at a gun
21 show, regardless of whether the person arranges with a gun show
22 promoter for a fixed location from which to exhibit, sell,
23 offer for sale, transfer, or exchange any firearm.

24 "Involuntarily admitted" has the meaning as prescribed in
25 Sections 1-119 and 1-119.1 of the Mental Health and
26 Developmental Disabilities Code.

1 "Mental health facility" means any licensed private
2 hospital or hospital affiliate, institution, or facility, or
3 part thereof, and any facility, or part thereof, operated by
4 the State or a political subdivision thereof which provide
5 treatment of persons with mental illness and includes all
6 hospitals, institutions, clinics, evaluation facilities,
7 mental health centers, colleges, universities, long-term care
8 facilities, and nursing homes, or parts thereof, which provide
9 treatment of persons with mental illness whether or not the
10 primary purpose is to provide treatment of persons with mental
11 illness.

12 "National governing body" means a group of persons who
13 adopt rules and formulate policy on behalf of a national
14 firearm sporting organization.

15 "Patient" means:

16 (1) a person who is admitted as an inpatient or
17 resident of a public or private mental health facility for
18 mental health treatment under Chapter III of the Mental
19 Health and Developmental Disabilities Code as an informal
20 admission, a voluntary admission, a minor admission, an
21 emergency admission, or an involuntary admission, unless
22 the treatment was solely for an alcohol abuse disorder; or

23 (2) a person who voluntarily or involuntarily receives
24 mental health treatment as an out-patient or is otherwise
25 provided services by a public or private mental health
26 facility, and who poses a clear and present danger to

1 himself, herself, or to others.

2 "Person with a developmental disability" means a person
3 with a disability which is attributable to any other condition
4 which results in impairment similar to that caused by an
5 intellectual disability and which requires services similar to
6 those required by persons with intellectual disabilities. The
7 disability must originate before the age of 18 years, be
8 expected to continue indefinitely, and constitute a
9 substantial disability. This disability results, in the
10 professional opinion of a physician, clinical psychologist, or
11 qualified examiner, in significant functional limitations in 3
12 or more of the following areas of major life activity:

- 13 (i) self-care;
14 (ii) receptive and expressive language;
15 (iii) learning;
16 (iv) mobility; or
17 (v) self-direction.

18 "Person with an intellectual disability" means a person
19 with a significantly subaverage general intellectual
20 functioning which exists concurrently with impairment in
21 adaptive behavior and which originates before the age of 18
22 years.

23 "Physician" has the meaning as defined in Section 1-120 of
24 the Mental Health and Developmental Disabilities Code.

25 "Qualified examiner" has the meaning provided in Section
26 1-122 of the Mental Health and Developmental Disabilities Code.

1 "Sanctioned competitive shooting event" means a shooting
2 contest officially recognized by a national or state shooting
3 sport association, and includes any sight-in or practice
4 conducted in conjunction with the event.

5 "School administrator" means the person required to report
6 under the School Administrator Reporting of Mental Health Clear
7 and Present Danger Determinations Law.

8 "Stun gun or taser" has the meaning ascribed to it in
9 Section 24-1 of the Criminal Code of 2012.

10 (Source: P.A. 99-29, eff. 7-10-15; 99-143, eff. 7-27-15;
11 99-642, eff. 7-28-16; 100-906, eff. 1-1-19.)

12 (430 ILCS 65/2) (from Ch. 38, par. 83-2)

13 Sec. 2. Firearm Owner's Identification Card required;
14 exceptions.

15 (a) (1) No person may acquire or possess any firearm, stun
16 gun, or taser within this State without having in his or her
17 possession a Firearm Owner's Identification Card previously
18 issued in his or her name by the Illinois ~~Department of~~ State
19 Police under the provisions of this Act.

20 (2) No person may acquire or possess firearm ammunition
21 within this State without having in his or her possession a
22 Firearm Owner's Identification Card previously issued in his or
23 her name by the Illinois ~~Department of~~ State Police under the
24 provisions of this Act.

25 (b) The provisions of this Section regarding the possession

1 of firearms, firearm ammunition, stun guns, and tasers do not
2 apply to:

3 (1) United States Marshals, while engaged in the
4 operation of their official duties;

5 (2) Members of the Armed Forces of the United States or
6 the National Guard, while engaged in the operation of their
7 official duties;

8 (3) Federal officials required to carry firearms,
9 while engaged in the operation of their official duties;

10 (4) Members of bona fide veterans organizations which
11 receive firearms directly from the armed forces of the
12 United States, while using the firearms for ceremonial
13 purposes with blank ammunition;

14 (5) Nonresident hunters during hunting season, with
15 valid nonresident hunting licenses and while in an area
16 where hunting is permitted; however, at all other times and
17 in all other places these persons must have their firearms
18 unloaded and enclosed in a case;

19 (6) Those hunters exempt from obtaining a hunting
20 license who are required to submit their Firearm Owner's
21 Identification Card when hunting on Department of Natural
22 Resources owned or managed sites;

23 (7) Nonresidents while on a firing or shooting range
24 recognized by the Illinois ~~Department of~~ State Police;
25 however, these persons must at all other times and in all
26 other places have their firearms unloaded and enclosed in a

1 case;

2 (8) Nonresidents while at a firearm showing or display
3 recognized by the Illinois ~~Department of~~ State Police;
4 however, at all other times and in all other places these
5 persons must have their firearms unloaded and enclosed in a
6 case;

7 (9) Nonresidents whose firearms are unloaded and
8 enclosed in a case;

9 (10) Nonresidents who are currently licensed or
10 registered to possess a firearm in their resident state;

11 (11) Unemancipated minors while in the custody and
12 immediate control of their parent or legal guardian or
13 other person in loco parentis to the minor if the parent or
14 legal guardian or other person in loco parentis to the
15 minor has a currently valid Firearm Owner's Identification
16 Card;

17 (12) Color guards of bona fide veterans organizations
18 or members of bona fide American Legion bands while using
19 firearms for ceremonial purposes with blank ammunition;

20 (13) Nonresident hunters whose state of residence does
21 not require them to be licensed or registered to possess a
22 firearm and only during hunting season, with valid hunting
23 licenses, while accompanied by, and using a firearm owned
24 by, a person who possesses a valid Firearm Owner's
25 Identification Card and while in an area within a
26 commercial club licensed under the Wildlife Code where

1 hunting is permitted and controlled, but in no instance
2 upon sites owned or managed by the Department of Natural
3 Resources;

4 (14) Resident hunters who are properly authorized to
5 hunt and, while accompanied by a person who possesses a
6 valid Firearm Owner's Identification Card, hunt in an area
7 within a commercial club licensed under the Wildlife Code
8 where hunting is permitted and controlled;

9 (15) A person who is otherwise eligible to obtain a
10 Firearm Owner's Identification Card under this Act and is
11 under the direct supervision of a holder of a Firearm
12 Owner's Identification Card who is 21 years of age or older
13 while the person is on a firing or shooting range or is a
14 participant in a firearms safety and training course
15 recognized by a law enforcement agency or a national,
16 statewide shooting sports organization; and

17 (16) Competitive shooting athletes whose competition
18 firearms are sanctioned by the International Olympic
19 Committee, the International Paralympic Committee, the
20 International Shooting Sport Federation, or USA Shooting
21 in connection with such athletes' training for and
22 participation in shooting competitions at the 2016 Olympic
23 and Paralympic Games and sanctioned test events leading up
24 to the 2016 Olympic and Paralympic Games.

25 (c) The provisions of this Section regarding the
26 acquisition and possession of firearms, firearm ammunition,

1 stun guns, and tasers do not apply to law enforcement officials
2 of this or any other jurisdiction, while engaged in the
3 operation of their official duties.

4 (c-5) The provisions of paragraphs (1) and (2) of
5 subsection (a) of this Section regarding the possession of
6 firearms and firearm ammunition do not apply to the holder of a
7 valid concealed carry license issued under the Firearm
8 Concealed Carry Act who is in physical possession of the
9 concealed carry license.

10 (d) Any person who becomes a resident of this State, who is
11 not otherwise prohibited from obtaining, possessing, or using a
12 firearm or firearm ammunition, shall not be required to have a
13 Firearm Owner's Identification Card to possess firearms or
14 firearms ammunition until 60 calendar days after he or she
15 obtains an Illinois driver's license or Illinois
16 Identification Card.

17 (Source: P.A. 99-29, eff. 7-10-15.)

18 (430 ILCS 65/3) (from Ch. 38, par. 83-3)

19 Sec. 3. (a) Except as provided in Section 3a, no person may
20 knowingly transfer, or cause to be transferred, any firearm,
21 firearm ammunition, stun gun, or taser to any person within
22 this State unless the transferee with whom he deals displays
23 either: (1) a currently valid Firearm Owner's Identification
24 Card which has previously been issued in his or her name by the
25 Illinois ~~Department of~~ State Police under the provisions of

1 this Act; or (2) a currently valid license to carry a concealed
2 firearm which has previously been issued in his or her name by
3 the Illinois ~~Department of~~ State Police under the Firearm
4 Concealed Carry Act. In addition, all firearm, stun gun, and
5 taser transfers by federally licensed firearm dealers are
6 subject to Section 3.1.

7 (a-5) Any person who is not a federally licensed firearm
8 dealer and who desires to transfer or sell a firearm while that
9 person is on the grounds of a gun show must, before selling or
10 transferring the firearm, request the Illinois ~~Department of~~
11 State Police to conduct a background check on the prospective
12 recipient of the firearm in accordance with Section 3.1.

13 (a-10) Notwithstanding item (2) of subsection (a) of this
14 Section, any person who is not a federally licensed firearm
15 dealer and who desires to transfer or sell a firearm or
16 firearms to any person who is not a federally licensed firearm
17 dealer shall, before selling or transferring the firearms,
18 contact the Illinois ~~Department of~~ State Police with the
19 transferee's or purchaser's Firearm Owner's Identification
20 Card number to determine the validity of the transferee's or
21 purchaser's Firearm Owner's Identification Card. This
22 subsection shall not be effective until January 1, 2014. The
23 Illinois ~~Department of~~ State Police may adopt rules concerning
24 the implementation of this subsection. The Illinois ~~Department~~
25 ~~of~~ State Police shall provide the seller or transferor an
26 approval number if the purchaser's Firearm Owner's

1 Identification Card is valid. Approvals issued by the
2 Department for the purchase of a firearm pursuant to this
3 subsection are valid for 30 days from the date of issue.

4 (a-15) The provisions of subsection (a-10) of this Section
5 do not apply to:

6 (1) transfers that occur at the place of business of a
7 federally licensed firearm dealer, if the federally
8 licensed firearm dealer conducts a background check on the
9 prospective recipient of the firearm in accordance with
10 Section 3.1 of this Act and follows all other applicable
11 federal, State, and local laws as if he or she were the
12 seller or transferor of the firearm, although the dealer is
13 not required to accept the firearm into his or her
14 inventory. The purchaser or transferee may be required by
15 the federally licensed firearm dealer to pay a fee not to
16 exceed \$10 per firearm, which the dealer may retain as
17 compensation for performing the functions required under
18 this paragraph, plus the applicable fees authorized by
19 Section 3.1;

20 (2) transfers as a bona fide gift to the transferor's
21 husband, wife, son, daughter, stepson, stepdaughter,
22 father, mother, stepfather, stepmother, brother, sister,
23 nephew, niece, uncle, aunt, grandfather, grandmother,
24 grandson, granddaughter, father-in-law, mother-in-law,
25 son-in-law, or daughter-in-law;

26 (3) transfers by persons acting pursuant to operation

1 of law or a court order;

2 (4) transfers on the grounds of a gun show under
3 subsection (a-5) of this Section;

4 (5) the delivery of a firearm by its owner to a
5 gunsmith for service or repair, the return of the firearm
6 to its owner by the gunsmith, or the delivery of a firearm
7 by a gunsmith to a federally licensed firearms dealer for
8 service or repair and the return of the firearm to the
9 gunsmith;

10 (6) temporary transfers that occur while in the home of
11 the unlicensed transferee, if the unlicensed transferee is
12 not otherwise prohibited from possessing firearms and the
13 unlicensed transferee reasonably believes that possession
14 of the firearm is necessary to prevent imminent death or
15 great bodily harm to the unlicensed transferee;

16 (7) transfers to a law enforcement or corrections
17 agency or a law enforcement or corrections officer acting
18 within the course and scope of his or her official duties;

19 (8) transfers of firearms that have been rendered
20 permanently inoperable to a nonprofit historical society,
21 museum, or institutional collection; and

22 (9) transfers to a person who is exempt from the
23 requirement of possessing a Firearm Owner's Identification
24 Card under Section 2 of this Act.

25 (a-20) The Illinois ~~Department of~~ State Police shall
26 develop an Internet-based system for individuals to determine

1 the validity of a Firearm Owner's Identification Card prior to
2 the sale or transfer of a firearm. The Department shall have
3 the Internet-based system completed and available for use by
4 July 1, 2015. The Department shall adopt rules not inconsistent
5 with this Section to implement this system.

6 (b) Any person within this State who transfers or causes to
7 be transferred any firearm, stun gun, or taser shall keep a
8 record of such transfer for a period of 10 years from the date
9 of transfer. Such record shall contain the date of the
10 transfer; the description, serial number or other information
11 identifying the firearm, stun gun, or taser if no serial number
12 is available; and, if the transfer was completed within this
13 State, the transferee's Firearm Owner's Identification Card
14 number and any approval number or documentation provided by the
15 Illinois Department of State Police pursuant to subsection
16 (a-10) of this Section; if the transfer was not completed
17 within this State, the record shall contain the name and
18 address of the transferee. On or after January 1, 2006, the
19 record shall contain the date of application for transfer of
20 the firearm. On demand of a peace officer such transferor shall
21 produce for inspection such record of transfer. If the transfer
22 or sale took place at a gun show, the record shall include the
23 unique identification number. Failure to record the unique
24 identification number or approval number is a petty offense.
25 For transfers of a firearm, stun gun, or taser made on or after
26 the effective date of this amendatory Act of the 100th General

1 Assembly, failure by the private seller to maintain the
2 transfer records in accordance with this Section is a Class A
3 misdemeanor for the first offense and a Class 4 felony for a
4 second or subsequent offense. A transferee shall not be
5 criminally liable under this Section provided that he or she
6 provides the Illinois ~~Department~~ of State Police with the
7 transfer records in accordance with procedures established by
8 the Department. The Department shall establish, by rule, a
9 standard form on its website.

10 (b-5) Any resident may purchase ammunition from a person
11 within or outside of Illinois if shipment is by United States
12 mail or by a private express carrier authorized by federal law
13 to ship ammunition. Any resident purchasing ammunition within
14 or outside the State of Illinois must provide the seller with a
15 copy of his or her valid Firearm Owner's Identification Card or
16 valid concealed carry license and either his or her Illinois
17 driver's license or Illinois State Identification Card prior to
18 the shipment of the ammunition. The ammunition may be shipped
19 only to an address on either of those 2 documents.

20 (c) The provisions of this Section regarding the transfer
21 of firearm ammunition shall not apply to those persons
22 specified in paragraph (b) of Section 2 of this Act.

23 (Source: P.A. 99-29, eff. 7-10-15; 100-1178, eff. 1-18-19.)

24 (430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

25 Sec. 3.1. Dial up system.

1 (a) The Illinois ~~Department of~~ State Police shall provide a
2 dial up telephone system or utilize other existing technology
3 which shall be used by any federally licensed firearm dealer,
4 gun show promoter, or gun show vendor who is to transfer a
5 firearm, stun gun, or taser under the provisions of this Act.
6 The Illinois ~~Department of~~ State Police may utilize existing
7 technology which allows the caller to be charged a fee not to
8 exceed \$2. Fees collected by the Illinois ~~Department of~~ State
9 Police shall be deposited in the State Police Services Fund and
10 used to provide the service.

11 (b) Upon receiving a request from a federally licensed
12 firearm dealer, gun show promoter, or gun show vendor, the
13 Illinois ~~Department of~~ State Police shall immediately approve,
14 or within the time period established by Section 24-3 of the
15 Criminal Code of 2012 regarding the delivery of firearms, stun
16 guns, and tasers notify the inquiring dealer, gun show
17 promoter, or gun show vendor of any objection that would
18 disqualify the transferee from acquiring or possessing a
19 firearm, stun gun, or taser. In conducting the inquiry, the
20 Illinois ~~Department of~~ State Police shall initiate and complete
21 an automated search of its criminal history record information
22 files and those of the Federal Bureau of Investigation,
23 including the National Instant Criminal Background Check
24 System, and of the files of the Department of Human Services
25 relating to mental health and developmental disabilities to
26 obtain any felony conviction or patient hospitalization

1 information which would disqualify a person from obtaining or
2 require revocation of a currently valid Firearm Owner's
3 Identification Card.

4 (c) If receipt of a firearm would not violate Section 24-3
5 of the Criminal Code of 2012, federal law, or this Act the
6 Illinois ~~Department of~~ State Police shall:

7 (1) assign a unique identification number to the
8 transfer; and

9 (2) provide the licensee, gun show promoter, or gun
10 show vendor with the number.

11 (d) Approvals issued by the Illinois ~~Department of~~ State
12 Police for the purchase of a firearm are valid for 30 days from
13 the date of issue.

14 (e) (1) The Illinois ~~Department of~~ State Police must act as
15 the Illinois Point of Contact for the National Instant Criminal
16 Background Check System.

17 (2) The Illinois ~~Department of~~ State Police and the
18 Department of Human Services shall, in accordance with State
19 and federal law regarding confidentiality, enter into a
20 memorandum of understanding with the Federal Bureau of
21 Investigation for the purpose of implementing the National
22 Instant Criminal Background Check System in the State. The
23 Illinois ~~Department of~~ State Police shall report the name, date
24 of birth, and physical description of any person prohibited
25 from possessing a firearm pursuant to the Firearm Owners
26 Identification Card Act or 18 U.S.C. 922(g) and (n) to the

1 National Instant Criminal Background Check System Index,
2 Denied Persons Files.

3 (3) The Illinois ~~Department of~~ State Police shall provide
4 notice of the disqualification of a person under subsection (b)
5 of this Section or the revocation of a person's Firearm Owner's
6 Identification Card under Section 8 or Section 8.2 of this Act,
7 and the reason for the disqualification or revocation, to all
8 law enforcement agencies with jurisdiction to assist with the
9 seizure of the person's Firearm Owner's Identification Card.

10 (f) The Illinois ~~Department of~~ State Police shall adopt
11 rules not inconsistent with this Section to implement this
12 system.

13 (Source: P.A. 98-63, eff. 7-9-13; 99-787, eff. 1-1-17.)

14 (430 ILCS 65/3.3)

15 Sec. 3.3. Report to the local law enforcement agency. The
16 Illinois ~~Department of~~ State Police must report the name and
17 address of a person to the local law enforcement agency where
18 the person resides if the person attempting to purchase a
19 firearm is disqualified from purchasing a firearm because of
20 information obtained under subsection (a-10) of Section 3 or
21 Section 3.1 that would disqualify the person from obtaining a
22 Firearm Owner's Identification Card under any of subsections
23 (c) through (n) of Section 8 of this Act.

24 (Source: P.A. 98-508, eff. 8-19-13.)

1 (430 ILCS 65/4) (from Ch. 38, par. 83-4)

2 Sec. 4. Application for Firearm Owner's Identification
3 Cards.

4 (a) Each applicant for a Firearm Owner's Identification
5 Card must:

6 (1) Make application on blank forms prepared and
7 furnished at convenient locations throughout the State by
8 the Illinois ~~Department of~~ State Police, or by electronic
9 means, if and when made available by the Illinois
10 ~~Department of~~ State Police; and

11 (2) Submit evidence to the Illinois ~~Department of~~ State
12 Police that:

13 (i) This subparagraph (i) applies through the
14 180th day following the effective date of this
15 amendatory Act of the 101st General Assembly. He or she
16 is 21 years of age or over, or if he or she is under 21
17 years of age that he or she has the written consent of
18 his or her parent or legal guardian to possess and
19 acquire firearms and firearm ammunition and that he or
20 she has never been convicted of a misdemeanor other
21 than a traffic offense or adjudged delinquent,
22 provided, however, that such parent or legal guardian
23 is not an individual prohibited from having a Firearm
24 Owner's Identification Card and files an affidavit
25 with the Department as prescribed by the Department
26 stating that he or she is not an individual prohibited

1 from having a Card;

2 (i-5) This subparagraph (i-5) applies on and after
3 the 181st day following the effective date of this
4 amendatory Act of the 101st General Assembly. He or she
5 is 21 years of age or over, or if he or she is under 21
6 years of age that he or she has never been convicted of
7 a misdemeanor other than a traffic offense or adjudged
8 delinquent and is an active duty member of the United
9 States Armed Forces or has the written consent of his
10 or her parent or legal guardian to possess and acquire
11 firearms and firearm ammunition, provided, however,
12 that such parent or legal guardian is not an individual
13 prohibited from having a Firearm Owner's
14 Identification Card and files an affidavit with the
15 Department as prescribed by the Department stating
16 that he or she is not an individual prohibited from
17 having a Card or the active duty member of the United
18 States Armed Forces under 21 years of age annually
19 submits proof to the Illinois ~~Department of~~ State
20 Police, in a manner prescribed by the Department;

21 (ii) He or she has not been convicted of a felony
22 under the laws of this or any other jurisdiction;

23 (iii) He or she is not addicted to narcotics;

24 (iv) He or she has not been a patient in a mental
25 health facility within the past 5 years or, if he or
26 she has been a patient in a mental health facility more

1 than 5 years ago submit the certification required
2 under subsection (u) of Section 8 of this Act;

3 (v) He or she is not a person with an intellectual
4 disability;

5 (vi) He or she is not an alien who is unlawfully
6 present in the United States under the laws of the
7 United States;

8 (vii) He or she is not subject to an existing order
9 of protection prohibiting him or her from possessing a
10 firearm;

11 (viii) He or she has not been convicted within the
12 past 5 years of battery, assault, aggravated assault,
13 violation of an order of protection, or a substantially
14 similar offense in another jurisdiction, in which a
15 firearm was used or possessed;

16 (ix) He or she has not been convicted of domestic
17 battery, aggravated domestic battery, or a
18 substantially similar offense in another jurisdiction
19 committed before, on or after January 1, 2012 (the
20 effective date of Public Act 97-158). If the applicant
21 knowingly and intelligently waives the right to have an
22 offense described in this clause (ix) tried by a jury,
23 and by guilty plea or otherwise, results in a
24 conviction for an offense in which a domestic
25 relationship is not a required element of the offense
26 but in which a determination of the applicability of 18

1 U.S.C. 922(g)(9) is made under Section 112A-11.1 of the
2 Code of Criminal Procedure of 1963, an entry by the
3 court of a judgment of conviction for that offense
4 shall be grounds for denying the issuance of a Firearm
5 Owner's Identification Card under this Section;

6 (x) (Blank);

7 (xi) He or she is not an alien who has been
8 admitted to the United States under a non-immigrant
9 visa (as that term is defined in Section 101(a)(26) of
10 the Immigration and Nationality Act (8 U.S.C.
11 1101(a)(26))), or that he or she is an alien who has
12 been lawfully admitted to the United States under a
13 non-immigrant visa if that alien is:

14 (1) admitted to the United States for lawful
15 hunting or sporting purposes;

16 (2) an official representative of a foreign
17 government who is:

18 (A) accredited to the United States
19 Government or the Government's mission to an
20 international organization having its
21 headquarters in the United States; or

22 (B) en route to or from another country to
23 which that alien is accredited;

24 (3) an official of a foreign government or
25 distinguished foreign visitor who has been so
26 designated by the Department of State;

1 (4) a foreign law enforcement officer of a
2 friendly foreign government entering the United
3 States on official business; or

4 (5) one who has received a waiver from the
5 Attorney General of the United States pursuant to
6 18 U.S.C. 922(y) (3);

7 (xii) He or she is not a minor subject to a
8 petition filed under Section 5-520 of the Juvenile
9 Court Act of 1987 alleging that the minor is a
10 delinquent minor for the commission of an offense that
11 if committed by an adult would be a felony;

12 (xiii) He or she is not an adult who had been
13 adjudicated a delinquent minor under the Juvenile
14 Court Act of 1987 for the commission of an offense that
15 if committed by an adult would be a felony;

16 (xiv) He or she is a resident of the State of
17 Illinois;

18 (xv) He or she has not been adjudicated as a person
19 with a mental disability;

20 (xvi) He or she has not been involuntarily admitted
21 into a mental health facility; and

22 (xvii) He or she is not a person with a
23 developmental disability; and

24 (3) Upon request by the Illinois ~~Department of~~ State
25 Police, sign a release on a form prescribed by the Illinois
26 ~~Department of~~ State Police waiving any right to

1 confidentiality and requesting the disclosure to the
2 Illinois ~~Department of~~ State Police of limited mental
3 health institution admission information from another
4 state, the District of Columbia, any other territory of the
5 United States, or a foreign nation concerning the applicant
6 for the sole purpose of determining whether the applicant
7 is or was a patient in a mental health institution and
8 disqualified because of that status from receiving a
9 Firearm Owner's Identification Card. No mental health care
10 or treatment records may be requested. The information
11 received shall be destroyed within one year of receipt.

12 (a-5) Each applicant for a Firearm Owner's Identification
13 Card who is over the age of 18 shall furnish to the Illinois
14 ~~Department of~~ State Police either his or her Illinois driver's
15 license number or Illinois Identification Card number, except
16 as provided in subsection (a-10).

17 (a-10) Each applicant for a Firearm Owner's Identification
18 Card, who is employed as a law enforcement officer, an armed
19 security officer in Illinois, or by the United States Military
20 permanently assigned in Illinois and who is not an Illinois
21 resident, shall furnish to the Illinois ~~Department of~~ State
22 Police his or her driver's license number or state
23 identification card number from his or her state of residence.
24 The Illinois ~~Department of~~ State Police may adopt rules to
25 enforce the provisions of this subsection (a-10).

26 (a-15) If an applicant applying for a Firearm Owner's

1 Identification Card moves from the residence address named in
2 the application, he or she shall immediately notify in a form
3 and manner prescribed by the Illinois ~~Department of~~ State
4 Police of that change of address.

5 (a-20) Each applicant for a Firearm Owner's Identification
6 Card shall furnish to the Illinois ~~Department of~~ State Police
7 his or her photograph. An applicant who is 21 years of age or
8 older seeking a religious exemption to the photograph
9 requirement must furnish with the application an approved copy
10 of United States Department of the Treasury Internal Revenue
11 Service Form 4029. In lieu of a photograph, an applicant
12 regardless of age seeking a religious exemption to the
13 photograph requirement shall submit fingerprints on a form and
14 manner prescribed by the Department with his or her
15 application.

16 (b) Each application form shall include the following
17 statement printed in bold type: "Warning: Entering false
18 information on an application for a Firearm Owner's
19 Identification Card is punishable as a Class 2 felony in
20 accordance with subsection (d-5) of Section 14 of the Firearm
21 Owners Identification Card Act.".

22 (c) Upon such written consent, pursuant to Section 4,
23 paragraph (a)(2)(i), the parent or legal guardian giving the
24 consent shall be liable for any damages resulting from the
25 applicant's use of firearms or firearm ammunition.

26 (Source: P.A. 101-80, eff. 7-12-19.)

1 (430 ILCS 65/5) (from Ch. 38, par. 83-5)

2 Sec. 5. Application and renewal.

3 (a) The Illinois ~~Department of~~ State Police shall either
4 approve or deny all applications within 30 days from the date
5 they are received, except as provided in subsection (b) of this
6 Section, and every applicant found qualified under Section 8 of
7 this Act by the Department shall be entitled to a Firearm
8 Owner's Identification Card upon the payment of a \$10 fee. Any
9 applicant who is an active duty member of the Armed Forces of
10 the United States, a member of the Illinois National Guard, or
11 a member of the Reserve Forces of the United States is exempt
12 from the application fee. \$6 of each fee derived from the
13 issuance of Firearm Owner's Identification Cards, or renewals
14 thereof, shall be deposited in the Wildlife and Fish Fund in
15 the State Treasury; \$1 of the fee shall be deposited in the
16 State Police Services Fund and \$3 of the fee shall be deposited
17 in the State Police Firearm Services Fund.

18 (b) Renewal applications shall be approved or denied within
19 60 business days, provided the applicant submitted his or her
20 renewal application prior to the expiration of his or her
21 Firearm Owner's Identification Card. If a renewal application
22 has been submitted prior to the expiration date of the
23 applicant's Firearm Owner's Identification Card, the Firearm
24 Owner's Identification Card shall remain valid while the
25 Department processes the application, unless the person is

1 subject to or becomes subject to revocation under this Act. The
2 cost for a renewal application shall be \$10 which shall be
3 deposited into the State Police Firearm Services Fund.

4 (Source: P.A. 100-906, eff. 1-1-19.)

5 (430 ILCS 65/5.1)

6 Sec. 5.1. State Police Firearm Services Fund. All moneys
7 remaining in the Firearm Owner's Notification Fund on the
8 effective date of this amendatory Act of the 98th General
9 Assembly shall be transferred into the State Police Firearm
10 Services Fund, a special fund created in the State treasury, to
11 be expended by the Illinois ~~Department of~~ State Police, for the
12 purposes specified in this Act and Section 2605-595 of the
13 Illinois ~~Department of~~ State Police Law of the Civil
14 Administrative Code of Illinois.

15 (Source: P.A. 98-63, eff. 7-9-13.)

16 (430 ILCS 65/6) (from Ch. 38, par. 83-6)

17 Sec. 6. Contents of Firearm Owner's Identification Card.

18 (a) A Firearm Owner's Identification Card, issued by the
19 Illinois ~~Department of~~ State Police at such places as the
20 Director of the Illinois State Police ~~Department~~ shall specify,
21 shall contain the applicant's name, residence, date of birth,
22 sex, physical description, recent photograph, except as
23 provided in subsection (c-5), and signature. Each Firearm
24 Owner's Identification Card must have the expiration date

1 boldly and conspicuously displayed on the face of the card.
2 Each Firearm Owner's Identification Card must have printed on
3 it the following: "CAUTION - This card does not permit bearer
4 to UNLAWFULLY carry or use firearms." Before December 1, 2002,
5 the Department may use a person's digital photograph and
6 signature from his or her Illinois driver's license or Illinois
7 Identification Card, if available. On and after December 1,
8 2002, the Department shall use a person's digital photograph
9 and signature from his or her Illinois driver's license or
10 Illinois Identification Card, if available. The Department
11 shall decline to use a person's digital photograph or signature
12 if the digital photograph or signature is the result of or
13 associated with fraudulent or erroneous data, unless otherwise
14 provided by law.

15 (b) A person applying for a Firearm Owner's Identification
16 Card shall consent to the Illinois ~~Department of~~ State Police
17 using the applicant's digital driver's license or Illinois
18 Identification Card photograph, if available, and signature on
19 the applicant's Firearm Owner's Identification Card. The
20 Secretary of State shall allow the Illinois ~~Department of~~ State
21 Police access to the photograph and signature for the purpose
22 of identifying the applicant and issuing to the applicant a
23 Firearm Owner's Identification Card.

24 (c) The Secretary of State shall conduct a study to
25 determine the cost and feasibility of creating a method of
26 adding an identifiable code, background, or other means on the

1 driver's license or Illinois Identification Card to show that
2 an individual is not disqualified from owning or possessing a
3 firearm under State or federal law. The Secretary shall report
4 the findings of this study 12 months after the effective date
5 of this amendatory Act of the 92nd General Assembly.

6 (c-5) If a person qualifies for a photograph exemption, in
7 lieu of a photograph, the Firearm Owner's Identification Card
8 shall contain a copy of the card holder's fingerprints. Each
9 Firearm Owner's Identification Card described in this
10 subsection (c-5) must have printed on it the following: "This
11 card is only valid for firearm purchases through a federally
12 licensed firearms dealer when presented with photographic
13 identification, as prescribed by 18 U.S.C. 922 (t) (1) (C)."

14 (Source: P.A. 97-1131, eff. 1-1-13.)

15 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

16 Sec. 8. Grounds for denial and revocation. The Illinois
17 ~~Department of~~ State Police has authority to deny an application
18 for or to revoke and seize a Firearm Owner's Identification
19 Card previously issued under this Act only if the Department
20 finds that the applicant or the person to whom such card was
21 issued is or was at the time of issuance:

22 (a) A person under 21 years of age who has been
23 convicted of a misdemeanor other than a traffic offense or
24 adjudged delinquent;

25 (b) This subsection (b) applies through the 180th day

1 following the effective date of this amendatory Act of the
2 101st General Assembly. A person under 21 years of age who
3 does not have the written consent of his parent or guardian
4 to acquire and possess firearms and firearm ammunition, or
5 whose parent or guardian has revoked such written consent,
6 or where such parent or guardian does not qualify to have a
7 Firearm Owner's Identification Card;

8 (b-5) This subsection (b-5) applies on and after the
9 181st day following the effective date of this amendatory
10 Act of the 101st General Assembly. A person under 21 years
11 of age who is not an active duty member of the United
12 States Armed Forces and does not have the written consent
13 of his or her parent or guardian to acquire and possess
14 firearms and firearm ammunition, or whose parent or
15 guardian has revoked such written consent, or where such
16 parent or guardian does not qualify to have a Firearm
17 Owner's Identification Card;

18 (c) A person convicted of a felony under the laws of
19 this or any other jurisdiction;

20 (d) A person addicted to narcotics;

21 (e) A person who has been a patient of a mental health
22 facility within the past 5 years or a person who has been a
23 patient in a mental health facility more than 5 years ago
24 who has not received the certification required under
25 subsection (u) of this Section. An active law enforcement
26 officer employed by a unit of government who is denied,

1 revoked, or has his or her Firearm Owner's Identification
2 Card seized under this subsection (e) may obtain relief as
3 described in subsection (c-5) of Section 10 of this Act if
4 the officer did not act in a manner threatening to the
5 officer, another person, or the public as determined by the
6 treating clinical psychologist or physician, and the
7 officer seeks mental health treatment;

8 (f) A person whose mental condition is of such a nature
9 that it poses a clear and present danger to the applicant,
10 any other person or persons or the community;

11 (g) A person who has an intellectual disability;

12 (h) A person who intentionally makes a false statement
13 in the Firearm Owner's Identification Card application;

14 (i) An alien who is unlawfully present in the United
15 States under the laws of the United States;

16 (i-5) An alien who has been admitted to the United
17 States under a non-immigrant visa (as that term is defined
18 in Section 101(a)(26) of the Immigration and Nationality
19 Act (8 U.S.C. 1101(a)(26))), except that this subsection
20 (i-5) does not apply to any alien who has been lawfully
21 admitted to the United States under a non-immigrant visa if
22 that alien is:

23 (1) admitted to the United States for lawful
24 hunting or sporting purposes;

25 (2) an official representative of a foreign
26 government who is:

1 (A) accredited to the United States Government
2 or the Government's mission to an international
3 organization having its headquarters in the United
4 States; or

5 (B) en route to or from another country to
6 which that alien is accredited;

7 (3) an official of a foreign government or
8 distinguished foreign visitor who has been so
9 designated by the Department of State;

10 (4) a foreign law enforcement officer of a friendly
11 foreign government entering the United States on
12 official business; or

13 (5) one who has received a waiver from the Attorney
14 General of the United States pursuant to 18 U.S.C.
15 922(y) (3);

16 (j) (Blank);

17 (k) A person who has been convicted within the past 5
18 years of battery, assault, aggravated assault, violation
19 of an order of protection, or a substantially similar
20 offense in another jurisdiction, in which a firearm was
21 used or possessed;

22 (l) A person who has been convicted of domestic
23 battery, aggravated domestic battery, or a substantially
24 similar offense in another jurisdiction committed before,
25 on or after January 1, 2012 (the effective date of Public
26 Act 97-158). If the applicant or person who has been

1 previously issued a Firearm Owner's Identification Card
2 under this Act knowingly and intelligently waives the right
3 to have an offense described in this paragraph (l) tried by
4 a jury, and by guilty plea or otherwise, results in a
5 conviction for an offense in which a domestic relationship
6 is not a required element of the offense but in which a
7 determination of the applicability of 18 U.S.C. 922(g)(9)
8 is made under Section 112A-11.1 of the Code of Criminal
9 Procedure of 1963, an entry by the court of a judgment of
10 conviction for that offense shall be grounds for denying an
11 application for and for revoking and seizing a Firearm
12 Owner's Identification Card previously issued to the
13 person under this Act;

14 (m) (Blank);

15 (n) A person who is prohibited from acquiring or
16 possessing firearms or firearm ammunition by any Illinois
17 State statute or by federal law;

18 (o) A minor subject to a petition filed under Section
19 5-520 of the Juvenile Court Act of 1987 alleging that the
20 minor is a delinquent minor for the commission of an
21 offense that if committed by an adult would be a felony;

22 (p) An adult who had been adjudicated a delinquent
23 minor under the Juvenile Court Act of 1987 for the
24 commission of an offense that if committed by an adult
25 would be a felony;

26 (q) A person who is not a resident of the State of

1 Illinois, except as provided in subsection (a-10) of
2 Section 4;

3 (r) A person who has been adjudicated as a person with
4 a mental disability;

5 (s) A person who has been found to have a developmental
6 disability;

7 (t) A person involuntarily admitted into a mental
8 health facility; or

9 (u) A person who has had his or her Firearm Owner's
10 Identification Card revoked or denied under subsection (e)
11 of this Section or item (iv) of paragraph (2) of subsection
12 (a) of Section 4 of this Act because he or she was a
13 patient in a mental health facility as provided in
14 subsection (e) of this Section, shall not be permitted to
15 obtain a Firearm Owner's Identification Card, after the
16 5-year period has lapsed, unless he or she has received a
17 mental health evaluation by a physician, clinical
18 psychologist, or qualified examiner as those terms are
19 defined in the Mental Health and Developmental
20 Disabilities Code, and has received a certification that he
21 or she is not a clear and present danger to himself,
22 herself, or others. The physician, clinical psychologist,
23 or qualified examiner making the certification and his or
24 her employer shall not be held criminally, civilly, or
25 professionally liable for making or not making the
26 certification required under this subsection, except for

1 willful or wanton misconduct. This subsection does not
2 apply to a person whose firearm possession rights have been
3 restored through administrative or judicial action under
4 Section 10 or 11 of this Act.

5 Upon revocation of a person's Firearm Owner's
6 Identification Card, the Illinois ~~Department of~~ State Police
7 shall provide notice to the person and the person shall comply
8 with Section 9.5 of this Act.

9 (Source: P.A. 101-80, eff. 7-12-19.)

10 (430 ILCS 65/8.1) (from Ch. 38, par. 83-8.1)

11 Sec. 8.1. Notifications to the Illinois ~~Department of~~ State
12 Police.

13 (a) The Circuit Clerk shall, in the form and manner
14 required by the Supreme Court, notify the Illinois ~~Department~~
15 ~~of~~ State Police of all final dispositions of cases for which
16 the Department has received information reported to it under
17 Sections 2.1 and 2.2 of the Criminal Identification Act.

18 (b) Upon adjudication of any individual as a person with a
19 mental disability as defined in Section 1.1 of this Act or a
20 finding that a person has been involuntarily admitted, the
21 court shall direct the circuit court clerk to immediately
22 notify the Illinois ~~Department of~~ State Police, Firearm Owner's
23 Identification (FOID) department, and shall forward a copy of
24 the court order to the Department.

25 (b-1) Beginning July 1, 2016, and each July 1 and December

1 30 of every year thereafter, the circuit court clerk shall, in
2 the form and manner prescribed by the Illinois ~~Department of~~
3 State Police, notify the Illinois ~~Department of~~ State Police,
4 Firearm Owner's Identification (FOID) department if the court
5 has not directed the circuit court clerk to notify the Illinois
6 ~~Department of~~ State Police, Firearm Owner's Identification
7 (FOID) department under subsection (b) of this Section, within
8 the preceding 6 months, because no person has been adjudicated
9 as a person with a mental disability by the court as defined in
10 Section 1.1 of this Act or if no person has been involuntarily
11 admitted. The Supreme Court may adopt any orders or rules
12 necessary to identify the persons who shall be reported to the
13 Illinois ~~Department of~~ State Police under subsection (b), or
14 any other orders or rules necessary to implement the
15 requirements of this Act.

16 (c) The Department of Human Services shall, in the form and
17 manner prescribed by the Illinois ~~Department of~~ State Police,
18 report all information collected under subsection (b) of
19 Section 12 of the Mental Health and Developmental Disabilities
20 Confidentiality Act for the purpose of determining whether a
21 person who may be or may have been a patient in a mental health
22 facility is disqualified under State or federal law from
23 receiving or retaining a Firearm Owner's Identification Card,
24 or purchasing a weapon.

25 (d) If a person is determined to pose a clear and present
26 danger to himself, herself, or to others:

1 (1) by a physician, clinical psychologist, or
2 qualified examiner, or is determined to have a
3 developmental disability by a physician, clinical
4 psychologist, or qualified examiner, whether employed by
5 the State or privately, then the physician, clinical
6 psychologist, or qualified examiner shall, within 24 hours
7 of making the determination, notify the Department of Human
8 Services that the person poses a clear and present danger
9 or has a developmental disability; or

10 (2) by a law enforcement official or school
11 administrator, then the law enforcement official or school
12 administrator shall, within 24 hours of making the
13 determination, notify the Illinois ~~Department of~~ State
14 Police that the person poses a clear and present danger.

15 The Department of Human Services shall immediately update
16 its records and information relating to mental health and
17 developmental disabilities, and if appropriate, shall notify
18 the Illinois ~~Department of~~ State Police in a form and manner
19 prescribed by the Illinois ~~Department of~~ State Police. The
20 Illinois ~~Department of~~ State Police shall determine whether to
21 revoke the person's Firearm Owner's Identification Card under
22 Section 8 of this Act. Any information disclosed under this
23 subsection shall remain privileged and confidential, and shall
24 not be redisclosed, except as required under subsection (e) of
25 Section 3.1 of this Act, nor used for any other purpose. The
26 method of providing this information shall guarantee that the

1 information is not released beyond what is necessary for the
2 purpose of this Section and shall be provided by rule by the
3 Department of Human Services. The identity of the person
4 reporting under this Section shall not be disclosed to the
5 subject of the report. The physician, clinical psychologist,
6 qualified examiner, law enforcement official, or school
7 administrator making the determination and his or her employer
8 shall not be held criminally, civilly, or professionally liable
9 for making or not making the notification required under this
10 subsection, except for willful or wanton misconduct.

11 (e) The Illinois ~~Department of~~ State Police shall adopt
12 rules to implement this Section.

13 (Source: P.A. 98-63, eff. 7-9-13; 98-600, eff. 12-6-13; 99-143,
14 eff. 7-27-15; 99-696, eff. 7-29-16.)

15 (430 ILCS 65/8.2)

16 Sec. 8.2. Firearm Owner's Identification Card denial or
17 revocation. The Illinois ~~Department of~~ State Police shall deny
18 an application or shall revoke and seize a Firearm Owner's
19 Identification Card previously issued under this Act if the
20 Department finds that the applicant or person to whom such card
21 was issued is or was at the time of issuance subject to an
22 existing order of protection or firearms restraining order.

23 (Source: P.A. 100-607, eff. 1-1-19.)

24 (430 ILCS 65/8.3)

1 Sec. 8.3. Suspension of Firearm Owner's Identification
2 Card. The Illinois ~~Department of~~ State Police may, by rule in a
3 manner consistent with the Department's rules concerning
4 revocation, provide for the suspension of the Firearm Owner's
5 Identification Card of a person whose Firearm Owner's
6 Identification Card is subject to revocation and seizure under
7 this Act for the duration of the disqualification if the
8 disqualification is not a permanent grounds for revocation of a
9 Firearm Owner's Identification Card under this Act.

10 (Source: P.A. 100-607, eff. 1-1-19; 100-906, eff. 1-1-19.)

11 (430 ILCS 65/9.5)

12 Sec. 9.5. Revocation of Firearm Owner's Identification
13 Card.

14 (a) A person who receives a revocation notice under Section
15 9 of this Act shall, within 48 hours of receiving notice of the
16 revocation:

17 (1) surrender his or her Firearm Owner's
18 Identification Card to the local law enforcement agency
19 where the person resides. The local law enforcement agency
20 shall provide the person a receipt and transmit the Firearm
21 Owner's Identification Card to the Illinois ~~Department of~~
22 State Police; and

23 (2) complete a Firearm Disposition Record on a form
24 prescribed by the Illinois ~~Department of~~ State Police and
25 place his or her firearms in the location or with the

1 person reported in the Firearm Disposition Record. The form
2 shall require the person to disclose:

3 (A) the make, model, and serial number of each
4 firearm owned by or under the custody and control of
5 the revoked person;

6 (B) the location where each firearm will be
7 maintained during the prohibited term; and

8 (C) if any firearm will be transferred to the
9 custody of another person, the name, address and
10 Firearm Owner's Identification Card number of the
11 transferee.

12 (b) The local law enforcement agency shall provide a copy
13 of the Firearm Disposition Record to the person whose Firearm
14 Owner's Identification Card has been revoked and to the
15 Illinois Department of State Police.

16 (c) If the person whose Firearm Owner's Identification Card
17 has been revoked fails to comply with the requirements of this
18 Section, the sheriff or law enforcement agency where the person
19 resides may petition the circuit court to issue a warrant to
20 search for and seize the Firearm Owner's Identification Card
21 and firearms in the possession or under the custody or control
22 of the person whose Firearm Owner's Identification Card has
23 been revoked.

24 (d) A violation of subsection (a) of this Section is a
25 Class A misdemeanor.

26 (e) The observation of a Firearm Owner's Identification

1 Card in the possession of a person whose Firearm Owner's
2 Identification Card has been revoked constitutes a sufficient
3 basis for the arrest of that person for violation of this
4 Section.

5 (f) Within 30 days after the effective date of this
6 amendatory Act of the 98th General Assembly, the Illinois
7 ~~Department of~~ State Police shall provide written notice of the
8 requirements of this Section to persons whose Firearm Owner's
9 Identification Cards have been revoked, suspended, or expired
10 and who have failed to surrender their cards to the Department.

11 (g) A person whose Firearm Owner's Identification Card has
12 been revoked and who received notice under subsection (f) shall
13 comply with the requirements of this Section within 48 hours of
14 receiving notice.

15 (Source: P.A. 98-63, eff. 7-9-13.)

16 (430 ILCS 65/10) (from Ch. 38, par. 83-10)

17 Sec. 10. Appeal to director; hearing; relief from firearm
18 prohibitions.

19 (a) Whenever an application for a Firearm Owner's
20 Identification Card is denied, whenever the Department fails to
21 act on an application within 30 days of its receipt, or
22 whenever such a Card is revoked or seized as provided for in
23 Section 8 of this Act, the aggrieved party may appeal to the
24 Director of the Illinois State Police for a hearing upon such
25 denial, revocation or seizure, unless the denial, revocation,

1 or seizure was based upon a forcible felony, stalking,
2 aggravated stalking, domestic battery, any violation of the
3 Illinois Controlled Substances Act, the Methamphetamine
4 Control and Community Protection Act, or the Cannabis Control
5 Act that is classified as a Class 2 or greater felony, any
6 felony violation of Article 24 of the Criminal Code of 1961 or
7 the Criminal Code of 2012, or any adjudication as a delinquent
8 minor for the commission of an offense that if committed by an
9 adult would be a felony, in which case the aggrieved party may
10 petition the circuit court in writing in the county of his or
11 her residence for a hearing upon such denial, revocation, or
12 seizure.

13 (b) At least 30 days before any hearing in the circuit
14 court, the petitioner shall serve the relevant State's Attorney
15 with a copy of the petition. The State's Attorney may object to
16 the petition and present evidence. At the hearing the court
17 shall determine whether substantial justice has been done.
18 Should the court determine that substantial justice has not
19 been done, the court shall issue an order directing the
20 Illinois Department of State Police to issue a Card. However,
21 the court shall not issue the order if the petitioner is
22 otherwise prohibited from obtaining, possessing, or using a
23 firearm under federal law.

24 (c) Any person prohibited from possessing a firearm under
25 Sections 24-1.1 or 24-3.1 of the Criminal Code of 2012 or
26 acquiring a Firearm Owner's Identification Card under Section 8

1 of this Act may apply to the Director of the Illinois State
2 Police or petition the circuit court in the county where the
3 petitioner resides, whichever is applicable in accordance with
4 subsection (a) of this Section, requesting relief from such
5 prohibition and the Director or court may grant such relief if
6 it is established by the applicant to the court's or Director's
7 satisfaction that:

8 (0.05) when in the circuit court, the State's Attorney
9 has been served with a written copy of the petition at
10 least 30 days before any such hearing in the circuit court
11 and at the hearing the State's Attorney was afforded an
12 opportunity to present evidence and object to the petition;

13 (1) the applicant has not been convicted of a forcible
14 felony under the laws of this State or any other
15 jurisdiction within 20 years of the applicant's
16 application for a Firearm Owner's Identification Card, or
17 at least 20 years have passed since the end of any period
18 of imprisonment imposed in relation to that conviction;

19 (2) the circumstances regarding a criminal conviction,
20 where applicable, the applicant's criminal history and his
21 reputation are such that the applicant will not be likely
22 to act in a manner dangerous to public safety;

23 (3) granting relief would not be contrary to the public
24 interest; and

25 (4) granting relief would not be contrary to federal
26 law.

1 (c-5) (1) An active law enforcement officer employed by a
2 unit of government, who is denied, revoked, or has his or her
3 Firearm Owner's Identification Card seized under subsection
4 (e) of Section 8 of this Act may apply to the Director of the
5 Illinois State Police requesting relief if the officer did not
6 act in a manner threatening to the officer, another person, or
7 the public as determined by the treating clinical psychologist
8 or physician, and as a result of his or her work is referred by
9 the employer for or voluntarily seeks mental health evaluation
10 or treatment by a licensed clinical psychologist,
11 psychiatrist, or qualified examiner, and:

12 (A) the officer has not received treatment
13 involuntarily at a mental health facility, regardless of
14 the length of admission; or has not been voluntarily
15 admitted to a mental health facility for more than 30 days
16 and not for more than one incident within the past 5 years;
17 and

18 (B) the officer has not left the mental institution
19 against medical advice.

20 (2) The Director of the Illinois State Police shall grant
21 expedited relief to active law enforcement officers described
22 in paragraph (1) of this subsection (c-5) upon a determination
23 by the Director that the officer's possession of a firearm does
24 not present a threat to themselves, others, or public safety.
25 The Director shall act on the request for relief within 30
26 business days of receipt of:

1 (A) a notarized statement from the officer in the form
2 prescribed by the Director detailing the circumstances
3 that led to the hospitalization;

4 (B) all documentation regarding the admission,
5 evaluation, treatment and discharge from the treating
6 licensed clinical psychologist or psychiatrist of the
7 officer;

8 (C) a psychological fitness for duty evaluation of the
9 person completed after the time of discharge; and

10 (D) written confirmation in the form prescribed by the
11 Director from the treating licensed clinical psychologist
12 or psychiatrist that the provisions set forth in paragraph
13 (1) of this subsection (c-5) have been met, the person
14 successfully completed treatment, and their professional
15 opinion regarding the person's ability to possess
16 firearms.

17 (3) Officers eligible for the expedited relief in paragraph
18 (2) of this subsection (c-5) have the burden of proof on
19 eligibility and must provide all information required. The
20 Director may not consider granting expedited relief until the
21 proof and information is received.

22 (4) "Clinical psychologist", "psychiatrist", and
23 "qualified examiner" shall have the same meaning as provided in
24 Chapter I of the Mental Health and Developmental Disabilities
25 Code.

26 (c-10) (1) An applicant, who is denied, revoked, or has his

1 or her Firearm Owner's Identification Card seized under
2 subsection (e) of Section 8 of this Act based upon a
3 determination of a developmental disability or an intellectual
4 disability may apply to the Director of the Illinois State
5 Police requesting relief.

6 (2) The Director shall act on the request for relief within
7 60 business days of receipt of written certification, in the
8 form prescribed by the Director, from a physician or clinical
9 psychologist, or qualified examiner, that the aggrieved
10 party's developmental disability or intellectual disability
11 condition is determined by a physician, clinical psychologist,
12 or qualified to be mild. If a fact-finding conference is
13 scheduled to obtain additional information concerning the
14 circumstances of the denial or revocation, the 60 business days
15 the Director has to act shall be tolled until the completion of
16 the fact-finding conference.

17 (3) The Director may grant relief if the aggrieved party's
18 developmental disability or intellectual disability is mild as
19 determined by a physician, clinical psychologist, or qualified
20 examiner and it is established by the applicant to the
21 Director's satisfaction that:

22 (A) granting relief would not be contrary to the public
23 interest; and

24 (B) granting relief would not be contrary to federal
25 law.

26 (4) The Director may not grant relief if the condition is

1 determined by a physician, clinical psychologist, or qualified
2 examiner to be moderate, severe, or profound.

3 (5) The changes made to this Section by this amendatory Act
4 of the 99th General Assembly apply to requests for relief
5 pending on or before the effective date of this amendatory Act,
6 except that the 60-day period for the Director to act on
7 requests pending before the effective date shall begin on the
8 effective date of this amendatory Act.

9 (d) When a minor is adjudicated delinquent for an offense
10 which if committed by an adult would be a felony, the court
11 shall notify the Illinois ~~Department of~~ State Police.

12 (e) The court shall review the denial of an application or
13 the revocation of a Firearm Owner's Identification Card of a
14 person who has been adjudicated delinquent for an offense that
15 if committed by an adult would be a felony if an application
16 for relief has been filed at least 10 years after the
17 adjudication of delinquency and the court determines that the
18 applicant should be granted relief from disability to obtain a
19 Firearm Owner's Identification Card. If the court grants
20 relief, the court shall notify the Illinois ~~Department of~~ State
21 Police that the disability has been removed and that the
22 applicant is eligible to obtain a Firearm Owner's
23 Identification Card.

24 (f) Any person who is subject to the disabilities of 18
25 U.S.C. 922(d)(4) and 922(g)(4) of the federal Gun Control Act
26 of 1968 because of an adjudication or commitment that occurred

1 under the laws of this State or who was determined to be
2 subject to the provisions of subsections (e), (f), or (g) of
3 Section 8 of this Act may apply to the Illinois ~~Department of~~
4 State Police requesting relief from that prohibition. The
5 Director shall grant the relief if it is established by a
6 preponderance of the evidence that the person will not be
7 likely to act in a manner dangerous to public safety and that
8 granting relief would not be contrary to the public interest.
9 In making this determination, the Director shall receive
10 evidence concerning (i) the circumstances regarding the
11 firearms disabilities from which relief is sought; (ii) the
12 petitioner's mental health and criminal history records, if
13 any; (iii) the petitioner's reputation, developed at a minimum
14 through character witness statements, testimony, or other
15 character evidence; and (iv) changes in the petitioner's
16 condition or circumstances since the disqualifying events
17 relevant to the relief sought. If relief is granted under this
18 subsection or by order of a court under this Section, the
19 Director shall as soon as practicable but in no case later than
20 15 business days, update, correct, modify, or remove the
21 person's record in any database that the Illinois ~~Department of~~
22 State Police makes available to the National Instant Criminal
23 Background Check System and notify the United States Attorney
24 General that the basis for the record being made available no
25 longer applies. The Illinois ~~Department of~~ State Police shall
26 adopt rules for the administration of this Section.

1 (Source: P.A. 98-63, eff. 7-9-13; 99-29, eff. 7-10-15; 99-78,
2 eff. 7-20-15.)

3 (430 ILCS 65/11) (from Ch. 38, par. 83-11)

4 Sec. 11. Judicial review of final administrative
5 decisions.

6 (a) All final administrative decisions of the Department
7 under this Act, except final administrative decisions of the
8 Director of the Illinois State Police to deny a person's
9 application for relief under subsection (f) of Section 10 of
10 this Act, shall be subject to judicial review under the
11 provisions of the Administrative Review Law, and all amendments
12 and modifications thereof, and the rules adopted pursuant
13 thereto. The term "administrative decision" is defined as in
14 Section 3-101 of the Code of Civil Procedure.

15 (b) Any final administrative decision by the Director of
16 the Illinois State Police to deny a person's application for
17 relief under subsection (f) of Section 10 of this Act is
18 subject to de novo judicial review by the circuit court, and
19 any party may offer evidence that is otherwise proper and
20 admissible without regard to whether that evidence is part of
21 the administrative record.

22 (c) The Director of the Illinois State Police shall submit
23 a report to the General Assembly on March 1 of each year,
24 beginning March 1, 1991, listing all final decisions by a court
25 of this State upholding, reversing, or reversing in part any

1 administrative decision made by the Illinois ~~Department of~~
2 State Police.

3 (Source: P.A. 97-1131, eff. 1-1-13.)

4 (430 ILCS 65/13.1) (from Ch. 38, par. 83-13.1)

5 Sec. 13.1. Preemption.

6 (a) Except as otherwise provided in the Firearm Concealed
7 Carry Act and subsections (b) and (c) of this Section, the
8 provisions of any ordinance enacted by any municipality which
9 requires registration or imposes greater restrictions or
10 limitations on the acquisition, possession and transfer of
11 firearms than are imposed by this Act, are not invalidated or
12 affected by this Act.

13 (b) Notwithstanding subsection (a) of this Section, the
14 regulation, licensing, possession, and registration of
15 handguns and ammunition for a handgun, and the transportation
16 of any firearm and ammunition by a holder of a valid Firearm
17 Owner's Identification Card issued by the Illinois ~~Department~~
18 ~~of~~ State Police under this Act are exclusive powers and
19 functions of this State. Any ordinance or regulation, or
20 portion of that ordinance or regulation, enacted on or before
21 the effective date of this amendatory Act of the 98th General
22 Assembly that purports to impose regulations or restrictions on
23 a holder of a valid Firearm Owner's Identification Card issued
24 by the Illinois ~~Department of~~ State Police under this Act in a
25 manner that is inconsistent with this Act, on the effective

1 date of this amendatory Act of the 98th General Assembly, shall
2 be invalid in its application to a holder of a valid Firearm
3 Owner's Identification Card issued by the Illinois ~~Department~~
4 ~~of~~ State Police under this Act.

5 (c) Notwithstanding subsection (a) of this Section, the
6 regulation of the possession or ownership of assault weapons
7 are exclusive powers and functions of this State. Any ordinance
8 or regulation, or portion of that ordinance or regulation, that
9 purports to regulate the possession or ownership of assault
10 weapons in a manner that is inconsistent with this Act, shall
11 be invalid unless the ordinance or regulation is enacted on,
12 before, or within 10 days after the effective date of this
13 amendatory Act of the 98th General Assembly. Any ordinance or
14 regulation described in this subsection (c) enacted more than
15 10 days after the effective date of this amendatory Act of the
16 98th General Assembly is invalid. An ordinance enacted on,
17 before, or within 10 days after the effective date of this
18 amendatory Act of the 98th General Assembly may be amended. The
19 enactment or amendment of ordinances under this subsection (c)
20 are subject to the submission requirements of Section 13.3. For
21 the purposes of this subsection, "assault weapons" means
22 firearms designated by either make or model or by a test or
23 list of cosmetic features that cumulatively would place the
24 firearm into a definition of "assault weapon" under the
25 ordinance.

26 (d) For the purposes of this Section, "handgun" has the

1 meaning ascribed to it in Section 5 of the Firearm Concealed
2 Carry Act.

3 (e) This Section is a denial and limitation of home rule
4 powers and functions under subsection (h) of Section 6 of
5 Article VII of the Illinois Constitution.

6 (Source: P.A. 98-63, eff. 7-9-13.)

7 (430 ILCS 65/13.2) (from Ch. 38, par. 83-13.2)

8 Sec. 13.2. Renewal; name or address change; replacement
9 card. The Illinois ~~Department of~~ State Police shall, 60 days
10 prior to the expiration of a Firearm Owner's Identification
11 Card, forward by first class mail to each person whose card is
12 to expire a notification of the expiration of the card and
13 instructions for renewal. It is the obligation of the holder of
14 a Firearm Owner's Identification Card to notify the Illinois
15 ~~Department of~~ State Police of any address change since the
16 issuance of the Firearm Owner's Identification Card. Whenever
17 any person moves from the residence address named on his or her
18 card, the person shall within 21 calendar days thereafter
19 notify in a form and manner prescribed by the Department of his
20 or her old and new residence addresses and the card number held
21 by him or her. Any person whose legal name has changed from the
22 name on the card that he or she has been previously issued must
23 apply for a corrected card within 30 calendar days after the
24 change. The cost for a corrected card shall be \$5. The cost for
25 replacement of a card which has been lost, destroyed, or stolen

1 shall be \$5 if the loss, destruction, or theft of the card is
2 reported to the Illinois ~~Department of~~ State Police. The fees
3 collected under this Section shall be deposited into the State
4 Police Firearm Services Fund.

5 (Source: P.A. 100-906, eff. 1-1-19.)

6 (430 ILCS 65/13.3)

7 Sec. 13.3. Municipal ordinance submission. Within 6 months
8 after the effective date of this amendatory Act of the 92nd
9 General Assembly, every municipality must submit to the
10 Illinois ~~Department of~~ State Police a copy of every ordinance
11 adopted by the municipality that regulates the acquisition,
12 possession, sale, or transfer of firearms within the
13 municipality and must submit, 30 days after adoption, every
14 such ordinance adopted after its initial submission of
15 ordinances under this Section. The Illinois ~~Department of~~ State
16 Police shall compile these ordinances and publish them in a
17 form available to the public free of charge and shall
18 periodically update this compilation of ordinances in a manner
19 prescribed by the Director of the Illinois State Police.

20 (Source: P.A. 92-238, eff. 8-3-01.)

21 (430 ILCS 65/15a) (from Ch. 38, par. 83-15a)

22 Sec. 15a. When this amendatory Act enacted by the
23 Seventy-Sixth General Assembly takes effect the records of the
24 Department of Public Safety relating to the administration of

1 the Act amended shall be transferred to the Illinois ~~Department~~
2 ~~of~~ State Police. All Firearm Owner's Identification Cards
3 issued by the Department of Public Safety shall be valid for
4 the period for which they were issued unless revoked or seized
5 in the manner provided in the Act amended. The Illinois
6 ~~Department of~~ State Police as the successor to the Department
7 of Public Safety shall have the rights, powers and duties
8 provided in, and be subject to the provisions of Sections 5-95,
9 5-700, and 5-705 of the Departments of State Government Law ~~(20~~
10 ~~ILCS 5/5-95, 5/5-700, and 5/5-705)~~.

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

12 (430 ILCS 65/15b)

13 Sec. 15b. Certified abstracts. Any certified abstract
14 issued by the Director of the Illinois State Police or
15 transmitted electronically by the Director of the Illinois
16 State Police under this Section to a court or on request of a
17 law enforcement agency for the record of a named person as to
18 the status of the person's Firearm Owner's Identification Card
19 is prima facie evidence of the facts stated in the certified
20 abstract and if the name appearing in the abstract is the same
21 as that of a person named in an information or warrant, the
22 abstract is prima facie evidence that the person named in the
23 information or warrant is the same person as the person named
24 in the abstract and is admissible for any prosecution under
25 this Act or any other applicable violation of law and may be

1 admitted as proof of any prior conviction or proof of records,
2 notices, or orders recorded on individual Firearm Owner's
3 Identification Card records maintained by the Illinois
4 ~~Department of State Police.~~

5 (Source: P.A. 92-839, eff. 8-22-02.)

6 Section 870. The Firearm Concealed Carry Act is amended by
7 changing Sections 5, 10, 15, 20, 25, 30, 35, 40, 45, 50, 55,
8 65, 70, 75, 80, 87, 95, and 105 as follows:

9 (430 ILCS 66/5)

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

11 "Applicant" means a person who is applying for a license to
12 carry a concealed firearm under this Act.

13 "Board" means the Concealed Carry Licensing Review Board.

14 "Concealed firearm" means a loaded or unloaded handgun
15 carried on or about a person completely or mostly concealed
16 from view of the public or on or about a person within a
17 vehicle.

18 ~~"Department" means the Department of State Police.~~

19 "Director" means the Director of the Illinois State Police.

20 "Handgun" means any device which is designed to expel a
21 projectile or projectiles by the action of an explosion,
22 expansion of gas, or escape of gas that is designed to be held
23 and fired by the use of a single hand. "Handgun" does not
24 include:

1 (1) a stun gun or taser;

2 (2) a machine gun as defined in item (i) of paragraph
3 (7) of subsection (a) of Section 24-1 of the Criminal Code
4 of 2012;

5 (3) a short-barreled rifle or shotgun as defined in
6 item (ii) of paragraph (7) of subsection (a) of Section
7 24-1 of the Criminal Code of 2012; or

8 (4) any pneumatic gun, spring gun, paint ball gun, or
9 B-B gun which expels a single globular projectile not
10 exceeding .18 inch in diameter, or which has a maximum
11 muzzle velocity of less than 700 feet per second, or which
12 expels breakable paint balls containing washable marking
13 colors.

14 "Law enforcement agency" means any federal, State, or local
15 law enforcement agency, including offices of State's Attorneys
16 and the Office of the Attorney General.

17 "License" means a license issued by the Illinois Department
18 ~~of~~ State Police to carry a concealed handgun.

19 "Licensee" means a person issued a license to carry a
20 concealed handgun.

21 "Municipality" has the meaning ascribed to it in Section 1
22 of Article VII of the Illinois Constitution.

23 "Unit of local government" has the meaning ascribed to it
24 in Section 1 of Article VII of the Illinois Constitution.

25 (Source: P.A. 98-63, eff. 7-9-13.)

1 (430 ILCS 66/10)

2 Sec. 10. Issuance of licenses to carry a concealed firearm.

3 (a) The Illinois State Police ~~Department~~ shall issue a
4 license to carry a concealed firearm under this Act to an
5 applicant who:

6 (1) meets the qualifications of Section 25 of this Act;

7 (2) has provided the application and documentation
8 required in Section 30 of this Act;

9 (3) has submitted the requisite fees; and

10 (4) does not pose a danger to himself, herself, or
11 others, or a threat to public safety as determined by the
12 Concealed Carry Licensing Review Board in accordance with
13 Section 20.

14 (b) The Illinois State Police ~~Department~~ shall issue a
15 renewal, corrected, or duplicate license as provided in this
16 Act.

17 (c) A license shall be valid throughout the State for a
18 period of 5 years from the date of issuance. A license shall
19 permit the licensee to:

20 (1) carry a loaded or unloaded concealed firearm, fully
21 concealed or partially concealed, on or about his or her
22 person; and

23 (2) keep or carry a loaded or unloaded concealed
24 firearm on or about his or her person within a vehicle.

25 (d) The Illinois State Police ~~Department~~ shall make
26 applications for a license available no later than 180 days

1 after the effective date of this Act. The Illinois State Police
2 ~~Department~~ shall establish rules for the availability and
3 submission of applications in accordance with this Act.

4 (e) An application for a license submitted to the Illinois
5 State Police ~~Department~~ that contains all the information and
6 materials required by this Act, including the requisite fee,
7 shall be deemed completed. Except as otherwise provided in this
8 Act, no later than 90 days after receipt of a completed
9 application, the Illinois State Police ~~Department~~ shall issue
10 or deny the applicant a license.

11 (f) The Illinois State Police ~~Department~~ shall deny the
12 applicant a license if the applicant fails to meet the
13 requirements under this Act or the Illinois State Police
14 ~~Department~~ receives a determination from the Board that the
15 applicant is ineligible for a license. The Illinois State
16 Police ~~Department~~ must notify the applicant stating the grounds
17 for the denial. The notice of denial must inform the applicant
18 of his or her right to an appeal through administrative and
19 judicial review.

20 (g) A licensee shall possess a license at all times the
21 licensee carries a concealed firearm except:

22 (1) when the licensee is carrying or possessing a
23 concealed firearm on his or her land or in his or her
24 abode, legal dwelling, or fixed place of business, or on
25 the land or in the legal dwelling of another person as an
26 invitee with that person's permission;

1 (2) when the person is authorized to carry a firearm
2 under Section 24-2 of the Criminal Code of 2012, except
3 subsection (a-5) of that Section; or

4 (3) when the handgun is broken down in a
5 non-functioning state, is not immediately accessible, or
6 is unloaded and enclosed in a case.

7 (h) If an officer of a law enforcement agency initiates an
8 investigative stop, including but not limited to a traffic
9 stop, of a licensee or a non-resident carrying a concealed
10 firearm under subsection (e) of Section 40 of this Act, upon
11 the request of the officer the licensee or non-resident shall
12 disclose to the officer that he or she is in possession of a
13 concealed firearm under this Act, or present the license upon
14 the request of the officer if he or she is a licensee or
15 present upon the request of the officer evidence under
16 paragraph (2) of subsection (e) of Section 40 of this Act that
17 he or she is a non-resident qualified to carry under that
18 subsection. The disclosure requirement under this subsection
19 (h) is satisfied if the licensee presents his or her license to
20 the officer or the non-resident presents to the officer
21 evidence under paragraph (2) of subsection (e) of Section 40 of
22 this Act that he or she is qualified to carry under that
23 subsection. Upon the request of the officer, the licensee or
24 non-resident shall also identify the location of the concealed
25 firearm and permit the officer to safely secure the firearm for
26 the duration of the investigative stop. During a traffic stop,

1 any passenger within the vehicle who is a licensee or a
2 non-resident carrying under subsection (e) of Section 40 of
3 this Act must comply with the requirements of this subsection
4 (h).

5 (h-1) If a licensee carrying a firearm or a non-resident
6 carrying a firearm in a vehicle under subsection (e) of Section
7 40 of this Act is contacted by a law enforcement officer or
8 emergency services personnel, the law enforcement officer or
9 emergency services personnel may secure the firearm or direct
10 that it be secured during the duration of the contact if the
11 law enforcement officer or emergency services personnel
12 determines that it is necessary for the safety of any person
13 present, including the law enforcement officer or emergency
14 services personnel. The licensee or nonresident shall submit to
15 the order to secure the firearm. When the law enforcement
16 officer or emergency services personnel have determined that
17 the licensee or non-resident is not a threat to the safety of
18 any person present, including the law enforcement officer or
19 emergency services personnel, and if the licensee or
20 non-resident is physically and mentally capable of possessing
21 the firearm, the law enforcement officer or emergency services
22 personnel shall return the firearm to the licensee or
23 non-resident before releasing him or her from the scene and
24 breaking contact. If the licensee or non-resident is
25 transported for treatment to another location, the firearm
26 shall be turned over to any peace officer. The peace officer

1 shall provide a receipt which includes the make, model,
2 caliber, and serial number of the firearm.

3 (i) The Illinois State Police ~~Department~~ shall maintain a
4 database of license applicants and licensees. The database
5 shall be available to all federal, State, and local law
6 enforcement agencies, State's Attorneys, the Attorney General,
7 and authorized court personnel. Within 180 days after the
8 effective date of this Act, the database shall be searchable
9 and provide all information included in the application,
10 including the applicant's previous addresses within the 10
11 years prior to the license application and any information
12 related to violations of this Act. No law enforcement agency,
13 State's Attorney, Attorney General, or member or staff of the
14 judiciary shall provide any information to a requester who is
15 not entitled to it by law.

16 (j) No later than 10 days after receipt of a completed
17 application, the Illinois State Police ~~Department~~ shall enter
18 the relevant information about the applicant into the database
19 under subsection (i) of this Section which is accessible by law
20 enforcement agencies.

21 (Source: P.A. 98-63, eff. 7-9-13; 98-600, eff. 12-6-13; 99-29,
22 eff. 7-10-15.)

23 (430 ILCS 66/15)

24 Sec. 15. Objections by law enforcement agencies.

25 (a) Any law enforcement agency may submit an objection to a

1 license applicant based upon a reasonable suspicion that the
2 applicant is a danger to himself or herself or others, or a
3 threat to public safety. The objection shall be made by the
4 chief law enforcement officer of the law enforcement agency, or
5 his or her designee, and must include any information relevant
6 to the objection. If a law enforcement agency submits an
7 objection within 30 days after the entry of an applicant into
8 the database, the Illinois State Police Department shall submit
9 the objection and all information available to the Board under
10 State and federal law related to the application to the Board
11 within 10 days of completing all necessary background checks.

12 (b) If an applicant has 5 or more arrests for any reason,
13 that have been entered into the Criminal History Records
14 Information (CHRI) System, within the 7 years preceding the
15 date of application for a license, or has 3 or more arrests
16 within the 7 years preceding the date of application for a
17 license for any combination of gang-related offenses, the
18 Illinois State Police Department shall object and submit the
19 applicant's arrest record to the extent the Board is allowed to
20 receive that information under State and federal law, the
21 application materials, and any additional information
22 submitted by a law enforcement agency to the Board. For
23 purposes of this subsection, "gang-related offense" is an
24 offense described in Section 12-6.4, Section 24-1.8, Section
25 25-5, Section 33-4, or Section 33G-4, or in paragraph (1) of
26 subsection (a) of Section 12-6.2, paragraph (2) of subsection

1 (b) of Section 16-30, paragraph (2) of subsection (b) of
2 Section 31-4, or item (iii) of paragraph (1.5) of subsection
3 (i) of Section 48-1 of the Criminal Code of 2012.

4 (c) The referral of an objection under this Section to the
5 Board shall toll the 90-day period for the Illinois State
6 Police Department to issue or deny the applicant a license
7 under subsection (e) of Section 10 of this Act, during the
8 period of review and until the Board issues its decision.

9 (d) If no objection is made by a law enforcement agency or
10 the Illinois State Police Department under this Section, the
11 Illinois State Police Department shall process the application
12 in accordance with this Act.

13 (Source: P.A. 98-63, eff. 7-9-13; 98-600, eff. 12-6-13.)

14 (430 ILCS 66/20)

15 Sec. 20. Concealed Carry Licensing Review Board.

16 (a) There is hereby created within the Illinois Department
17 ~~of~~ State Police a Concealed Carry Licensing Review Board to
18 consider any objection to an applicant's eligibility to obtain
19 a license under this Act submitted by a law enforcement agency
20 or the Illinois State Police Department under Section 15 of
21 this Act. The Board shall consist of 7 commissioners to be
22 appointed by the Governor, with the advice and consent of the
23 Senate, with 3 commissioners residing within the First Judicial
24 District and one commissioner residing within each of the 4
25 remaining Judicial Districts. No more than 4 commissioners

1 shall be members of the same political party. The Governor
2 shall designate one commissioner as the Chairperson. The Board
3 shall consist of:

4 (1) one commissioner with at least 5 years of service
5 as a federal judge;

6 (2) 2 commissioners with at least 5 years of experience
7 serving as an attorney with the United States Department of
8 Justice;

9 (3) 3 commissioners with at least 5 years of experience
10 as a federal agent or employee with investigative
11 experience or duties related to criminal justice under the
12 United States Department of Justice, Drug Enforcement
13 Administration, Department of Homeland Security, or
14 Federal Bureau of Investigation; and

15 (4) one member with at least 5 years of experience as a
16 licensed physician or clinical psychologist with expertise
17 in the diagnosis and treatment of mental illness.

18 (b) The initial terms of the commissioners shall end on
19 January 12, 2015. Thereafter, the commissioners shall hold
20 office for 4 years, with terms expiring on the second Monday in
21 January of the fourth year. Commissioners may be reappointed.
22 Vacancies in the office of commissioner shall be filled in the
23 same manner as the original appointment, for the remainder of
24 the unexpired term. The Governor may remove a commissioner for
25 incompetence, neglect of duty, malfeasance, or inability to
26 serve. Commissioners shall receive compensation in an amount

1 equal to the compensation of members of the Executive Ethics
2 Commission and may be reimbursed for reasonable expenses
3 actually incurred in the performance of their Board duties,
4 from funds appropriated for that purpose.

5 (c) The Board shall meet at the call of the chairperson as
6 often as necessary to consider objections to applications for a
7 license under this Act. If necessary to ensure the
8 participation of a commissioner, the Board shall allow a
9 commissioner to participate in a Board meeting by electronic
10 communication. Any commissioner participating electronically
11 shall be deemed present for purposes of establishing a quorum
12 and voting.

13 (d) The Board shall adopt rules for the review of
14 objections and the conduct of hearings. The Board shall
15 maintain a record of its decisions and all materials considered
16 in making its decisions. All Board decisions and voting records
17 shall be kept confidential and all materials considered by the
18 Board shall be exempt from inspection except upon order of a
19 court.

20 (e) In considering an objection of a law enforcement agency
21 or the Illinois State Police ~~Department~~, the Board shall review
22 the materials received with the objection from the law
23 enforcement agency or the Illinois State Police ~~Department~~. By
24 a vote of at least 4 commissioners, the Board may request
25 additional information from the law enforcement agency,
26 Illinois State Police ~~Department~~, or the applicant, or the

1 testimony of the law enforcement agency, Illinois State Police
2 ~~Department~~, or the applicant. The Board may require that the
3 applicant submit electronic fingerprints to the Illinois State
4 Police Department for an updated background check where the
5 Board determines it lacks sufficient information to determine
6 eligibility. The Board may only consider information submitted
7 by the Illinois State Police Department, a law enforcement
8 agency, or the applicant. The Board shall review each objection
9 and determine by a majority of commissioners whether an
10 applicant is eligible for a license.

11 (f) The Board shall issue a decision within 30 days of
12 receipt of the objection from the Illinois State Police
13 ~~Department~~. However, the Board need not issue a decision within
14 30 days if:

15 (1) the Board requests information from the applicant,
16 including but not limited to electronic fingerprints to be
17 submitted to the Illinois State Police Department, in
18 accordance with subsection (e) of this Section, in which
19 case the Board shall make a decision within 30 days of
20 receipt of the required information from the applicant;

21 (2) the applicant agrees, in writing, to allow the
22 Board additional time to consider an objection; or

23 (3) the Board notifies the applicant and the Illinois
24 State Police Department that the Board needs an additional
25 30 days to issue a decision.

26 (g) If the Board determines by a preponderance of the

1 evidence that the applicant poses a danger to himself or
2 herself or others, or is a threat to public safety, then the
3 Board shall affirm the objection of the law enforcement agency
4 or the Illinois State Police ~~Department~~ and shall notify the
5 Illinois State Police ~~Department~~ that the applicant is
6 ineligible for a license. If the Board does not determine by a
7 preponderance of the evidence that the applicant poses a danger
8 to himself or herself or others, or is a threat to public
9 safety, then the Board shall notify the Illinois State Police
10 ~~Department~~ that the applicant is eligible for a license.

11 (h) Meetings of the Board shall not be subject to the Open
12 Meetings Act and records of the Board shall not be subject to
13 the Freedom of Information Act.

14 (i) The Board shall report monthly to the Governor and the
15 General Assembly on the number of objections received and
16 provide details of the circumstances in which the Board has
17 determined to deny licensure based on law enforcement or
18 Illinois State Police ~~Department~~ objections under Section 15 of
19 this Act. The report shall not contain any identifying
20 information about the applicants.

21 (Source: P.A. 98-63, eff. 7-9-13; 98-600, eff. 12-6-13.)

22 (430 ILCS 66/25)

23 Sec. 25. Qualifications for a license.

24 The Illinois State Police ~~Department~~ shall issue a license
25 to an applicant completing an application in accordance with

1 Section 30 of this Act if the person:

2 (1) is at least 21 years of age;

3 (2) has a currently valid Firearm Owner's
4 Identification Card and at the time of application meets
5 the requirements for the issuance of a Firearm Owner's
6 Identification Card and is not prohibited under the Firearm
7 Owners Identification Card Act or federal law from
8 possessing or receiving a firearm;

9 (3) has not been convicted or found guilty in this
10 State or in any other state of:

11 (A) a misdemeanor involving the use or threat of
12 physical force or violence to any person within the 5
13 years preceding the date of the license application; or

14 (B) 2 or more violations related to driving while
15 under the influence of alcohol, other drug or drugs,
16 intoxicating compound or compounds, or any combination
17 thereof, within the 5 years preceding the date of the
18 license application;

19 (4) is not the subject of a pending arrest warrant,
20 prosecution, or proceeding for an offense or action that
21 could lead to disqualification to own or possess a firearm;

22 (5) has not been in residential or court-ordered
23 treatment for alcoholism, alcohol detoxification, or drug
24 treatment within the 5 years immediately preceding the date
25 of the license application; and

26 (6) has completed firearms training and any education

1 component required under Section 75 of this Act.

2 (Source: P.A. 98-63, eff. 7-9-13; 98-756, eff. 7-16-14.)

3 (430 ILCS 66/30)

4 Sec. 30. Contents of license application.

5 (a) The license application shall be in writing, under
6 penalty of perjury, on a standard form adopted by the Illinois
7 State Police Department and shall be accompanied by the
8 documentation required in this Section and the applicable fee.
9 Each application form shall include the following statement
10 printed in bold type: "Warning: Entering false information on
11 this form is punishable as perjury under Section 32-2 of the
12 Criminal Code of 2012."

13 (b) The application shall contain the following:

14 (1) the applicant's name, current address, date and
15 year of birth, place of birth, height, weight, hair color,
16 eye color, maiden name or any other name the applicant has
17 used or identified with, and any address where the
18 applicant resided for more than 30 days within the 10 years
19 preceding the date of the license application;

20 (2) the applicant's valid driver's license number or
21 valid state identification card number;

22 (3) a waiver of the applicant's privacy and
23 confidentiality rights and privileges under all federal
24 and state laws, including those limiting access to juvenile
25 court, criminal justice, psychological, or psychiatric

1 records or records relating to any institutionalization of
2 the applicant, and an affirmative request that a person
3 having custody of any of these records provide it or
4 information concerning it to the Illinois State Police
5 ~~Department~~. The waiver only applies to records sought in
6 connection with determining whether the applicant
7 qualifies for a license to carry a concealed firearm under
8 this Act, or whether the applicant remains in compliance
9 with the Firearm Owners Identification Card Act;

10 (4) an affirmation that the applicant possesses a
11 currently valid Firearm Owner's Identification Card and
12 card number if possessed or notice the applicant is
13 applying for a Firearm Owner's Identification Card in
14 conjunction with the license application;

15 (5) an affirmation that the applicant has not been
16 convicted or found guilty of:

17 (A) a felony;

18 (B) a misdemeanor involving the use or threat of
19 physical force or violence to any person within the 5
20 years preceding the date of the application; or

21 (C) 2 or more violations related to driving while
22 under the influence of alcohol, other drug or drugs,
23 intoxicating compound or compounds, or any combination
24 thereof, within the 5 years preceding the date of the
25 license application; and

26 (6) whether the applicant has failed a drug test for a

1 drug for which the applicant did not have a prescription,
2 within the previous year, and if so, the provider of the
3 test, the specific substance involved, and the date of the
4 test;

5 (7) written consent for the Illinois State Police
6 ~~Department~~ to review and use the applicant's Illinois
7 digital driver's license or Illinois identification card
8 photograph and signature;

9 (8) a full set of fingerprints submitted to the
10 Illinois State Police ~~Department~~ in electronic format,
11 provided the Illinois State Police ~~Department~~ may accept an
12 application submitted without a set of fingerprints in
13 which case the Illinois State Police ~~Department~~ shall be
14 granted 30 days in addition to the 90 days provided under
15 subsection (e) of Section 10 of this Act to issue or deny a
16 license;

17 (9) a head and shoulder color photograph in a size
18 specified by the Illinois State Police ~~Department~~ taken
19 within the 30 days preceding the date of the license
20 application; and

21 (10) a photocopy of any certificates or other evidence
22 of compliance with the training requirements under this
23 Act.

24 (Source: P.A. 98-63, eff. 7-9-13; 99-29, eff. 7-10-15.)

25 (430 ILCS 66/35)

1 Sec. 35. Investigation of the applicant.

2 The Illinois State Police ~~Department~~ shall conduct a
3 background check of the applicant to ensure compliance with the
4 requirements of this Act and all federal, State, and local
5 laws. The background check shall include a search of the
6 following:

7 (1) the National Instant Criminal Background Check
8 System of the Federal Bureau of Investigation;

9 (2) all available state and local criminal history
10 record information files, including records of juvenile
11 adjudications;

12 (3) all available federal, state, and local records
13 regarding wanted persons;

14 (4) all available federal, state, and local records of
15 domestic violence restraining and protective orders;

16 (5) the files of the Department of Human Services
17 relating to mental health and developmental disabilities;
18 and

19 (6) all other available records of a federal, state, or
20 local agency or other public entity in any jurisdiction
21 likely to contain information relevant to whether the
22 applicant is prohibited from purchasing, possessing, or
23 carrying a firearm under federal, state, or local law.

24 Fingerprints collected under Section 30 shall be checked
25 against the Illinois ~~Department of~~ State Police and Federal
26 Bureau of Investigation criminal history record databases now

1 and hereafter filed. The Illinois State Police ~~Department~~ shall
2 charge applicants a fee for conducting the criminal history
3 records check, which shall be deposited in the State Police
4 Services Fund and shall not exceed the actual cost of the
5 records check.

6 (Source: P.A. 98-63, eff. 7-9-13; 98-756, eff. 7-16-14.)

7 (430 ILCS 66/40)

8 Sec. 40. Non-resident license applications.

9 (a) For the purposes of this Section, "non-resident" means
10 a person who has not resided within this State for more than 30
11 days and resides in another state or territory.

12 (b) The Illinois State Police ~~Department~~ shall by rule
13 allow for non-resident license applications from any state or
14 territory of the United States with laws related to firearm
15 ownership, possession, and carrying, that are substantially
16 similar to the requirements to obtain a license under this Act.

17 (c) A resident of a state or territory approved by the
18 Illinois State Police ~~Department~~ under subsection (b) of this
19 Section may apply for a non-resident license. The applicant
20 shall apply to the Illinois State Police ~~Department~~ and must
21 meet all of the qualifications established in Section 25 of
22 this Act, except for the Illinois residency requirement in item
23 (xiv) of paragraph (2) of subsection (a) of Section 4 of the
24 Firearm Owners Identification Card Act. The applicant shall
25 submit:

1 (1) the application and documentation required under
2 Section 30 of this Act and the applicable fee;

3 (2) a notarized document stating that the applicant:

4 (A) is eligible under federal law and the laws of
5 his or her state or territory of residence to own or
6 possess a firearm;

7 (B) if applicable, has a license or permit to carry
8 a firearm or concealed firearm issued by his or her
9 state or territory of residence and attach a copy of
10 the license or permit to the application;

11 (C) understands Illinois laws pertaining to the
12 possession and transport of firearms; and

13 (D) acknowledges that the applicant is subject to
14 the jurisdiction of the Illinois State Police
15 ~~Department~~ and Illinois courts for any violation of
16 this Act;

17 (3) a photocopy of any certificates or other evidence
18 of compliance with the training requirements under Section
19 75 of this Act; and

20 (4) a head and shoulder color photograph in a size
21 specified by the Illinois State Police ~~Department~~ taken
22 within the 30 days preceding the date of the application.

23 (d) In lieu of an Illinois driver's license or Illinois
24 identification card, a non-resident applicant shall provide
25 similar documentation from his or her state or territory of
26 residence. In lieu of a valid Firearm Owner's Identification

1 Card, the applicant shall submit documentation and information
2 required by the Illinois State Police ~~Department~~ to obtain a
3 Firearm Owner's Identification Card, including an affidavit
4 that the non-resident meets the mental health standards to
5 obtain a firearm under Illinois law, and the Illinois State
6 Police ~~Department~~ shall ensure that the applicant would meet
7 the eligibility criteria to obtain a Firearm Owner's
8 Identification card if he or she was a resident of this State.

9 (e) Nothing in this Act shall prohibit a non-resident from
10 transporting a concealed firearm within his or her vehicle in
11 Illinois, if the concealed firearm remains within his or her
12 vehicle and the non-resident:

13 (1) is not prohibited from owning or possessing a
14 firearm under federal law;

15 (2) is eligible to carry a firearm in public under the
16 laws of his or her state or territory of residence, as
17 evidenced by the possession of a concealed carry license or
18 permit issued by his or her state of residence, if
19 applicable; and

20 (3) is not in possession of a license under this Act.

21 If the non-resident leaves his or her vehicle unattended,
22 he or she shall store the firearm within a locked vehicle or
23 locked container within the vehicle in accordance with
24 subsection (b) of Section 65 of this Act.

25 (Source: P.A. 98-63, eff. 7-9-13; 98-600, eff. 12-6-13; 99-78,
26 eff. 7-20-15.)

1 (430 ILCS 66/45)

2 Sec. 45. Civil immunity; Board, employees, and agents. The
3 Board, Illinois State Police Department, local law enforcement
4 agency, or the employees and agents of the Board, Illinois
5 State Police Department, or local law enforcement agency
6 participating in the licensing process under this Act shall not
7 be held liable for damages in any civil action arising from
8 alleged wrongful or improper granting, denying, renewing,
9 revoking, suspending, or failing to grant, deny, renew, revoke,
10 or suspend a license under this Act, except for willful or
11 wanton misconduct.

12 (Source: P.A. 98-63, eff. 7-9-13.)

13 (430 ILCS 66/50)

14 Sec. 50. License renewal.

15 (a) This subsection (a) applies through the 180th day
16 following the effective date of this amendatory Act of the
17 101st General Assembly. Applications for renewal of a license
18 shall be made to the Illinois State Police Department. A
19 license shall be renewed for a period of 5 years upon receipt
20 of a completed renewal application, completion of 3 hours of
21 training required under Section 75 of this Act, payment of the
22 applicable renewal fee, and completion of an investigation
23 under Section 35 of this Act. The renewal application shall
24 contain the information required in Section 30 of this Act,

1 except that the applicant need not resubmit a full set of
2 fingerprints.

3 (b) This subsection (b) applies on and after the 181st day
4 following the effective date of this amendatory Act of the
5 101st General Assembly. Applications for renewal of a license
6 shall be made to the Illinois State Police ~~Department~~. A
7 license shall be renewed for a period of 5 years from the date
8 of expiration on the applicant's current license upon the
9 receipt of a completed renewal application, completion of 3
10 hours of training required under Section 75 of this Act,
11 payment of the applicable renewal fee, and completion of an
12 investigation under Section 35 of this Act. The renewal
13 application shall contain the information required in Section
14 30 of this Act, except that the applicant need not resubmit a
15 full set of fingerprints.

16 (Source: P.A. 101-80, eff. 7-12-19.)

17 (430 ILCS 66/55)

18 Sec. 55. Change of address or name; lost, destroyed, or
19 stolen licenses.

20 (a) A licensee shall notify the Illinois State Police
21 ~~Department~~ within 30 days of moving or changing residence or
22 any change of name. The licensee shall submit the requisite fee
23 and the Illinois State Police ~~Department~~ may require a
24 notarized statement that the licensee has changed his or her
25 residence or his or her name, including the prior and current

1 address or name and the date the applicant moved or changed his
2 or her name.

3 (b) A licensee shall notify the Illinois State Police
4 ~~Department~~ within 10 days of discovering that a license has
5 been lost, destroyed, or stolen. A lost, destroyed, or stolen
6 license is invalid. To request a replacement license, the
7 licensee shall submit:

8 (1) a notarized statement that the licensee no longer
9 possesses the license, and that it was lost, destroyed, or
10 stolen;

11 (2) if applicable, a copy of a police report stating
12 that the license was stolen; and

13 (3) the requisite fee.

14 (c) A violation of this Section is a petty offense with a
15 fine of \$150 which shall be deposited into the Mental Health
16 Reporting Fund.

17 (Source: P.A. 98-63, eff. 7-9-13; 99-29, eff. 7-10-15.)

18 (430 ILCS 66/65)

19 Sec. 65. Prohibited areas.

20 (a) A licensee under this Act shall not knowingly carry a
21 firearm on or into:

22 (1) Any building, real property, and parking area under
23 the control of a public or private elementary or secondary
24 school.

25 (2) Any building, real property, and parking area under

1 the control of a pre-school or child care facility,
2 including any room or portion of a building under the
3 control of a pre-school or child care facility. Nothing in
4 this paragraph shall prevent the operator of a child care
5 facility in a family home from owning or possessing a
6 firearm in the home or license under this Act, if no child
7 under child care at the home is present in the home or the
8 firearm in the home is stored in a locked container when a
9 child under child care at the home is present in the home.

10 (3) Any building, parking area, or portion of a
11 building under the control of an officer of the executive
12 or legislative branch of government, provided that nothing
13 in this paragraph shall prohibit a licensee from carrying a
14 concealed firearm onto the real property, bikeway, or trail
15 in a park regulated by the Department of Natural Resources
16 or any other designated public hunting area or building
17 where firearm possession is permitted as established by the
18 Department of Natural Resources under Section 1.8 of the
19 Wildlife Code.

20 (4) Any building designated for matters before a
21 circuit court, appellate court, or the Supreme Court, or
22 any building or portion of a building under the control of
23 the Supreme Court.

24 (5) Any building or portion of a building under the
25 control of a unit of local government.

26 (6) Any building, real property, and parking area under

1 the control of an adult or juvenile detention or
2 correctional institution, prison, or jail.

3 (7) Any building, real property, and parking area under
4 the control of a public or private hospital or hospital
5 affiliate, mental health facility, or nursing home.

6 (8) Any bus, train, or form of transportation paid for
7 in whole or in part with public funds, and any building,
8 real property, and parking area under the control of a
9 public transportation facility paid for in whole or in part
10 with public funds.

11 (9) Any building, real property, and parking area under
12 the control of an establishment that serves alcohol on its
13 premises, if more than 50% of the establishment's gross
14 receipts within the prior 3 months is from the sale of
15 alcohol. The owner of an establishment who knowingly fails
16 to prohibit concealed firearms on its premises as provided
17 in this paragraph or who knowingly makes a false statement
18 or record to avoid the prohibition on concealed firearms
19 under this paragraph is subject to the penalty under
20 subsection (c-5) of Section 10-1 of the Liquor Control Act
21 of 1934.

22 (10) Any public gathering or special event conducted on
23 property open to the public that requires the issuance of a
24 permit from the unit of local government, provided this
25 prohibition shall not apply to a licensee who must walk
26 through a public gathering in order to access his or her

1 residence, place of business, or vehicle.

2 (11) Any building or real property that has been issued
3 a Special Event Retailer's license as defined in Section
4 1-3.17.1 of the Liquor Control Act during the time
5 designated for the sale of alcohol by the Special Event
6 Retailer's license, or a Special use permit license as
7 defined in subsection (q) of Section 5-1 of the Liquor
8 Control Act during the time designated for the sale of
9 alcohol by the Special use permit license.

10 (12) Any public playground.

11 (13) Any public park, athletic area, or athletic
12 facility under the control of a municipality or park
13 district, provided nothing in this Section shall prohibit a
14 licensee from carrying a concealed firearm while on a trail
15 or bikeway if only a portion of the trail or bikeway
16 includes a public park.

17 (14) Any real property under the control of the Cook
18 County Forest Preserve District.

19 (15) Any building, classroom, laboratory, medical
20 clinic, hospital, artistic venue, athletic venue,
21 entertainment venue, officially recognized
22 university-related organization property, whether owned or
23 leased, and any real property, including parking areas,
24 sidewalks, and common areas under the control of a public
25 or private community college, college, or university.

26 (16) Any building, real property, or parking area under

1 the control of a gaming facility licensed under the
2 Illinois Gambling Act or the Illinois Horse Racing Act of
3 1975, including an inter-track wagering location licensee.

4 (17) Any stadium, arena, or the real property or
5 parking area under the control of a stadium, arena, or any
6 collegiate or professional sporting event.

7 (18) Any building, real property, or parking area under
8 the control of a public library.

9 (19) Any building, real property, or parking area under
10 the control of an airport.

11 (20) Any building, real property, or parking area under
12 the control of an amusement park.

13 (21) Any building, real property, or parking area under
14 the control of a zoo or museum.

15 (22) Any street, driveway, parking area, property,
16 building, or facility, owned, leased, controlled, or used
17 by a nuclear energy, storage, weapons, or development site
18 or facility regulated by the federal Nuclear Regulatory
19 Commission. The licensee shall not under any circumstance
20 store a firearm or ammunition in his or her vehicle or in a
21 compartment or container within a vehicle located anywhere
22 in or on the street, driveway, parking area, property,
23 building, or facility described in this paragraph.

24 (23) Any area where firearms are prohibited under
25 federal law.

26 (a-5) Nothing in this Act shall prohibit a public or

1 private community college, college, or university from:

2 (1) prohibiting persons from carrying a firearm within
3 a vehicle owned, leased, or controlled by the college or
4 university;

5 (2) developing resolutions, regulations, or policies
6 regarding student, employee, or visitor misconduct and
7 discipline, including suspension and expulsion;

8 (3) developing resolutions, regulations, or policies
9 regarding the storage or maintenance of firearms, which
10 must include designated areas where persons can park
11 vehicles that carry firearms; and

12 (4) permitting the carrying or use of firearms for the
13 purpose of instruction and curriculum of officially
14 recognized programs, including but not limited to military
15 science and law enforcement training programs, or in any
16 designated area used for hunting purposes or target
17 shooting.

18 (a-10) The owner of private real property of any type may
19 prohibit the carrying of concealed firearms on the property
20 under his or her control. The owner must post a sign in
21 accordance with subsection (d) of this Section indicating that
22 firearms are prohibited on the property, unless the property is
23 a private residence.

24 (b) Notwithstanding subsections (a), (a-5), and (a-10) of
25 this Section except under paragraph (22) or (23) of subsection
26 (a), any licensee prohibited from carrying a concealed firearm

1 into the parking area of a prohibited location specified in
2 subsection (a), (a-5), or (a-10) of this Section shall be
3 permitted to carry a concealed firearm on or about his or her
4 person within a vehicle into the parking area and may store a
5 firearm or ammunition concealed in a case within a locked
6 vehicle or locked container out of plain view within the
7 vehicle in the parking area. A licensee may carry a concealed
8 firearm in the immediate area surrounding his or her vehicle
9 within a prohibited parking lot area only for the limited
10 purpose of storing or retrieving a firearm within the vehicle's
11 trunk. For purposes of this subsection, "case" includes a glove
12 compartment or console that completely encloses the concealed
13 firearm or ammunition, the trunk of the vehicle, or a firearm
14 carrying box, shipping box, or other container.

15 (c) A licensee shall not be in violation of this Section
16 while he or she is traveling along a public right of way that
17 touches or crosses any of the premises under subsection (a),
18 (a-5), or (a-10) of this Section if the concealed firearm is
19 carried on his or her person in accordance with the provisions
20 of this Act or is being transported in a vehicle by the
21 licensee in accordance with all other applicable provisions of
22 law.

23 (d) Signs stating that the carrying of firearms is
24 prohibited shall be clearly and conspicuously posted at the
25 entrance of a building, premises, or real property specified in
26 this Section as a prohibited area, unless the building or

1 premises is a private residence. Signs shall be of a uniform
2 design as established by the Illinois State Police ~~Department~~
3 and shall be 4 inches by 6 inches in size. The Illinois State
4 Police ~~Department~~ shall adopt rules for standardized signs to
5 be used under this subsection.

6 (Source: P.A. 101-31, eff. 6-28-19.)

7 (430 ILCS 66/70)

8 Sec. 70. Violations.

9 (a) A license issued or renewed under this Act shall be
10 revoked if, at any time, the licensee is found to be ineligible
11 for a license under this Act or the licensee no longer meets
12 the eligibility requirements of the Firearm Owners
13 Identification Card Act.

14 (b) A license shall be suspended if an order of protection,
15 including an emergency order of protection, plenary order of
16 protection, or interim order of protection under Article 112A
17 of the Code of Criminal Procedure of 1963 or under the Illinois
18 Domestic Violence Act of 1986, or if a firearms restraining
19 order, including an emergency firearms restraining order,
20 under the Firearms Restraining Order Act, is issued against a
21 licensee for the duration of the order, or if the Illinois
22 State Police ~~Department~~ is made aware of a similar order issued
23 against the licensee in any other jurisdiction. If an order of
24 protection is issued against a licensee, the licensee shall
25 surrender the license, as applicable, to the court at the time

1 the order is entered or to the law enforcement agency or entity
2 serving process at the time the licensee is served the order.
3 The court, law enforcement agency, or entity responsible for
4 serving the order of protection shall notify the Illinois State
5 Police Department within 7 days and transmit the license to the
6 Illinois State Police Department.

7 (c) A license is invalid upon expiration of the license,
8 unless the licensee has submitted an application to renew the
9 license, and the applicant is otherwise eligible to possess a
10 license under this Act.

11 (d) A licensee shall not carry a concealed firearm while
12 under the influence of alcohol, other drug or drugs,
13 intoxicating compound or combination of compounds, or any
14 combination thereof, under the standards set forth in
15 subsection (a) of Section 11-501 of the Illinois Vehicle Code.

16 A licensee in violation of this subsection (d) shall be
17 guilty of a Class A misdemeanor for a first or second violation
18 and a Class 4 felony for a third violation. The Illinois State
19 Police Department may suspend a license for up to 6 months for
20 a second violation and shall permanently revoke a license for a
21 third violation.

22 (e) Except as otherwise provided, a licensee in violation
23 of this Act shall be guilty of a Class B misdemeanor. A second
24 or subsequent violation is a Class A misdemeanor. The Illinois
25 State Police Department may suspend a license for up to 6
26 months for a second violation and shall permanently revoke a

1 license for 3 or more violations of Section 65 of this Act. Any
2 person convicted of a violation under this Section shall pay a
3 \$150 fee to be deposited into the Mental Health Reporting Fund,
4 plus any applicable court costs or fees.

5 (f) A licensee convicted or found guilty of a violation of
6 this Act who has a valid license and is otherwise eligible to
7 carry a concealed firearm shall only be subject to the
8 penalties under this Section and shall not be subject to the
9 penalties under Section 21-6, paragraph (4), (8), or (10) of
10 subsection (a) of Section 24-1, or subparagraph (A-5) or (B-5)
11 of paragraph (3) of subsection (a) of Section 24-1.6 of the
12 Criminal Code of 2012. Except as otherwise provided in this
13 subsection, nothing in this subsection prohibits the licensee
14 from being subjected to penalties for violations other than
15 those specified in this Act.

16 (g) A licensee whose license is revoked, suspended, or
17 denied shall, within 48 hours of receiving notice of the
18 revocation, suspension, or denial, surrender his or her
19 concealed carry license to the local law enforcement agency
20 where the person resides. The local law enforcement agency
21 shall provide the licensee a receipt and transmit the concealed
22 carry license to the Illinois Department of State Police. If
23 the licensee whose concealed carry license has been revoked,
24 suspended, or denied fails to comply with the requirements of
25 this subsection, the law enforcement agency where the person
26 resides may petition the circuit court to issue a warrant to

1 search for and seize the concealed carry license in the
2 possession and under the custody or control of the licensee
3 whose concealed carry license has been revoked, suspended, or
4 denied. The observation of a concealed carry license in the
5 possession of a person whose license has been revoked,
6 suspended, or denied constitutes a sufficient basis for the
7 arrest of that person for violation of this subsection. A
8 violation of this subsection is a Class A misdemeanor.

9 (h) A license issued or renewed under this Act shall be
10 revoked if, at any time, the licensee is found ineligible for a
11 Firearm Owner's Identification Card, or the licensee no longer
12 possesses a valid Firearm Owner's Identification Card. A
13 licensee whose license is revoked under this subsection (h)
14 shall surrender his or her concealed carry license as provided
15 for in subsection (g) of this Section.

16 This subsection shall not apply to a person who has filed
17 an application with the Illinois State Police for renewal of a
18 Firearm Owner's Identification Card and who is not otherwise
19 ineligible to obtain a Firearm Owner's Identification Card.

20 (i) A certified firearms instructor who knowingly provides
21 or offers to provide a false certification that an applicant
22 has completed firearms training as required under this Act is
23 guilty of a Class A misdemeanor. A person guilty of a violation
24 of this subsection (i) is not eligible for court supervision.
25 The Illinois State Police ~~Department~~ shall permanently revoke
26 the firearms instructor certification of a person convicted

1 under this subsection (i).

2 (Source: P.A. 100-607, eff. 1-1-19.)

3 (430 ILCS 66/75)

4 Sec. 75. Applicant firearm training.

5 (a) Within 60 days of the effective date of this Act, the
6 Illinois State Police Department shall begin approval of
7 firearm training courses and shall make a list of approved
8 courses available on the Illinois State Police's Department's
9 website.

10 (b) An applicant for a new license shall provide proof of
11 completion of a firearms training course or combination of
12 courses approved by the Illinois State Police Department of at
13 least 16 hours, which includes range qualification time under
14 subsection (c) of this Section, that covers the following:

15 (1) firearm safety;

16 (2) the basic principles of marksmanship;

17 (3) care, cleaning, loading, and unloading of a
18 concealable firearm;

19 (4) all applicable State and federal laws relating to
20 the ownership, storage, carry, and transportation of a
21 firearm; and

22 (5) instruction on the appropriate and lawful
23 interaction with law enforcement while transporting or
24 carrying a concealed firearm.

25 (c) An applicant for a new license shall provide proof of

1 certification by a certified instructor that the applicant
2 passed a live fire exercise with a concealable firearm
3 consisting of:

4 (1) a minimum of 30 rounds; and

5 (2) 10 rounds from a distance of 5 yards; 10 rounds
6 from a distance of 7 yards; and 10 rounds from a distance
7 of 10 yards at a B-27 silhouette target approved by the
8 Illinois State Police ~~Department~~.

9 (d) An applicant for renewal of a license shall provide
10 proof of completion of a firearms training course or
11 combination of courses approved by the Illinois State Police
12 ~~Department~~ of at least 3 hours.

13 (e) A certificate of completion for an applicant's firearm
14 training course shall not be issued to a student who:

15 (1) does not follow the orders of the certified
16 firearms instructor;

17 (2) in the judgment of the certified instructor,
18 handles a firearm in a manner that poses a danger to the
19 student or to others; or

20 (3) during the range firing portion of testing fails to
21 hit the target with 70% of the rounds fired.

22 (f) An instructor shall maintain a record of each student's
23 performance for at least 5 years, and shall make all records
24 available upon demand of authorized personnel of the Illinois
25 State Police ~~Department~~.

26 (g) The Illinois State Police ~~Department~~ and certified

1 firearms instructors shall recognize up to 8 hours of training
2 already completed toward the 16 hour training requirement under
3 this Section if the training course is submitted to and
4 approved by the Illinois State Police ~~Department~~. Any remaining
5 hours that the applicant completes must at least cover the
6 classroom subject matter of paragraph (4) of subsection (b) of
7 this Section, and the range qualification in subsection (c) of
8 this Section.

9 (h) A person who has qualified to carry a firearm as an
10 active law enforcement or corrections officer, who has
11 successfully completed firearms training as required by his or
12 her law enforcement agency and is authorized by his or her
13 agency to carry a firearm; a person currently certified as a
14 firearms instructor by this Act or by the Illinois Law
15 Enforcement Training Standards Board; or a person who has
16 completed the required training and has been issued a firearm
17 control card by the Department of Financial and Professional
18 Regulation shall be exempt from the requirements of this
19 Section.

20 (i) The Illinois State Police ~~Department~~ and certified
21 firearms instructors shall recognize 8 hours of training as
22 completed toward the 16 hour training requirement under this
23 Section, if the applicant is an active, retired, or honorably
24 discharged member of the United States Armed Forces. Any
25 remaining hours that the applicant completes must at least
26 cover the classroom subject matter of paragraph (4) of

1 subsection (b) of this Section, and the range qualification in
2 subsection (c) of this Section.

3 (j) The Illinois State Police ~~Department~~ and certified
4 firearms instructors shall recognize up to 8 hours of training
5 already completed toward the 16 hour training requirement under
6 this Section if the training course is approved by the Illinois
7 State Police ~~Department~~ and was completed in connection with
8 the applicant's previous employment as a law enforcement or
9 corrections officer. Any remaining hours that the applicant
10 completes must at least cover the classroom subject matter of
11 paragraph (4) of subsection (b) of this Section, and the range
12 qualification in subsection (c) of this Section. A former law
13 enforcement or corrections officer seeking credit under this
14 subsection (j) shall provide evidence that he or she separated
15 from employment in good standing from each law enforcement
16 agency where he or she was employed. An applicant who was
17 discharged from a law enforcement agency for misconduct or
18 disciplinary reasons is not eligible for credit under this
19 subsection (j).

20 (Source: P.A. 98-63, eff. 7-9-13; 98-600, eff. 12-6-13.)

21 (430 ILCS 66/80)

22 Sec. 80. Certified firearms instructors.

23 (a) Within 60 days of the effective date of this Act, the
24 Illinois State Police ~~Department~~ shall begin approval of
25 certified firearms instructors and enter certified firearms

1 instructors into an online registry on the Illinois State
2 Police's Department's website.

3 (b) A person who is not a certified firearms instructor
4 shall not teach applicant training courses or advertise or
5 otherwise represent courses they teach as qualifying their
6 students to meet the requirements to receive a license under
7 this Act. Each violation of this subsection is a business
8 offense with a fine of at least \$1,000 per violation.

9 (c) A person seeking to become a certified firearms
10 instructor shall:

11 (1) be at least 21 years of age;

12 (2) be a legal resident of the United States; and

13 (3) meet the requirements of Section 25 of this Act,
14 except for the Illinois residency requirement in item (xiv)
15 of paragraph (2) of subsection (a) of Section 4 of the
16 Firearm Owners Identification Card Act; and any additional
17 uniformly applied requirements established by the Illinois
18 State Police Department.

19 (d) A person seeking to become a certified firearms
20 instructor, in addition to the requirements of subsection (c)
21 of this Section, shall:

22 (1) possess a high school diploma or high school
23 equivalency certificate; and

24 (2) have at least one of the following valid firearms
25 instructor certifications:

26 (A) certification from a law enforcement agency;

1 (B) certification from a firearm instructor course
2 offered by a State or federal governmental agency;

3 (C) certification from a firearm instructor
4 qualification course offered by the Illinois Law
5 Enforcement Training Standards Board; or

6 (D) certification from an entity approved by the
7 Illinois State Police Department that offers firearm
8 instructor education and training in the use and safety
9 of firearms.

10 (e) A person may have his or her firearms instructor
11 certification denied or revoked if he or she does not meet the
12 requirements to obtain a license under this Act, provides false
13 or misleading information to the Illinois State Police
14 Department, or has had a prior instructor certification revoked
15 or denied by the Illinois State Police Department.

16 (Source: P.A. 98-63, eff. 7-9-13; 98-600, eff. 12-6-13; 98-718,
17 eff. 1-1-15.)

18 (430 ILCS 66/87)

19 Sec. 87. Administrative and judicial review.

20 (a) Whenever an application for a concealed carry license
21 is denied, whenever the Illinois State Police Department fails
22 to act on an application within 90 days of its receipt, or
23 whenever a license is revoked or suspended as provided in this
24 Act, the aggrieved party may appeal to the Director for a
25 hearing upon the denial, revocation, suspension, or failure to

1 act on the application, unless the denial was made by the
2 Concealed Carry Licensing Review Board, in which case the
3 aggrieved party may petition the circuit court in writing in
4 the county of his or her residence for a hearing upon the
5 denial.

6 (b) All final administrative decisions of the Illinois
7 State Police Department or the Concealed Carry Licensing Review
8 Board under this Act shall be subject to judicial review under
9 the provisions of the Administrative Review Law. The term
10 "administrative decision" is defined as in Section 3-101 of the
11 Code of Civil Procedure.

12 (Source: P.A. 98-63, eff. 7-9-13.)

13 (430 ILCS 66/95)

14 Sec. 95. Procurement; rulemaking.

15 (a) The Illinois Department of State Police, in
16 consultation with and subject to the approval of the Chief
17 Procurement Officer, may procure a single contract or multiple
18 contracts to implement the provisions of this Act. A contract
19 or contracts under this paragraph are not subject to the
20 provisions of the Illinois Procurement Code, except for
21 Sections 20-60, 20-65, 20-70, and 20-160 and Article 50 of that
22 Code, provided that the Chief Procurement Officer may, in
23 writing with justification, waive any certification required
24 under Article 50. This exemption shall be repealed one year
25 from the effective date of this Act.

1 (b) The Illinois State Police ~~Department~~ shall adopt rules
2 to implement the provisions of this Act. The Illinois State
3 Police ~~Department~~ may adopt rules necessary to implement the
4 provisions of this Act through the use of emergency rulemaking
5 in accordance with Section 5-45 of the Illinois Administrative
6 Procedure Act for a period not to exceed 180 days after the
7 effective date of this Act.

8 (Source: P.A. 98-63, eff. 7-9-13.)

9 (430 ILCS 66/105)

10 Sec. 105. Duty of school administrator. It is the duty of
11 the principal of a public elementary or secondary school, or
12 his or her designee, and the chief administrative officer of a
13 private elementary or secondary school or a public or private
14 community college, college, or university, or his or her
15 designee, to report to the Illinois ~~Department of~~ State Police
16 when a student is determined to pose a clear and present danger
17 to himself, herself, or to others, within 24 hours of the
18 determination as provided in Section 6-103.3 of the Mental
19 Health and Developmental Disabilities Code. "Clear and present
20 danger" has the meaning as provided in paragraph (2) of the
21 definition of "clear and present danger" in Section 1.1 of the
22 Firearm Owners Identification Card Act.

23 (Source: P.A. 98-63, eff. 7-9-13.)

24 Section 875. The Firearms Restraining Order Act is amended

1 by changing Sections 35, 40, 50, 55, and 60 as follows:

2 (430 ILCS 67/35)

3 Sec. 35. Ex parte orders and emergency hearings.

4 (a) A petitioner may request an emergency firearms
5 restraining order by filing an affidavit or verified pleading
6 alleging that the respondent poses an immediate and present
7 danger of causing personal injury to himself, herself, or
8 another by having in his or her custody or control, purchasing,
9 possessing, or receiving a firearm. The petition shall also
10 describe the type and location of any firearm or firearms
11 presently believed by the petitioner to be possessed or
12 controlled by the respondent.

13 (b) If the respondent is alleged to pose an immediate and
14 present danger of causing personal injury to an intimate
15 partner, or an intimate partner is alleged to have been the
16 target of a threat or act of violence by the respondent, the
17 petitioner shall make a good faith effort to provide notice to
18 any and all intimate partners of the respondent. The notice
19 must include that the petitioner intends to petition the court
20 for an emergency firearms restraining order, and, if the
21 petitioner is a law enforcement officer, referral to relevant
22 domestic violence or stalking advocacy or counseling
23 resources, if appropriate. The petitioner shall attest to
24 having provided the notice in the filed affidavit or verified
25 pleading. If, after making a good faith effort, the petitioner

1 is unable to provide notice to any or all intimate partners,
2 the affidavit or verified pleading should describe what efforts
3 were made.

4 (c) Every person who files a petition for an emergency
5 firearms restraining order, knowing the information provided
6 to the court at any hearing or in the affidavit or verified
7 pleading to be false, is guilty of perjury under Section 32-2
8 of the Criminal Code of 2012.

9 (d) An emergency firearms restraining order shall be issued
10 on an ex parte basis, that is, without notice to the
11 respondent.

12 (e) An emergency hearing held on an ex parte basis shall be
13 held the same day that the petition is filed or the next day
14 that the court is in session.

15 (f) If a circuit or associate judge finds probable cause to
16 believe that the respondent poses an immediate and present
17 danger of causing personal injury to himself, herself, or
18 another by having in his or her custody or control, purchasing,
19 possessing, or receiving a firearm, the circuit or associate
20 judge shall issue an emergency order.

21 (f-5) If the court issues an emergency firearms restraining
22 order, it shall, upon a finding of probable cause that the
23 respondent possesses firearms, issue a search warrant
24 directing a law enforcement agency to seize the respondent's
25 firearms. The court may, as part of that warrant, direct the
26 law enforcement agency to search the respondent's residence and

1 other places where the court finds there is probable cause to
2 believe he or she is likely to possess the firearms.

3 (g) An emergency firearms restraining order shall require:

4 (1) the respondent to refrain from having in his or her
5 custody or control, purchasing, possessing, or receiving
6 additional firearms for the duration of the order; and

7 (2) the respondent to turn over to the local law
8 enforcement agency any Firearm Owner's Identification Card
9 and concealed carry license in his or her possession. The
10 local law enforcement agency shall immediately mail the
11 card and concealed carry license to the Illinois ~~Department~~
12 ~~of~~ State Police Firearm Services Bureau for safekeeping.
13 The firearm or firearms and Firearm Owner's Identification
14 Card and concealed carry license, if unexpired, shall be
15 returned to the respondent after the firearms restraining
16 order is terminated or expired.

17 (h) Except as otherwise provided in subsection (h-5) of
18 this Section, upon expiration of the period of safekeeping, if
19 the firearms or Firearm Owner's Identification Card and
20 concealed carry license cannot be returned to the respondent
21 because the respondent cannot be located, fails to respond to
22 requests to retrieve the firearms, or is not lawfully eligible
23 to possess a firearm, upon petition from the local law
24 enforcement agency, the court may order the local law
25 enforcement agency to destroy the firearms, use the firearms
26 for training purposes, or use the firearms for any other

1 application as deemed appropriate by the local law enforcement
2 agency.

3 (h-5) A respondent whose Firearm Owner's Identification
4 Card has been revoked or suspended may petition the court, if
5 the petitioner is present in court or has notice of the
6 respondent's petition, to transfer the respondent's firearm to
7 a person who is lawfully able to possess the firearm if the
8 person does not reside at the same address as the respondent.
9 Notice of the petition shall be served upon the person
10 protected by the emergency firearms restraining order. While
11 the order is in effect, the transferee who receives the
12 respondent's firearms must swear or affirm by affidavit that he
13 or she shall not transfer the firearm to the respondent or to
14 anyone residing in the same residence as the respondent.

15 (h-6) If a person other than the respondent claims title to
16 any firearms surrendered under this Section, he or she may
17 petition the court, if the petitioner is present in court or
18 has notice of the petition, to have the firearm returned to him
19 or her. If the court determines that person to be the lawful
20 owner of the firearm, the firearm shall be returned to him or
21 her, provided that:

22 (1) the firearm is removed from the respondent's
23 custody, control, or possession and the lawful owner agrees
24 to store the firearm in a manner such that the respondent
25 does not have access to or control of the firearm; and

26 (2) the firearm is not otherwise unlawfully possessed

1 by the owner.

2 The person petitioning for the return of his or her firearm
3 must swear or affirm by affidavit that he or she: (i) is the
4 lawful owner of the firearm; (ii) shall not transfer the
5 firearm to the respondent; and (iii) will store the firearm in
6 a manner that the respondent does not have access to or control
7 of the firearm.

8 (i) In accordance with subsection (e) of this Section, the
9 court shall schedule a full hearing as soon as possible, but no
10 longer than 14 days from the issuance of an ex parte firearms
11 restraining order, to determine if a 6-month firearms
12 restraining order shall be issued. The court may extend an ex
13 parte order as needed, but not to exceed 14 days, to effectuate
14 service of the order or if necessary to continue protection.
15 The court may extend the order for a greater length of time by
16 mutual agreement of the parties.

17 (Source: P.A. 100-607, eff. 1-1-19; 101-81, eff. 7-12-19.)

18 (430 ILCS 67/40)

19 Sec. 40. Six-month orders.

20 (a) A petitioner may request a 6-month firearms restraining
21 order by filing an affidavit or verified pleading alleging that
22 the respondent poses a significant danger of causing personal
23 injury to himself, herself, or another in the near future by
24 having in his or her custody or control, purchasing,
25 possessing, or receiving a firearm. The petition shall also

1 describe the number, types, and locations of any firearms
2 presently believed by the petitioner to be possessed or
3 controlled by the respondent.

4 (b) If the respondent is alleged to pose a significant
5 danger of causing personal injury to an intimate partner, or an
6 intimate partner is alleged to have been the target of a threat
7 or act of violence by the respondent, the petitioner shall make
8 a good faith effort to provide notice to any and all intimate
9 partners of the respondent. The notice must include that the
10 petitioner intends to petition the court for a 6-month firearms
11 restraining order, and, if the petitioner is a law enforcement
12 officer, referral to relevant domestic violence or stalking
13 advocacy or counseling resources, if appropriate. The
14 petitioner shall attest to having provided the notice in the
15 filed affidavit or verified pleading. If, after making a good
16 faith effort, the petitioner is unable to provide notice to any
17 or all intimate partners, the affidavit or verified pleading
18 should describe what efforts were made.

19 (c) Every person who files a petition for a 6-month
20 firearms restraining order, knowing the information provided
21 to the court at any hearing or in the affidavit or verified
22 pleading to be false, is guilty of perjury under Section 32-2
23 of the Criminal Code of 2012.

24 (d) Upon receipt of a petition for a 6-month firearms
25 restraining order, the court shall order a hearing within 30
26 days.

1 (e) In determining whether to issue a firearms restraining
2 order under this Section, the court shall consider evidence
3 including, but not limited to, the following:

4 (1) The unlawful and reckless use, display, or
5 brandishing of a firearm by the respondent.

6 (2) The history of use, attempted use, or threatened
7 use of physical force by the respondent against another
8 person.

9 (3) Any prior arrest of the respondent for a felony
10 offense.

11 (4) Evidence of the abuse of controlled substances or
12 alcohol by the respondent.

13 (5) A recent threat of violence or act of violence by
14 the respondent directed toward himself, herself, or
15 another.

16 (6) A violation of an emergency order of protection
17 issued under Section 217 of the Illinois Domestic Violence
18 Act of 1986 or Section 112A-17 of the Code of Criminal
19 Procedure of 1963 or of an order of protection issued under
20 Section 214 of the Illinois Domestic Violence Act of 1986
21 or Section 112A-14 of the Code of Criminal Procedure of
22 1963.

23 (7) A pattern of violent acts or violent threats,
24 including, but not limited to, threats of violence or acts
25 of violence by the respondent directed toward himself,
26 herself, or another.

1 (f) At the hearing, the petitioner shall have the burden of
2 proving, by clear and convincing evidence, that the respondent
3 poses a significant danger of personal injury to himself,
4 herself, or another by having in his or her custody or control,
5 purchasing, possessing, or receiving a firearm.

6 (g) If the court finds that there is clear and convincing
7 evidence to issue a firearms restraining order, the court shall
8 issue a firearms restraining order that shall be in effect for
9 6 months subject to renewal under Section 45 of this Act or
10 termination under that Section.

11 (g-5) If the court issues a 6-month firearms restraining
12 order, it shall, upon a finding of probable cause that the
13 respondent possesses firearms, issue a search warrant
14 directing a law enforcement agency to seize the respondent's
15 firearms. The court may, as part of that warrant, direct the
16 law enforcement agency to search the respondent's residence and
17 other places where the court finds there is probable cause to
18 believe he or she is likely to possess the firearms.

19 (h) A 6-month firearms restraining order shall require:

20 (1) the respondent to refrain from having in his or her
21 custody or control, purchasing, possessing, or receiving
22 additional firearms for the duration of the order; and

23 (2) the respondent to turn over to the local law
24 enforcement agency any firearm or Firearm Owner's
25 Identification Card and concealed carry license in his or
26 her possession. The local law enforcement agency shall

1 immediately mail the card and concealed carry license to
2 the Illinois ~~Department of~~ State Police Firearm Services
3 Bureau for safekeeping. The firearm or firearms and Firearm
4 Owner's Identification Card and concealed carry license,
5 if unexpired, shall be returned to the respondent after the
6 firearms restraining order is terminated or expired.

7 (i) Except as otherwise provided in subsection (i-5) of
8 this Section, upon expiration of the period of safekeeping, if
9 the firearms or Firearm Owner's Identification Card cannot be
10 returned to the respondent because the respondent cannot be
11 located, fails to respond to requests to retrieve the firearms,
12 or is not lawfully eligible to possess a firearm, upon petition
13 from the local law enforcement agency, the court may order the
14 local law enforcement agency to destroy the firearms, use the
15 firearms for training purposes, or use the firearms for any
16 other application as deemed appropriate by the local law
17 enforcement agency.

18 (i-5) A respondent whose Firearm Owner's Identification
19 Card has been revoked or suspended may petition the court, if
20 the petitioner is present in court or has notice of the
21 respondent's petition, to transfer the respondent's firearm to
22 a person who is lawfully able to possess the firearm if the
23 person does not reside at the same address as the respondent.
24 Notice of the petition shall be served upon the person
25 protected by the emergency firearms restraining order. While
26 the order is in effect, the transferee who receives the

1 respondent's firearms must swear or affirm by affidavit that he
2 or she shall not transfer the firearm to the respondent or to
3 anyone residing in the same residence as the respondent.

4 (i-6) If a person other than the respondent claims title to
5 any firearms surrendered under this Section, he or she may
6 petition the court, if the petitioner is present in court or
7 has notice of the petition, to have the firearm returned to him
8 or her. If the court determines that person to be the lawful
9 owner of the firearm, the firearm shall be returned to him or
10 her, provided that:

11 (1) the firearm is removed from the respondent's
12 custody, control, or possession and the lawful owner agrees
13 to store the firearm in a manner such that the respondent
14 does not have access to or control of the firearm; and

15 (2) the firearm is not otherwise unlawfully possessed
16 by the owner.

17 The person petitioning for the return of his or her firearm
18 must swear or affirm by affidavit that he or she: (i) is the
19 lawful owner of the firearm; (ii) shall not transfer the
20 firearm to the respondent; and (iii) will store the firearm in
21 a manner that the respondent does not have access to or control
22 of the firearm.

23 (j) If the court does not issue a firearms restraining
24 order at the hearing, the court shall dissolve any emergency
25 firearms restraining order then in effect.

26 (k) When the court issues a firearms restraining order

1 under this Section, the court shall inform the respondent that
2 he or she is entitled to one hearing during the period of the
3 order to request a termination of the order, under Section 45
4 of this Act, and shall provide the respondent with a form to
5 request a hearing.

6 (Source: P.A. 100-607, eff. 1-1-19; 101-81, eff. 7-12-19.)

7 (430 ILCS 67/50)

8 Sec. 50. Notice of orders.

9 (a) Entry and issuance. Upon issuance of any firearms
10 restraining order, the clerk shall immediately, or on the next
11 court day if an emergency firearms restraining order is issued
12 in accordance with Section 35 of this Act (emergency firearms
13 restraining order): (i) enter the order on the record and file
14 it in accordance with the circuit court procedures and (ii)
15 provide a file stamped copy of the order to the respondent, if
16 present, and to the petitioner.

17 (b) Filing with sheriff. The clerk of the issuing judge
18 shall, or the petitioner may, on the same day that a firearms
19 restraining order is issued, file a certified copy of that
20 order with the sheriff or other law enforcement officials
21 charged with maintaining Illinois ~~Department of~~ State Police
22 records or charged with serving the order upon the respondent.
23 If the order was issued in accordance with Section 35 of this
24 Act (emergency firearms restraining order), the clerk shall, on
25 the next court day, file a certified copy of the order with the

1 sheriff or other law enforcement officials charged with
2 maintaining Illinois ~~Department of~~ State Police records.

3 (c) Service by sheriff. Unless the respondent was present
4 in court when the order was issued, the sheriff or other law
5 enforcement official shall promptly serve that order upon the
6 respondent and file proof of the service, in the manner
7 provided for service of process in civil proceedings. Instead
8 of serving the order upon the respondent, however, the sheriff,
9 other law enforcement official, or other persons defined in
10 Section 112A-22.10 of the Code of Criminal Procedure of 1963
11 may serve the respondent with a short form notification as
12 provided in that Section. If process has not yet been served
13 upon the respondent, it shall be served with the order or short
14 form notification if the service is made by the sheriff, or
15 other law enforcement official.

16 (d) Any order renewing or terminating any firearms
17 restraining order shall be promptly recorded, issued, and
18 served as provided in this Section.

19 (Source: P.A. 100-607, eff. 1-1-19; 101-81, eff. 7-12-19.)

20 (430 ILCS 67/55)

21 Sec. 55. Data maintenance by law enforcement agencies.

22 (a) All sheriffs shall furnish to the Illinois ~~Department~~
23 ~~of~~ State Police, daily, in the form and detail the Department
24 requires, copies of any recorded firearms restraining orders
25 issued by the court, and any foreign orders of protection filed

1 by the clerk of the court, and transmitted to the sheriff by
2 the clerk of the court under Section 50. Each firearms
3 restraining order shall be entered in the Law Enforcement
4 Agencies Data System (LEADS) on the same day it is issued by
5 the court. If an emergency firearms restraining order was
6 issued in accordance with Section 35 of this Act, the order
7 shall be entered in the Law Enforcement Agencies Data System
8 (LEADS) as soon as possible after receipt from the clerk.

9 (b) The Illinois ~~Department of~~ State Police shall maintain
10 a complete and systematic record and index of all valid and
11 recorded firearms restraining orders issued or filed under this
12 Act. The data shall be used to inform all dispatchers and law
13 enforcement officers at the scene of a violation of a firearms
14 restraining order of the effective dates and terms of any
15 recorded order of protection.

16 (c) The data, records, and transmittals required under this
17 Section shall pertain to any valid emergency or 6-month
18 firearms restraining order, whether issued in a civil or
19 criminal proceeding or authorized under the laws of another
20 state, tribe, or United States territory.

21 (Source: P.A. 100-607, eff. 1-1-19; 101-81, eff. 7-12-19.)

22 (430 ILCS 67/60)

23 Sec. 60. Filing of a firearms restraining order issued by
24 another state.

25 (a) A person who has sought a firearms restraining order or

1 similar order issued by the court of another state, tribe, or
2 United States territory may file a certified copy of the
3 firearms restraining order with the clerk of the court in a
4 judicial circuit in which the person believes that enforcement
5 may be necessary.

6 (b) The clerk shall:

7 (1) treat the foreign firearms restraining order in the
8 same manner as a judgment of the circuit court for any
9 county of this State in accordance with the provisions of
10 the Uniform Enforcement of Foreign Judgments Act, except
11 that the clerk shall not mail notice of the filing of the
12 foreign order to the respondent named in the order; and

13 (2) on the same day that a foreign firearms restraining
14 order is filed, file a certified copy of that order with
15 the sheriff or other law enforcement officials charged with
16 maintaining Illinois ~~Department of~~ State Police records as
17 set forth in Section 55 of this Act.

18 (c) Neither residence in this State nor filing of a foreign
19 firearms restraining order shall be required for enforcement of
20 the order by this State. Failure to file the foreign order
21 shall not be an impediment to its treatment in all respects as
22 an Illinois firearms restraining order.

23 (d) The clerk shall not charge a fee to file a foreign
24 order of protection under this Section.

25 (Source: P.A. 100-607, eff. 1-1-19.)

1 Section 880. The Firearm Dealer License Certification Act
2 is amended by changing Sections 5-5, 5-10, 5-15, 5-20, 5-30,
3 5-35, 5-40, 5-45, 5-50, 5-55, 5-60, 5-70, 5-75, 5-85, 5-95,
4 5-100, 5-105, 5-110, 5-115, and 5-120 as follows:

5 (430 ILCS 68/5-5)

6 Sec. 5-5. Definitions. In this Act:

7 "Certified licensee" means a licensee that has previously
8 certified its license with the Illinois State Police ~~Department~~
9 under this Act.

10 ~~"Department" means the Department of State Police.~~

11 "Director" means the Director of the Illinois State Police.

12 "Entity" means any person, firm, corporation, group of
13 individuals, or other legal entity.

14 "Inventory" means firearms in the possession of an
15 individual or entity for the purpose of sale or transfer.

16 "License" means a Federal Firearms License authorizing a
17 person or entity to engage in the business of dealing firearms.

18 "Licensee" means a person, firm, corporation, or other
19 entity who has been given, and is currently in possession of, a
20 valid Federal Firearms License.

21 "Retail location" means a store open to the public from
22 which a certified licensee engages in the business of selling,
23 transferring, or facilitating a sale or transfer of a firearm.
24 For purposes of this Act, the World Shooting and Recreational
25 Complex, a gun show, or a similar event at which a certified

1 licensee engages in business from time to time is not a retail
2 location.

3 (Source: P.A. 100-1178, eff. 1-18-19; 101-80, eff. 7-12-19;
4 revised 9-12-19.)

5 (430 ILCS 68/5-10)

6 Sec. 5-10. Copy of Federal Firearms License filed with the
7 Illinois State Police Department. Each licensee shall file with
8 the Illinois State Police Department a copy of its license,
9 together with a sworn affidavit indicating that the license
10 presented is in fact its license and that the license is valid.
11 The Illinois State Police Department may by rule create a
12 process for checking the validity of the license, in lieu of
13 requiring an affidavit. Upon receipt and review by the Illinois
14 State Police Department, the Illinois State Police Department
15 shall issue a certificate of license to the licensee, allowing
16 the licensee to conduct business within this State. The
17 Illinois State Police Department shall issue an initial
18 certificate of license within 30 days of receipt of the copy of
19 license and sworn affidavit. If the Illinois State Police
20 Department does not issue the certificate within 30 days, the
21 licensee shall operate as if a certificate has been granted
22 unless and until a denial is issued by the Illinois State
23 Police Department.

24 (Source: P.A. 100-1178, eff. 1-18-19.)

1 (430 ILCS 68/5-15)

2 Sec. 5-15. Certification requirement.

3 (a) Beginning 180 days after the effective date of this
4 Act, it is unlawful for a person or entity to engage in the
5 business of selling, leasing, or otherwise transferring
6 firearms without a valid certificate of license issued under
7 this Act. In the event that a person or entity maintains
8 multiple licenses to engage in different lines of business
9 requiring different licenses at one location, then the licenses
10 shall be deemed one license for purposes of certification. In
11 the event that a person or entity maintains multiple licenses
12 to engage in business at multiple locations, under the same
13 business name on the license or a different business name on
14 the license, then each license and location must receive its
15 own certification.

16 (b) It is unlawful for a person or entity without first
17 being a certified licensee under this Act to act as if he or
18 she is certified under this Act, to advertise, to assume to act
19 as a certified licensee or to use a title implying that the
20 person or entity is engaged in business as a certified licensee
21 without a license certified under this Act.

22 (c) It is unlawful to obtain or attempt to obtain any
23 certificate of license under this Act by material misstatement
24 or fraudulent misrepresentation. Notwithstanding the
25 provisions of Section 5-85, in addition to any penalty imposed
26 under this Section, any certificate of license obtained under

1 this Act due to material misstatement or fraudulent
2 misrepresentation shall automatically be revoked.

3 (d) A person who violates any provision of this Section is
4 guilty of a Class A misdemeanor for a first violation, and a
5 Class 4 felony for a second or subsequent violation.

6 (e) In addition to any other penalty provided by law, any
7 person or entity who violates any provision of this Section
8 shall pay a civil penalty to the Illinois State Police
9 ~~Department~~ in an amount not to exceed \$10,000 for each offense,
10 as determined by the Illinois State Police ~~Department~~. The
11 civil penalty shall be assessed by the Illinois State Police
12 ~~Department~~ after a hearing is held in accordance with Sections
13 5-95 and 5-100.

14 (f) The Illinois State Police ~~Department~~ has the authority
15 and power to investigate any and all unlicensed activity
16 requiring a license certified under this Act.

17 (g) The civil penalty shall be paid within 90 days after
18 the effective date of the order imposing the civil penalty. The
19 order shall constitute a judgment and may be filed and
20 execution had thereon in the same manner as any judgment from
21 any court of record.

22 (h) In the event the certification of a certified licensee
23 is revoked, it shall be a violation of this Act for the revoked
24 licensee to seek certification of a license held under a
25 different business name, or to re-open as a certified licensee
26 under another business name using the same license or as the

1 same person or entity doing business under a different business
2 name.

3 (i) The Illinois State Police ~~Department~~ shall require all
4 of the following information from each applicant for
5 certification under this Act:

6 (1) The name, full business address, and telephone
7 number of the entity. The business address for the entity
8 shall be the complete street address where firearms in the
9 inventory of the entity are regularly stored, shall be
10 located within the State, and may not be a Post Office Box.

11 (2) All trade, business, or assumed names used by the
12 certified licensee by and under which the certified
13 licensee sells, transfers, or facilitates transfers of
14 firearms.

15 (3) The type of ownership or operation, such as a
16 partnership, corporation, or sole proprietorship.

17 (4) The name of the owner or operator of the
18 dealership, including:

19 (A) if a person, then the name and address of
20 record of the person;

21 (B) if a partnership, then the name and address of
22 record of each partner and the name of the partnership;

23 (C) if a corporation, then the name, address of
24 record, and title of each corporate officer and each
25 owner of more than 5% of the corporation, the corporate
26 names by and which the certified licensee sells,

1 transfers, or facilitates transfers of firearms, and
2 the name of the state of incorporation; and

3 (D) if a sole proprietorship, then the full name
4 and address of record of the sole proprietor and the
5 name of the business entity.

6 (Source: P.A. 100-1178, eff. 1-18-19.)

7 (430 ILCS 68/5-20)

8 Sec. 5-20. Additional licensee requirements.

9 (a) A certified licensee shall make a photo copy of a
10 buyer's or transferee's valid photo identification card
11 whenever a firearm sale transaction takes place. The photo copy
12 shall be attached to the documentation detailing the record of
13 sale.

14 (b) A certified licensee shall post in a conspicuous
15 position on the premises where the licensee conducts business a
16 sign that contains the following warning in block letters not
17 less than one inch in height:

18 "With few exceptions enumerated in the Firearm Owners
19 Identification Card Act, it is unlawful for you to:

20 (A) store or leave an unsecured firearm in a place
21 where a child can obtain access to it;

22 (B) sell or transfer your firearm to someone else
23 without receiving approval for the transfer from the
24 Illinois ~~Department of~~ State Police, or

25 (C) fail to report the loss or theft of your

1 firearm to local law enforcement within 72 hours."
2 This sign shall be created by the Illinois State Police
3 ~~Department~~ and made available for printing or downloading from
4 the Illinois State Police's ~~Department's~~ website.

5 (c) No retail location established after the effective date
6 of this Act shall be located within 500 feet of any school,
7 pre-school, or day care facility in existence at its location
8 before the retail location is established as measured from the
9 nearest corner of the building holding the retail location to
10 the corner of the school, pre-school, or day care facility
11 building nearest the retail location at the time the retail
12 location seeks licensure.

13 (Source: P.A. 100-1178, eff. 1-18-19.)

14 (430 ILCS 68/5-30)

15 Sec. 5-30. Training of certified licensees. Any certified
16 licensee and any employee of a certified licensee who sells or
17 transfers firearms shall receive at least 2 hours of training
18 annually regarding legal requirements and responsible business
19 practices as applicable to the sale or transfer of firearms.
20 The Illinois State Police ~~Department~~ may adopt rules regarding
21 continuing education for certified licensees related to legal
22 requirements and responsible business practices regarding the
23 sale or transfer of firearms.

24 (Source: P.A. 100-1178, eff. 1-18-19.)

1 (430 ILCS 68/5-35)

2 Sec. 5-35. Inspection of licensees' places of business.

3 Licensees shall have their places of business open for
4 inspection by the Illinois State Police ~~Department~~ and law
5 enforcement during all hours of operation involving the
6 selling, leasing, or otherwise transferring of firearms,
7 provided that the Illinois State Police ~~Department~~ or law
8 enforcement may conduct no more than one unannounced inspection
9 per business per year without good cause. During an inspection,
10 licensees shall make all records, documents, and firearms
11 accessible for inspection upon the request of the Illinois
12 State Police ~~Department~~ or law enforcement agency.

13 (Source: P.A. 100-1178, eff. 1-18-19.)

14 (430 ILCS 68/5-40)

15 Sec. 5-40. Qualifications for operation.

16 (a) Each certified licensee shall submit with each
17 application for certification or renewal an affidavit to the
18 Illinois State Police ~~Department~~ stating that each owner,
19 employee, or other agent of the certified licensee who sells or
20 conducts transfers of firearms for the certified licensee is at
21 least 21 years of age, has a currently valid Firearm Owner's
22 Identification Card and, for a renewal, has completed the
23 training required under Section 5-30. The affidavit must also
24 contain the name and Firearm Owner's Identification Card number
25 of each owner, employee, or other agent who sells or conducts

1 transfers of firearms for the certified licensee. If an owner,
2 employee, or other agent of the certified licensee is not
3 otherwise a resident of this State, the certified licensee
4 shall submit an affidavit stating that the owner, employee, or
5 other agent has undergone a background check and is not
6 prohibited from owning or possessing firearms.

7 (b) In addition to the affidavit required under subsection
8 (a), within 30 days of a new owner, employee, or other agent
9 beginning selling or conducting transfers of firearms for the
10 certified licensee, the certified licensee shall submit an
11 affidavit to the Illinois State Police ~~Department~~ stating the
12 date that the new owner, employee, or other agent began selling
13 or conducting transfers of firearms for the certified licensee,
14 and providing the information required in subsection (a) for
15 that new owner, employee, or other agent.

16 (c) If a certified licensee has a license, certificate, or
17 permit to sell, lease, transfer, purchase, or possess firearms
18 issued by the federal government or the government of any state
19 revoked or suspended for good cause within the preceding 4
20 years, the Illinois State Police ~~Department~~ may consider
21 revoking or suspending the certified licenses in this State. In
22 making a determination of whether or not to revoke or suspend a
23 certified license in this State, the Illinois State Police
24 ~~Department~~ shall consider the number of retail locations the
25 certified licensee or any related person or entity operates in
26 this State or in other states under the same or different

1 business names, and the severity of the infraction in the state
2 in which a license was revoked or suspended.

3 (d) Applications and affidavits required under this
4 Section are not subject to disclosure by the Illinois State
5 Police Department under the Freedom of Information Act.

6 (Source: P.A. 100-1178, eff. 1-18-19.)

7 (430 ILCS 68/5-45)

8 Sec. 5-45. Issuance of subpoenas. The Illinois State Police
9 ~~Department~~ may subpoena and bring before it any person or
10 entity to take oral or written testimony or may compel the
11 production of any books, papers, records, or any other
12 documents that the Illinois State Police Department deems
13 directly relevant or material to an investigation or hearing
14 conducted by the Illinois State Police Department in the
15 enforcement of this Act, with the same fees and in the same
16 manner prescribed in civil cases in the courts of this State.
17 The licensee may file an emergency motion with the Director or
18 a hearing officer authorized by the Illinois State Police
19 ~~Department~~ to quash a subpoena issued by the Illinois State
20 Police Department. If the Director or hearing officer
21 determines that the subpoena was issued without good cause, the
22 Director or hearing officer may quash the subpoena.

23 (Source: P.A. 100-1178, eff. 1-18-19.)

24 (430 ILCS 68/5-50)

1 Sec. 5-50. Security system.

2 (a) On or before January 2, 2021, each certified licensee
3 operating a retail location in this State must maintain a video
4 security system and shall maintain video surveillance of
5 critical areas of the business premises, including, but not
6 limited to, all places where firearms in inventory are stored,
7 handled, sold, or transferred, and each entrance and exit. A
8 video surveillance system of the certified licensee's retail
9 location may not be installed in a bathroom and may not monitor
10 inside the bathrooms located in the retail location. If a video
11 security system is deemed inadequate by the Illinois State
12 Police Department, the licensee shall have 30 days to correct
13 the inadequacy. The Illinois State Police Department shall
14 submit to the licensee a written statement describing the
15 specific inadequacies.

16 (b) Each certified licensee operating a retail
17 establishment in this State must post a sign in a conspicuous
18 place at each entrance to the retail location that states in
19 block letters not less than one inch in height: "THESE PREMISES
20 ARE UNDER VIDEO SURVEILLANCE. YOUR IMAGE MAY BE RECORDED."
21 This sign shall be created by the Illinois State Police
22 Department and available for printing or downloading from the
23 Illinois State Police's Department's website.

24 (c) On or before January 2, 2020, each certified licensee
25 maintaining an inventory of firearms for sale or transfer must
26 be connected to an alarm monitoring system or service that will

1 notify its local law enforcement agency of an unauthorized
2 intrusion into the premises of the licensee where the firearm
3 inventory is maintained.

4 (Source: P.A. 100-1178, eff. 1-18-19.)

5 (430 ILCS 68/5-55)

6 Sec. 5-55. Safe storage by certified licensees. In
7 addition to adequate locks, exterior lighting, surveillance
8 cameras, alarm systems, and other anti-theft measures and
9 practices, a certified licensee maintaining a retail location
10 shall develop a plan that addresses the safe storage of
11 firearms and ammunition during retail hours and after closing.
12 The certified licensee shall submit its safe storage plan to
13 the Illinois State Police Department and the plan shall be
14 deemed approved unless it is rejected by the Illinois State
15 Police Department. The Illinois State Police Department may
16 reject the plan if it is inadequate, along with a written
17 statement describing the specific inadequacies. The certified
18 licensee shall submit a corrected plan to the Illinois State
19 Police Department within 60 days of notice of an inadequate
20 plan. In the event there are still problems with the corrected
21 plan, the Illinois State Police Department shall note the
22 specific inadequacies in writing and the certified licensee
23 shall have 60 days from each notice of an inadequate plan to
24 submit a corrected plan. The Illinois State Police Department
25 may reject the corrected plan if it is inadequate. A certified

1 licensee may operate at all times that a plan is on file with
2 the Illinois State Police Department, and during times
3 permitted by this Section to prepare and submit corrected
4 plans. That any certified licensee has operated without an
5 approved safe storage plan for more than 60 days shall be
6 grounds for revocation of a certificate of license. The
7 Illinois State Police Department shall adopt rules regarding
8 the adequacy of a safe storage plan. The rules shall take into
9 account the various types and sizes of the entities involved,
10 and shall comply with all relevant State and federal laws. Safe
11 storage plans required under this Section are not subject to
12 disclosure by the Illinois State Police Department under the
13 Freedom of Information Act.

14 (Source: P.A. 100-1178, eff. 1-18-19.)

15 (430 ILCS 68/5-60)

16 Sec. 5-60. Statewide compliance standards. The Illinois
17 State Police Department shall develop and implement by rule
18 statewide training standards for assisting certified licensees
19 in recognizing indicators that would lead a reasonable dealer
20 to refuse sale of a firearm, including, but not limited to,
21 indicators of a straw purchase.

22 (Source: P.A. 100-1178, eff. 1-18-19.)

23 (430 ILCS 68/5-70)

24 Sec. 5-70. Fees and fines deposited in the Firearm Dealer

1 License Certification Fund. The Illinois State Police
2 ~~Department~~ shall set and collect a fee for each licensee
3 certifying under this Act. The fee may not exceed \$300 for a
4 certified licensee operating without a retail location. The fee
5 may not exceed \$1,500 for any certified licensee operating with
6 a retail location. The Illinois State Police ~~Department~~ may not
7 charge a certified licensee in this State, operating under the
8 same or different business name, fees exceeding \$40,000 for the
9 certification of multiple licenses. All fees and fines
10 collected under this Act shall be deposited in the Firearm
11 Dealer License Certification Fund which is created in the State
12 treasury. Moneys in the Fund shall be used for implementation
13 and administration of this Act.

14 (Source: P.A. 100-1178, eff. 1-18-19.)

15 (430 ILCS 68/5-75)

16 Sec. 5-75. Term of license. Each certification shall be
17 valid for the term of the license being certified. A licensee
18 shall certify each new or renewed license. However, the
19 Illinois State Police ~~Department~~ is not required to renew a
20 certification if a prior certification has been revoked or
21 suspended.

22 (Source: P.A. 100-1178, eff. 1-18-19.)

23 (430 ILCS 68/5-85)

24 Sec. 5-85. Disciplinary sanctions.

1 (a) For violations of this Act not penalized under Section
2 5-15, the Illinois State Police ~~Department~~ may refuse to renew
3 or restore, or may reprimand, place on probation, suspend,
4 revoke, or take other disciplinary or non-disciplinary action
5 against any licensee, and may impose a fine commensurate with
6 the severity of the violation not to exceed \$10,000 for each
7 violation for any of the following, consistent with the
8 Protection of Lawful Commerce in Arms Act, 15 U.S.C. 7901
9 through 7903:

10 (1) Violations of this Act, or any law applicable to
11 the sale or transfer of firearms.

12 (2) A pattern of practice or other behavior which
13 demonstrates incapacity or incompetency to practice under
14 this Act.

15 (3) Aiding or assisting another person in violating any
16 provision of this Act or rules adopted under this Act.

17 (4) Failing, within 60 days, to provide information in
18 response to a written request made by the Illinois State
19 Police ~~Department~~.

20 (5) Conviction of, plea of guilty to, or plea of nolo
21 contendere to any crime that disqualifies the person from
22 obtaining a valid Firearm Owner's Identification Card.

23 (6) Continued practice, although the person has become
24 unfit to practice due to any of the following:

25 (A) Any circumstance that disqualifies the person
26 from obtaining a valid Firearm Owner's Identification

1 Card or concealed carry license.

2 (B) Habitual or excessive use or abuse of drugs
3 defined in law as controlled substances, alcohol, or
4 any other substance that results in the inability to
5 practice with reasonable judgment, skill, or safety.

6 (7) Receiving, directly or indirectly, compensation
7 for any firearms sold or transferred illegally.

8 (8) Discipline by another United States jurisdiction,
9 foreign nation, or governmental agency, if at least one of
10 the grounds for the discipline is the same or substantially
11 equivalent to those set forth in this Act.

12 (9) Violation of any disciplinary order imposed on a
13 licensee by the Illinois State Police ~~Department~~.

14 (10) A finding by the Illinois State Police ~~Department~~
15 that the licensee, after having his or her certified
16 license placed on probationary status, has violated the
17 terms of probation.

18 (11) A fraudulent or material misstatement in the
19 completion of an affirmative obligation or inquiry by law
20 enforcement.

21 (b) All fines imposed under this Section shall be paid
22 within 90 days after the effective date of the final order
23 imposing the fine.

24 (Source: P.A. 100-1178, eff. 1-18-19.)

25 (430 ILCS 68/5-95)

1 Sec. 5-95. Complaints; investigations; hearings.

2 (a) The Illinois State Police ~~Department~~ may investigate
3 the actions of any applicant or of any person or persons
4 holding or claiming to hold a license or registration under
5 this Act.

6 (b) The Illinois State Police ~~Department~~ shall, before
7 disciplining a licensee under Section 5-85 or refusing to issue
8 a certificate of license, at least 30 days before the date set
9 for the hearing, (i) notify the accused in writing of the
10 charges made and the time and place for the hearing on the
11 charges, (ii) direct him or her to file a written answer to the
12 charges under oath within 20 days after service, and (iii)
13 inform the licensee that failure to answer will result in a
14 default being entered against the licensee.

15 (c) At the time and place fixed in the notice, the Director
16 or the hearing officer appointed by the Director shall proceed
17 to hear the charges, and the parties or their counsel shall be
18 accorded ample opportunity to present any pertinent
19 statements, testimony, evidence, and arguments. The Director
20 or hearing officer may continue the hearing from time to time.
21 In case the person, after receiving the notice, fails to file
22 an answer, his, her, or its license may, in the discretion of
23 the Director, having first received the recommendation of the
24 Director, be suspended, revoked, or placed on probationary
25 status, or be subject to whatever disciplinary action the
26 Director considers proper, including limiting the scope,

1 nature, or extent of the person's business, or the imposition
2 of a fine, without hearing, if the act or acts charged
3 constitute sufficient grounds for that action under this Act.

4 (d) The written notice and any notice in the subsequent
5 proceeding may be served by certified mail to the licensee's
6 address of record.

7 (e) The Director has the authority to appoint any attorney
8 licensed to practice law in this State to serve as the hearing
9 officer in any action for refusal to issue, restore, or renew a
10 license, or to discipline a licensee. The hearing officer has
11 full authority to conduct the hearing.

12 (Source: P.A. 100-1178, eff. 1-18-19.)

13 (430 ILCS 68/5-100)

14 Sec. 5-100. Hearing; rehearing.

15 (a) The Director or the hearing officer authorized by the
16 Illinois State Police Department shall hear evidence in support
17 of the formal charges and evidence produced by the licensee. At
18 the conclusion of the hearing, the Director shall prepare a
19 written report of his or her findings of fact, conclusions of
20 law, and recommendations. The report shall contain a finding of
21 whether the accused person violated this Act or failed to
22 comply with the conditions required in this Act.

23 (b) At the conclusion of the hearing, a copy of the
24 Director's or hearing officer's report shall be served upon the
25 licensee by the Illinois State Police Department, either

1 personally or as provided in this Act, for the service of a
2 notice of hearing. Within 20 calendar days after service, the
3 licensee may present to the Illinois State Police ~~Department~~ a
4 motion in writing for a rehearing, which shall specify the
5 particular grounds for rehearing. The Illinois State Police
6 ~~Department~~ may respond to the motion for rehearing within 20
7 calendar days after its service on the Illinois State Police
8 ~~Department~~. If no motion for rehearing is filed, then upon the
9 expiration of the time specified for filing such a motion, or
10 upon denial of a motion for rehearing, the Director may enter
11 an order in accordance with his or her recommendations or the
12 recommendations of the hearing officer. If the licensee orders
13 from the reporting service and pays for a transcript of the
14 record within the time for filing a motion for rehearing, the
15 20-day period within which a motion may be filed shall commence
16 upon the delivery of the transcript to the licensee.

17 (c) All proceedings under this Section are matters of
18 public record and shall be preserved.

19 (d) The licensee may continue to operate during the course
20 of an investigation or hearing, unless the Director finds that
21 the public interest, safety, or welfare requires an emergency
22 action.

23 (e) Upon the suspension or revocation of a certificate of
24 license, the licensee shall surrender the certificate to the
25 Illinois State Police ~~Department~~ and, upon failure to do so,
26 the Illinois State Police ~~Department~~ shall seize the same.

1 However, when the certification of a certified licensee is
2 suspended, the certified licensee shall not operate as a
3 certified licensee during the period in which the certificate
4 is suspended and, if operating during that period, shall be
5 operating in violation of subsection (a) of Section 5-15 of
6 this Act. A person who violates this Section is guilty of a
7 Class A misdemeanor for a first violation, and a Class 4 felony
8 for a second or subsequent violation. In addition to any other
9 penalty provided by law, any person or entity who violates this
10 Section shall pay a civil penalty to the Illinois State Police
11 ~~Department~~ in an amount not to exceed \$2,500 for the first
12 violation, and a fine not to exceed \$5,000 for a second or
13 subsequent violation.

14 (Source: P.A. 100-1178, eff. 1-18-19.)

15 (430 ILCS 68/5-105)

16 Sec. 5-105. Restoration of certificate of license after
17 disciplinary proceedings. At any time after the successful
18 completion of a term of probation, suspension, or revocation of
19 a certificate of license, the Illinois State Police ~~Department~~
20 may restore it to the licensee, unless, after an investigation
21 and a hearing, the Director determines that restoration is not
22 in the public interest. No person or entity whose certificate
23 of license, card, or authority has been revoked as authorized
24 in this Act may apply for restoration of that certificate of
25 license, card, or authority until such time as provided for in

1 the Civil Administrative Code of Illinois.

2 (Source: P.A. 100-1178, eff. 1-18-19.)

3 (430 ILCS 68/5-110)

4 Sec. 5-110. Administrative review. All final
5 administrative decisions of the Illinois State Police
6 ~~Department~~ are subject to judicial review under Article III of
7 the Code of Civil Procedure. The term "administrative decision"
8 is defined as in Section 3-101 of the Code of Civil Procedure.
9 The proceedings for judicial review shall be commenced in the
10 circuit court of the county in which the party applying for
11 review resides, but if the party is not a resident of this
12 State, the venue shall be in Sangamon County. The Illinois
13 State Police ~~Department~~ shall not be required to certify any
14 record to the court, or file any answer in court, or otherwise
15 appear in any court in a judicial review proceeding, unless,
16 and until, the Illinois State Police ~~Department~~ has received
17 from the plaintiff payment of the costs of furnishing and
18 certifying the record, which costs shall be determined by the
19 Illinois State Police ~~Department~~. Exhibits shall be certified
20 without cost. Failure on the part of the applicant or licensee
21 to file a receipt in court is grounds for dismissal of the
22 action.

23 (Source: P.A. 100-1178, eff. 1-18-19.)

24 (430 ILCS 68/5-115)

1 Sec. 5-115. Prima facie proof.

2 (a) An order or a certified copy thereof, over the seal of
3 the Illinois State Police ~~Department~~ and purporting to be
4 signed by the Director, is prima facie proof that the signature
5 is that of the Director, and the Director is qualified to act.

6 (b) A certified copy of a record of the Illinois State
7 Police ~~Department~~ shall, without further proof, be admitted
8 into evidence in any legal proceeding, and shall be prima facie
9 correct and prima facie evidence of the information contained
10 therein.

11 (Source: P.A. 100-1178, eff. 1-18-19.)

12 (430 ILCS 68/5-120)

13 Sec. 5-120. Federal agencies and investigations. Nothing
14 in this Act shall be construed to interfere with any federal
15 agency or any federal agency investigation. All Illinois State
16 Police ~~Department~~ rules adopted under this Act shall comply
17 with federal law. The Illinois State Police ~~Department~~ may as
18 necessary coordinate efforts with relevant State and federal
19 law enforcement agencies to enforce this Act.

20 (Source: P.A. 100-1178, eff. 1-18-19.)

21 Section 895. The Humane Euthanasia in Animal Shelters Act
22 is amended by changing Sections 35 and 55 as follows:

23 (510 ILCS 72/35)

1 Sec. 35. Technician certification; duties.

2 (a) An applicant for certification as a euthanasia
3 technician shall file an application with the Department and
4 shall:

5 (1) Be 18 years of age.

6 (2) Be of good moral character. In determining moral
7 character under this Section, the Department may take into
8 consideration whether the applicant has engaged in conduct
9 or activities that would constitute grounds for discipline
10 under this Act.

11 (3) Each applicant for certification as a euthanasia
12 technician shall have his or her fingerprints submitted to
13 the Illinois ~~Department of~~ State Police in an electronic
14 format that complies with the form and manner for
15 requesting and furnishing criminal history record
16 information as prescribed by the Illinois ~~Department of~~
17 State Police. These fingerprints shall be checked against
18 the Illinois ~~Department of~~ State Police and Federal Bureau
19 of Investigation criminal history record databases now and
20 hereafter filed. The Illinois ~~Department of~~ State Police
21 shall charge applicants a fee for conducting the criminal
22 history records check, which shall be deposited in the
23 State Police Services Fund and shall not exceed the actual
24 cost of the records check. The Illinois ~~Department of~~ State
25 Police shall furnish, pursuant to positive identification,
26 records of Illinois convictions to the Department.

1 (4) Hold a license or certification from the American
2 Humane Association, the National Animal Control
3 Association, the Illinois Federation of Humane Societies,
4 or the Humane Society of the United States issued within 3
5 years preceding the date of application. Every 5 years a
6 certified euthanasia technician must renew his or her
7 certification with the Department. At the time of renewal,
8 the technician must present proof that he or she attended a
9 class or seminar, administered by the American Humane
10 Association, the National Animal Control Association, the
11 Illinois Federation of Humane Societies, or the Humane
12 Society of the United States, that teaches techniques or
13 guidelines, or both, for humane animal euthanasia.

14 (5) Pay the required fee.

15 (b) The duties of a euthanasia technician shall include but
16 are not limited to:

17 (1) preparing animals for euthanasia and scanning each
18 animal, prior to euthanasia, for microchips;

19 (2) accurately recording the dosages administered and
20 the amount of drugs wasted;

21 (3) ordering supplies;

22 (4) maintaining the security of all controlled
23 substances and drugs;

24 (5) humanely euthanizing animals via intravenous
25 injection by hypodermic needle, intraperitoneal injection
26 by hypodermic needle, or intracardiac injection only on

1 comatose animals by hypodermic needle; and

2 (6) properly disposing of euthanized animals after
3 verification of death.

4 (c) A euthanasia technician employed by a euthanasia agency
5 may perform euthanasia by the administration of a Schedule II
6 or Schedule III nonnarcotic controlled substance. A euthanasia
7 technician may not personally possess, order, or administer a
8 controlled substance except as an agent of the euthanasia
9 agency.

10 (d) Upon termination from a euthanasia agency, a euthanasia
11 technician shall not perform animal euthanasia until he or she
12 is employed by another certified euthanasia agency.

13 (e) A certified euthanasia technician or an instructor in
14 an approved course does not engage in the practice of
15 veterinary medicine when performing duties set forth in this
16 Act.

17 (Source: P.A. 96-780, eff. 8-28-09.)

18 (510 ILCS 72/55)

19 Sec. 55. Endorsement. An applicant, who is a euthanasia
20 technician registered or licensed under the laws of another
21 state or territory of the United States that has requirements
22 that are substantially similar to the requirements of this Act,
23 may be granted certification as a euthanasia technician in this
24 State without examination, upon presenting satisfactory proof
25 to the Department that the applicant has been engaged in the

1 practice of euthanasia for a period of not less than one year
2 and upon payment of the required fee. In addition, an applicant
3 shall have his or her fingerprints submitted to the Illinois
4 ~~Department of~~ State Police for purposes of a criminal history
5 records check pursuant to clause (a) (3) of Section 35.

6 (Source: P.A. 92-449, eff. 1-1-02; 93-626, eff. 12-23-03.)

7 Section 900. The Wildlife Code is amended by changing
8 Section 3.5 as follows:

9 (520 ILCS 5/3.5) (from Ch. 61, par. 3.5)

10 Sec. 3.5. Penalties; probation.

11 (a) Any person who violates any of the provisions of
12 Section 2.36a, including administrative rules, shall be guilty
13 of a Class 3 felony, except as otherwise provided in subsection
14 (b) of this Section and subsection (a) of Section 2.36a.

15 (b) Whenever any person who has not previously been
16 convicted of, or placed on probation or court supervision for,
17 any offense under Section 1.22, 2.36, or 2.36a or subsection
18 (i) or (cc) of Section 2.33, the court may, without entering a
19 judgment and with the person's consent, sentence the person to
20 probation for a violation of Section 2.36a.

21 (1) When a person is placed on probation, the court
22 shall enter an order specifying a period of probation of 24
23 months and shall defer further proceedings in the case
24 until the conclusion of the period or until the filing of a

1 petition alleging violation of a term or condition of
2 probation.

3 (2) The conditions of probation shall be that the
4 person:

5 (A) Not violate any criminal statute of any
6 jurisdiction.

7 (B) Perform no less than 30 hours of community
8 service, provided community service is available in
9 the jurisdiction and is funded and approved by the
10 county board.

11 (3) The court may, in addition to other conditions:

12 (A) Require that the person make a report to and
13 appear in person before or participate with the court
14 or courts, person, or social service agency as directed
15 by the court in the order of probation.

16 (B) Require that the person pay a fine and costs.

17 (C) Require that the person refrain from
18 possessing a firearm or other dangerous weapon.

19 (D) Prohibit the person from associating with any
20 person who is actively engaged in any of the activities
21 regulated by the permits issued or privileges granted
22 by the Department of Natural Resources.

23 (4) Upon violation of a term or condition of probation,
24 the court may enter a judgment on its original finding of
25 guilt and proceed as otherwise provided.

26 (5) Upon fulfillment of the terms and conditions of

1 probation, the court shall discharge the person and dismiss
2 the proceedings against the person.

3 (6) A disposition of probation is considered to be a
4 conviction for the purposes of imposing the conditions of
5 probation, for appeal, and for administrative revocation
6 and suspension of licenses and privileges; however,
7 discharge and dismissal under this Section is not a
8 conviction for purposes of disqualification or
9 disabilities imposed by law upon conviction of a crime.

10 (7) Discharge and dismissal under this Section may
11 occur only once with respect to any person.

12 (8) If a person is convicted of an offense under this
13 Act within 5 years subsequent to a discharge and dismissal
14 under this Section, the discharge and dismissal under this
15 Section shall be admissible in the sentencing proceeding
16 for that conviction as a factor in aggravation.

17 (9) The Circuit Clerk shall notify the Illinois
18 ~~Department of~~ State Police of all persons convicted of or
19 placed under probation for violations of Section 2.36a.

20 (c) Any person who violates any of the provisions of
21 Sections 2.9, 2.11, 2.16, 2.18, 2.24, 2.25, 2.26, 2.29, 2.30,
22 2.31, 2.32, 2.33 (except subsections (g), (i), (o), (p), (y),
23 and (cc)), 2.33-1, 2.33a, 3.3, 3.4, 3.11 through 3.16, 3.19,
24 3.20, 3.21 (except subsections (b), (c), (d), (e), (f), (f.5),
25 (g), (h), and (i)), 3.24, 3.25, and 3.26 (except subsection
26 (f)), including administrative rules, shall be guilty of a

1 Class B misdemeanor.

2 A person who violates Section 2.33b by using any computer
3 software or service to remotely control a weapon that takes
4 wildlife by remote operation is guilty of a Class B
5 misdemeanor. A person who violates Section 2.33b by
6 facilitating a violation of Section 2.33b, including an owner
7 of land in which remote control hunting occurs, a computer
8 programmer who designs a program or software to facilitate
9 remote control hunting, or a person who provides weapons or
10 equipment to facilitate remote control hunting, is guilty of a
11 Class A misdemeanor.

12 Any person who violates any of the provisions of Sections
13 1.22, 2.2a, 2.3, 2.4, 2.36 and 2.38, including administrative
14 rules, shall be guilty of a Class A misdemeanor. Any second or
15 subsequent violations of Sections 2.4 and 2.36 shall be a Class
16 4 felony.

17 Any person who violates any of the provisions of this Act,
18 including administrative rules, during such period when his
19 license, privileges, or permit is revoked or denied by virtue
20 of Section 3.36, shall be guilty of a Class A misdemeanor.

21 Any person who violates subsection (g), (i), (o), (p), (y),
22 or (cc) of Section 2.33 shall be guilty of a Class A
23 misdemeanor and subject to a fine of no less than \$500 and no
24 more than \$5,000 in addition to other statutory penalties. In
25 addition, the Department shall suspend the privileges, under
26 this Act, of any person found guilty of violating Section

1 2.33(cc) for a period of not less than one year.

2 Any person who violates any other of the provisions of this
3 Act including administrative rules, unless otherwise stated,
4 shall be guilty of a petty offense. Offenses committed by
5 minors under the direct control or with the consent of a parent
6 or guardian may subject the parent or guardian to the penalties
7 prescribed in this Section.

8 In addition to any fines imposed pursuant to the provisions
9 of this Section or as otherwise provided in this Act, any
10 person found guilty of unlawfully taking or possessing any
11 species protected by this Act, shall be assessed a civil
12 penalty for such species in accordance with the values
13 prescribed in Section 2.36a of this Act. This civil penalty
14 shall be imposed by the Circuit Court for the county within
15 which the offense was committed at the time of the conviction.
16 All penalties provided for in this Section shall be remitted to
17 the Department in accordance with the same provisions provided
18 for in Section 1.18 of this Act.

19 (Source: P.A. 97-431, eff. 8-16-11.)

20 Section 910. The Public Private Agreements for the Illiana
21 Expressway Act is amended by changing Section 115 as follows:

22 (605 ILCS 130/115)

23 Sec. 115. Additional powers of the Department with respect
24 to the Illiana Expressway.

1 (a) The Department may exercise any powers provided under
2 this Act in participation or cooperation with any governmental
3 entity and enter into any contracts to facilitate that
4 participation or cooperation. The Department shall cooperate
5 with other governmental entities under this Act.

6 (b) The Department may make and enter into all contracts
7 and agreements necessary or incidental to the performance of
8 the Department's duties and the execution of the Department's
9 powers under this Act. Except as otherwise required by law,
10 these contracts or agreements are not subject to any approvals
11 other than the approval of the Department, Governor, or federal
12 agencies.

13 (c) The Department may pay the costs incurred under the
14 public private agreement entered into under this Act from any
15 funds available to the Department for the purpose of the
16 Illiana Expressway under this Act or any other statute.

17 (d) The Department or other State agency may not take any
18 action that would impair the public private agreement entered
19 into under this Act, except as provided by law.

20 (e) The Department may enter into an agreement between and
21 among the contractor, the Department, and the Illinois
22 ~~Department of~~ State Police concerning the provision of law
23 enforcement assistance with respect to the Illiana Expressway
24 under this Act.

25 (f) The Department is authorized to enter into arrangements
26 with the Illinois State Police related to costs incurred in

1 providing law enforcement assistance under this Act.

2 (Source: P.A. 96-913, eff. 6-9-10.)

3 Section 915. The Railroad Police Act is amended by changing
4 Section 2 as follows:

5 (610 ILCS 80/2) (from Ch. 114, par. 98)

6 Sec. 2. Conductors of all railroad trains, and the captain
7 or master of any boat carrying passengers within the
8 jurisdiction of this State, are vested with police powers while
9 on duty on their respective trains and boats, and may wear an
10 appropriate badge indicative of this authority.

11 In the policing of its properties any registered rail
12 carrier, as defined in Section 18c-7201 of the Illinois Vehicle
13 Code, may provide for the appointment and maintenance of a
14 police force to aid and supplement the police forces of any
15 municipality in the protection of its property and the
16 protection of the persons and property of its passengers and
17 employees, or in furtherance of the purposes for which the
18 railroad was organized. While engaged in the conduct of their
19 employment, the members of the railroad police force have and
20 may exercise the same police powers conferred upon any peace
21 officer employed by a law enforcement agency of this State,
22 including the authority to issue administrative citations in
23 accordance with the provisions of county or municipal
24 ordinances.

1 Any registered rail carrier that appoints and maintains a
2 police force shall comply with the following requirements:

3 (1) Establish an internal policy that includes
4 procedures to ensure objective oversight in addressing
5 allegations of abuse of authority or other misconduct on
6 the part of its police officers.

7 (2) Adopt appropriate policies and guidelines for
8 employee investigations by police officers. These policies
9 and guidelines shall provide for initiating employee
10 investigations only under the following conditions:

11 (A) There is reason to believe criminal misconduct
12 has occurred.

13 (B) In response to an employee accident.

14 (C) There is reason to believe that the interview
15 of an employee could result in workplace violence.

16 (D) There is a legitimate concern for the personal
17 safety of one or more employees.

18 These policies and guidelines shall provide for the
19 right of an employee to request a representative to be
20 present during any interview concerning a non-criminal
21 matter.

22 (3) File copies of the policies and guidelines adopted
23 under paragraphs (1) and (2) with the Illinois Law
24 Enforcement Training Standards Board, which shall make
25 them available for public inspection. The Board shall
26 review the policies and guidelines, and approve them if

1 they comply with the Act.

2 (4) Appeal of a rail carrier's decision. A person
3 adversely affected or aggrieved by a decision of a rail
4 carrier's internal investigation under this Act may appeal
5 the decision to the Illinois State Police. The appeal shall
6 be filed no later than 90 days after the issuance of the
7 decision. The Illinois State Police shall review the depth,
8 completeness, and objectivity of the rail carrier's
9 investigation, and may conduct its own investigation of the
10 complaint. The Illinois State Police may uphold, overturn,
11 or modify the rail carrier's decision by filing a report of
12 its findings and recommendations with the Illinois
13 Commerce Commission. Consistent with authority under
14 Chapter 18C of the Illinois Vehicle Code and the Commission
15 rules of practice, the Commission shall have the power to
16 conduct evidentiary hearings, make findings, and issue and
17 enforce orders, including sanctions under Section 18c-1704
18 of the Illinois Vehicle Code.

19 Rulemaking authority to implement this amendatory Act of
20 the 95th General Assembly, if any, is conditioned on the rules
21 being adopted in accordance with all provisions of the Illinois
22 Administrative Procedure Act and all rules and procedures of
23 the Joint Committee on Administrative Rules; any purported rule
24 not so adopted, for whatever reason, is unauthorized.

25 (Source: P.A. 98-791, eff. 7-25-14; 99-78, eff. 7-20-15.)

1 Section 920. The Military Emergency Aircraft Restriction
2 Act is amended by changing Section 5 as follows:

3 (620 ILCS 10/5) (from Ch. 15 1/2, par. 183)

4 Sec. 5. Notice of the existence of a state of military
5 emergency and of currently prevailing air traffic control
6 requirements issued to the Department and to civil and military
7 aviation facilities of this State over the Federal Interstate
8 Airways Communications System and the State emergency fan-out
9 system components of the Civil Air Defense Warning Net is
10 sufficient to authorize the Department to control
11 non-scheduled civil aircraft movement as provided in this Act.

12 The Department may utilize, to the extent of capacity, the
13 radio network system of the Illinois State Police, county
14 sheriffs' offices and municipal police departments in order to
15 assure a reliable and adequate State fan-out communications
16 system required for rapid dissemination of notices to airmen
17 and civil aviation authorities respecting such aircraft
18 movement control as may be required on the part of the
19 Department and airport operators and managers during the
20 existence of a state of military emergency.

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

22 Section 930. The Public-Private Agreements for the South
23 Suburban Airport Act is amended by changing Section 2-135 as
24 follows:

1 (620 ILCS 75/2-135)

2 Sec. 2-135. Additional powers of the Department with
3 respect to the South Suburban Airport.

4 (a) The Department may exercise any powers provided under
5 this Act in participation or cooperation with any governmental
6 entity and enter into any contracts to facilitate that
7 participation or cooperation. The Department shall cooperate
8 with other governmental entities under this Act.

9 (b) The Department may make and enter into all contracts
10 and agreements necessary or incidental to the performance of
11 the Department's duties and the execution of the Department's
12 powers under this Act. Except as otherwise required by law,
13 these contracts or agreements are not subject to any approvals
14 other than the approval of the Department, Governor, or federal
15 agencies and may contain any terms that are considered
16 reasonable by the Department and not in conflict with any
17 provisions of this Act or other statutes, rules, or laws.

18 (c) The Department may pay the costs incurred under the
19 public-private agreement entered into under this Act from any
20 funds available to the Department for the purpose of the South
21 Suburban Airport under this Act or any other statute.

22 (d) The Department and other State agencies shall not take
23 any action that would impair the public-private agreement
24 entered into under this Act, except as provided by law.

25 (e) The Department may enter into an agreement between and

1 among the contractor, the Department, and the Illinois
2 ~~Department of~~ State Police concerning the provision of law
3 enforcement assistance with respect to the South Suburban
4 Airport under this Act.

5 (f) The Department is authorized to enter into arrangements
6 with the Illinois State Police related to costs incurred in
7 providing law enforcement assistance under this Act.

8 (Source: P.A. 98-109, eff. 7-25-13.)

9 Section 935. The Illinois Vehicle Code is amended by
10 changing Sections 1-129, 2-116, 2-119, 3-117.1, 3-405, 3-416,
11 4-107, 4-109, 4-202, 4-203.5, 4-205, 4-206, 4-209, 4-302,
12 5-102, 5-105, 5-401.2, 5-402.1, 6-106.1, 6-106.1a, 6-107.5,
13 6-112, 6-402, 6-411, 6-508, 8-115, 11-212, 11-416, 11-501.01,
14 11-501.2, 11-501.4-1, 11-501.5, 11-501.6, 11-501.8, 11-501.10,
15 11-605.1, 11-907.1, 12-612, 13-109.1, 15-102, 15-112, 15-201,
16 15-202, 15-203, 15-305, 16-102, 16-105, 18a-200, 18b-112,
17 18c-1702, and 18c-4601 as follows:

18 (625 ILCS 5/1-129) (from Ch. 95 1/2, par. 1-129)

19 Sec. 1-129. Identification Number. The numbers and
20 letters, if any, on a vehicle or essential part, affixed by its
21 manufacturer, the Illinois Secretary of State or the Illinois
22 ~~Department of~~ State Police for the purpose of identifying the
23 vehicle or essential part, or which is required to be affixed
24 to the vehicle or part by federal or state law.

1 (Source: P.A. 84-1302; 84-1304.)

2 (625 ILCS 5/2-116) (from Ch. 95 1/2, par. 2-116)

3 Sec. 2-116. Secretary of State Department of Police.

4 (a) The Secretary of State and the officers, inspectors,
5 and investigators appointed by him shall cooperate with the
6 Illinois State Police and the sheriffs and police in enforcing
7 the laws regulating the operation of vehicles and the use of
8 the highways.

9 (b) The Secretary of State may provide training and
10 education for members of his office in traffic regulation, the
11 promotion of traffic safety and the enforcement of laws vested
12 in the Secretary of State for administration and enforcement
13 regulating the operation of vehicles and the use of the
14 highways.

15 (c) The Secretary of State may provide distinctive uniforms
16 and badges for officers, inspectors and investigators employed
17 in the administration of laws relating to the operation of
18 vehicles and the use of the highways and vesting the
19 administration and enforcement of such laws in the Secretary of
20 State.

21 (c-5) The Director of the Secretary of State Department of
22 Police shall establish a program to allow a Secretary of State
23 Police officer, inspector, or investigator who is honorably
24 retiring in good standing to purchase either one or both of the
25 following: (1) any Secretary of State Department of Police

1 badge previously issued to that officer, inspector, or
2 investigator; or (2) if the officer, inspector, or investigator
3 has a currently valid Firearm Owner's Identification Card, the
4 service firearm issued or previously issued to the officer,
5 inspector, or investigator by the Secretary of State Department
6 of Police. The cost of the firearm shall be the replacement
7 value of the firearm and not the firearm's fair market value.

8 (d) The Secretary of State Department of Police is
9 authorized to:

10 (1) investigate the origins, activities, persons, and
11 incidents of crime and the ways and means, if any, to
12 redress the victims of crimes, and study the impact, if
13 any, of legislation relative to the criminal laws of this
14 State related thereto and conduct any other investigations
15 as may be provided by law;

16 (2) employ skilled experts, technicians,
17 investigators, special agents, or otherwise specially
18 qualified persons to aid in preventing or detecting crime,
19 apprehending criminals, or preparing and presenting
20 evidence of violations of the criminal laws of the State;

21 (3) cooperate with the police of cities, villages, and
22 incorporated towns, and with the police officers of any
23 county, in enforcing the laws of the State and in making
24 arrests;

25 (4) provide, as may be required by law, assistance to
26 local law enforcement agencies through training,

1 management, and consultant services for local law
2 enforcement agencies, pertaining to law enforcement
3 activities;

4 (5) exercise the rights, powers, and duties which have
5 been vested in it by the Secretary of State Act and this
6 Code; and

7 (6) enforce and administer any other laws in relation
8 to law enforcement as may be vested in the Secretary of
9 State Department of Police.

10 Persons within the Secretary of State Department of Police
11 who exercise these powers are conservators of the peace and
12 have all the powers possessed by policemen in municipalities
13 and sheriffs, and may exercise these powers anywhere in the
14 State in cooperation with local law enforcement officials.
15 These persons may use false or fictitious names in the
16 performance of their duties under this Section, upon approval
17 of the Director of Police-Secretary of State, and shall not be
18 subject to prosecution under the criminal laws for that use.

19 (e) The Secretary of State Department of Police may charge,
20 collect, and receive fees or moneys equivalent to the cost of
21 providing its personnel, equipment, and services to
22 governmental agencies when explicitly requested by a
23 governmental agency and according to an intergovernmental
24 agreement or memorandums of understanding as provided by this
25 Section, including but not limited to fees or moneys equivalent
26 to the cost of providing training to other governmental

1 agencies on terms and conditions that in the judgment of the
2 Director of Police-Secretary of State are in the best interest
3 of the Secretary of State. All fees received by the Secretary
4 of State Police Department under this Act shall be deposited in
5 a special fund in the State Treasury to be known as the
6 Secretary of State Police Services Fund. The money deposited in
7 the Secretary of State Police Services Fund shall be
8 appropriated to the Secretary of State Department of Police as
9 provided for in subsection (g).

10 (f) The Secretary of State Department of Police may apply
11 for grants or contracts and receive, expend, allocate, or
12 disburse moneys made available by public or private entities,
13 including, but not limited to, contracts, bequests, grants, or
14 receiving equipment from corporations, foundations, or public
15 or private institutions of higher learning.

16 (g) The Secretary of State Police Services Fund is hereby
17 created as a special fund in the State Treasury. All moneys
18 received under this Section by the Secretary of State
19 Department of Police shall be deposited into the Secretary of
20 State Police Services Fund to be appropriated to the Secretary
21 of State Department of Police for purposes as indicated by the
22 grantor or contractor or, in the case of moneys bequeathed or
23 granted for no specific purpose, for any purpose as deemed
24 appropriate by the Director of Police-Secretary of State in
25 administering the responsibilities of the Secretary of State
26 Department of Police.

1 (Source: P.A. 100-931, eff. 8-17-18.)

2 (625 ILCS 5/2-119) (from Ch. 95 1/2, par. 2-119)

3 Sec. 2-119. Disposition of fees and taxes.

4 (a) All moneys received from Salvage Certificates shall be
5 deposited in the Common School Fund in the State Treasury.

6 (b) Of the money collected for each certificate of title,
7 duplicate certificate of title, and corrected certificate of
8 title:

9 (1) \$2.60 shall be deposited in the Park and
10 Conservation Fund;

11 (2) \$0.65 shall be deposited in the Illinois Fisheries
12 Management Fund;

13 (3) \$48 shall be disbursed under subsection (g) of this
14 Section;

15 (4) \$4 shall be deposited into the Motor Vehicle
16 License Plate Fund; and

17 (5) \$30 shall be deposited into the Capital Projects
18 Fund.

19 All remaining moneys collected for certificates of title,
20 and all moneys collected for filing of security interests,
21 shall be deposited in the General Revenue Fund.

22 The \$20 collected for each delinquent vehicle registration
23 renewal fee shall be deposited into the General Revenue Fund.

24 The moneys deposited in the Park and Conservation Fund
25 under this Section shall be used for the acquisition and

1 development of bike paths as provided for in Section 805-420 of
2 the Department of Natural Resources (Conservation) Law of the
3 Civil Administrative Code of Illinois. The moneys deposited
4 into the Park and Conservation Fund under this subsection shall
5 not be subject to administrative charges or chargebacks, unless
6 otherwise authorized by this Code.

7 If the balance in the Motor Vehicle License Plate Fund
8 exceeds \$40,000,000 on the last day of a calendar month, then
9 during the next calendar month, the \$4 that otherwise would be
10 deposited in that fund shall instead be deposited into the Road
11 Fund.

12 (c) All moneys collected for that portion of a driver's
13 license fee designated for driver education under Section 6-118
14 shall be placed in the Drivers Education Fund in the State
15 Treasury.

16 (d) Of the moneys collected as a registration fee for each
17 motorcycle, motor driven cycle, and moped, 27% shall be
18 deposited in the Cycle Rider Safety Training Fund.

19 (e) (Blank).

20 (f) Of the total money collected for a commercial learner's
21 permit (CLP) or original or renewal issuance of a commercial
22 driver's license (CDL) pursuant to the Uniform Commercial
23 Driver's License Act (UCDLA): (i) \$6 of the total fee for an
24 original or renewal CDL, and \$6 of the total CLP fee when such
25 permit is issued to any person holding a valid Illinois
26 driver's license, shall be paid into the CDLIS/AAMVAnet/NMVTIS

1 Trust Fund (Commercial Driver's License Information
2 System/American Association of Motor Vehicle Administrators
3 network/National Motor Vehicle Title Information Service Trust
4 Fund) and shall be used for the purposes provided in Section
5 6z-23 of the State Finance Act and (ii) \$20 of the total fee
6 for an original or renewal CDL or CLP shall be paid into the
7 Motor Carrier Safety Inspection Fund, which is hereby created
8 as a special fund in the State Treasury, to be used by the
9 Illinois ~~Department of State Police~~, subject to appropriation,
10 to hire additional officers to conduct motor carrier safety
11 inspections pursuant to Chapter 18b of this Code.

12 (g) Of the moneys received by the Secretary of State as
13 registration fees or taxes, certificates of title, duplicate
14 certificates of title, corrected certificates of title, or as
15 payment of any other fee under this Code, when those moneys are
16 not otherwise distributed by this Code, 37% shall be deposited
17 into the State Construction Account Fund, and 63% shall be
18 deposited in the Road Fund. Moneys in the Road Fund shall be
19 used for the purposes provided in Section 8.3 of the State
20 Finance Act.

21 (h) (Blank).

22 (i) (Blank).

23 (j) (Blank).

24 (k) There is created in the State Treasury a special fund
25 to be known as the Secretary of State Special License Plate
26 Fund. Money deposited into the Fund shall, subject to

1 appropriation, be used by the Office of the Secretary of State
2 (i) to help defray plate manufacturing and plate processing
3 costs for the issuance and, when applicable, renewal of any new
4 or existing registration plates authorized under this Code and
5 (ii) for grants made by the Secretary of State to benefit
6 Illinois Veterans Home libraries.

7 (l) The Motor Vehicle Review Board Fund is created as a
8 special fund in the State Treasury. Moneys deposited into the
9 Fund under paragraph (7) of subsection (b) of Section 5-101 and
10 Section 5-109 shall, subject to appropriation, be used by the
11 Office of the Secretary of State to administer the Motor
12 Vehicle Review Board, including without limitation payment of
13 compensation and all necessary expenses incurred in
14 administering the Motor Vehicle Review Board under the Motor
15 Vehicle Franchise Act.

16 (m) Effective July 1, 1996, there is created in the State
17 Treasury a special fund to be known as the Family
18 Responsibility Fund. Moneys deposited into the Fund shall,
19 subject to appropriation, be used by the Office of the
20 Secretary of State for the purpose of enforcing the Family
21 Financial Responsibility Law.

22 (n) The Illinois Fire Fighters' Memorial Fund is created as
23 a special fund in the State Treasury. Moneys deposited into the
24 Fund shall, subject to appropriation, be used by the Office of
25 the State Fire Marshal for construction of the Illinois Fire
26 Fighters' Memorial to be located at the State Capitol grounds

1 in Springfield, Illinois. Upon the completion of the Memorial,
2 moneys in the Fund shall be used in accordance with Section
3 3-634.

4 (o) Of the money collected for each certificate of title
5 for all-terrain vehicles and off-highway motorcycles, \$17
6 shall be deposited into the Off-Highway Vehicle Trails Fund.

7 (p) For audits conducted on or after July 1, 2003 pursuant
8 to Section 2-124(d) of this Code, 50% of the money collected as
9 audit fees shall be deposited into the General Revenue Fund.

10 (Source: P.A. 98-176 (See Section 10 of P.A. 98-722 and Section
11 10 of P.A. 99-414 for the effective date of changes made by
12 P.A. 98-176); 98-177, eff. 1-1-14; 98-756, eff. 7-16-14;
13 99-127, eff. 1-1-16; 99-933, eff. 1-27-17.)

14 (625 ILCS 5/3-117.1) (from Ch. 95 1/2, par. 3-117.1)

15 Sec. 3-117.1. When junking certificates or salvage
16 certificates must be obtained.

17 (a) Except as provided in Chapter 4 and Section 3-117.3 of
18 this Code, a person who possesses a junk vehicle shall within
19 15 days cause the certificate of title, salvage certificate,
20 certificate of purchase, or a similarly acceptable
21 out-of-state document of ownership to be surrendered to the
22 Secretary of State along with an application for a junking
23 certificate, except as provided in Section 3-117.2, whereupon
24 the Secretary of State shall issue to such a person a junking
25 certificate, which shall authorize the holder thereof to

1 possess, transport, or, by an endorsement, transfer ownership
2 in such junked vehicle, and a certificate of title shall not
3 again be issued for such vehicle. The owner of a junk vehicle
4 is not required to surrender the certificate of title under
5 this subsection if (i) there is no lienholder on the
6 certificate of title or (ii) the owner of the junk vehicle has
7 a valid lien release from the lienholder releasing all interest
8 in the vehicle and the owner applying for the junk certificate
9 matches the current record on the certificate of title file for
10 the vehicle.

11 A licensee who possesses a junk vehicle and a Certificate
12 of Title, Salvage Certificate, Certificate of Purchase, or a
13 similarly acceptable out-of-state document of ownership for
14 such junk vehicle, may transport the junk vehicle to another
15 licensee prior to applying for or obtaining a junking
16 certificate, by executing a uniform invoice. The licensee
17 transferor shall furnish a copy of the uniform invoice to the
18 licensee transferee at the time of transfer. In any case, the
19 licensee transferor shall apply for a junking certificate in
20 conformance with Section 3-117.1 of this Chapter. The following
21 information shall be contained on a uniform invoice:

22 (1) The business name, address and dealer license
23 number of the person disposing of the vehicle, junk vehicle
24 or vehicle cowl;

25 (2) The name and address of the person acquiring the
26 vehicle, junk vehicle or vehicle cowl, and if that person

1 is a dealer, the Illinois or out-of-state dealer license
2 number of that dealer;

3 (3) The date of the disposition of the vehicle, junk
4 vehicle or vehicle cowl;

5 (4) The year, make, model, color and description of
6 each vehicle, junk vehicle or vehicle cowl disposed of by
7 such person;

8 (5) The manufacturer's vehicle identification number,
9 Secretary of State identification number or Illinois
10 ~~Department of State Police~~ number, for each vehicle, junk
11 vehicle or vehicle cowl part disposed of by such person;

12 (6) The printed name and legible signature of the
13 person or agent disposing of the vehicle, junk vehicle or
14 vehicle cowl; and

15 (7) The printed name and legible signature of the
16 person accepting delivery of the vehicle, junk vehicle or
17 vehicle cowl.

18 The Secretary of State may certify a junking manifest in a
19 form prescribed by the Secretary of State that reflects those
20 vehicles for which junking certificates have been applied or
21 issued. A junking manifest may be issued to any person and it
22 shall constitute evidence of ownership for the vehicle listed
23 upon it. A junking manifest may be transferred only to a person
24 licensed under Section 5-301 of this Code as a scrap processor.
25 A junking manifest will allow the transportation of those
26 vehicles to a scrap processor prior to receiving the junk

1 certificate from the Secretary of State.

2 (b) An application for a salvage certificate shall be
3 submitted to the Secretary of State in any of the following
4 situations:

5 (1) When an insurance company makes a payment of
6 damages on a total loss claim for a vehicle, the insurance
7 company shall be deemed to be the owner of such vehicle and
8 the vehicle shall be considered to be salvage except that
9 ownership of (i) a vehicle that has incurred only hail
10 damage that does not affect the operational safety of the
11 vehicle or (ii) any vehicle 9 model years of age or older
12 may, by agreement between the registered owner and the
13 insurance company, be retained by the registered owner of
14 such vehicle. The insurance company shall promptly deliver
15 or mail within 20 days the certificate of title along with
16 proper application and fee to the Secretary of State, and a
17 salvage certificate shall be issued in the name of the
18 insurance company. Notwithstanding the foregoing, an
19 insurer making payment of damages on a total loss claim for
20 the theft of a vehicle shall not be required to apply for a
21 salvage certificate unless the vehicle is recovered and has
22 incurred damage that initially would have caused the
23 vehicle to be declared a total loss by the insurer.

24 (1.1) When a vehicle of a self-insured company is to be
25 sold in the State of Illinois and has sustained damaged by
26 collision, fire, theft, rust corrosion, or other means so

1 that the self-insured company determines the vehicle to be
2 a total loss, or if the cost of repairing the damage,
3 including labor, would be greater than 70% of its fair
4 market value without that damage, the vehicle shall be
5 considered salvage. The self-insured company shall
6 promptly deliver the certificate of title along with proper
7 application and fee to the Secretary of State, and a
8 salvage certificate shall be issued in the name of the
9 self-insured company. A self-insured company making
10 payment of damages on a total loss claim for the theft of a
11 vehicle may exchange the salvage certificate for a
12 certificate of title if the vehicle is recovered without
13 damage. In such a situation, the self-insured shall fill
14 out and sign a form prescribed by the Secretary of State
15 which contains an affirmation under penalty of perjury that
16 the vehicle was recovered without damage and the Secretary
17 of State may, by rule, require photographs to be submitted.

18 (2) When a vehicle the ownership of which has been
19 transferred to any person through a certificate of purchase
20 from acquisition of the vehicle at an auction, other
21 dispositions as set forth in Sections 4-208 and 4-209 of
22 this Code, or a lien arising under Section 18a-501 of this
23 Code shall be deemed salvage or junk at the option of the
24 purchaser. The person acquiring such vehicle in such manner
25 shall promptly deliver or mail, within 20 days after the
26 acquisition of the vehicle, the certificate of purchase,

1 the proper application and fee, and, if the vehicle is an
2 abandoned mobile home under the Abandoned Mobile Home Act,
3 a certification from a local law enforcement agency that
4 the vehicle was purchased or acquired at a public sale
5 under the Abandoned Mobile Home Act to the Secretary of
6 State and a salvage certificate or junking certificate
7 shall be issued in the name of that person. The salvage
8 certificate or junking certificate issued by the Secretary
9 of State under this Section shall be free of any lien that
10 existed against the vehicle prior to the time the vehicle
11 was acquired by the applicant under this Code.

12 (3) A vehicle which has been repossessed by a
13 lienholder shall be considered to be salvage only when the
14 repossessed vehicle, on the date of repossession by the
15 lienholder, has sustained damage by collision, fire,
16 theft, rust corrosion, or other means so that the cost of
17 repairing such damage, including labor, would be greater
18 than 33 1/3% of its fair market value without such damage.
19 If the lienholder determines that such vehicle is damaged
20 in excess of 33 1/3% of such fair market value, the
21 lienholder shall, before sale, transfer or assignment of
22 the vehicle, make application for a salvage certificate,
23 and shall submit with such application the proper fee and
24 evidence of possession. If the facts required to be shown
25 in subsection (f) of Section 3-114 are satisfied, the
26 Secretary of State shall issue a salvage certificate in the

1 name of the lienholder making the application. In any case
2 wherein the vehicle repossessed is not damaged in excess of
3 33 1/3% of its fair market value, the lienholder shall
4 comply with the requirements of subsections (f), (f-5), and
5 (f-10) of Section 3-114, except that the affidavit of
6 repossession made by or on behalf of the lienholder shall
7 also contain an affirmation under penalty of perjury that
8 the vehicle on the date of sale is not damaged in excess of
9 33 1/3% of its fair market value. If the facts required to
10 be shown in subsection (f) of Section 3-114 are satisfied,
11 the Secretary of State shall issue a certificate of title
12 as set forth in Section 3-116 of this Code. The Secretary
13 of State may by rule or regulation require photographs to
14 be submitted.

15 (4) A vehicle which is a part of a fleet of more than 5
16 commercial vehicles registered in this State or any other
17 state or registered proportionately among several states
18 shall be considered to be salvage when such vehicle has
19 sustained damage by collision, fire, theft, rust,
20 corrosion or similar means so that the cost of repairing
21 such damage, including labor, would be greater than 33 1/3%
22 of the fair market value of the vehicle without such
23 damage. If the owner of a fleet vehicle desires to sell,
24 transfer, or assign his interest in such vehicle to a
25 person within this State other than an insurance company
26 licensed to do business within this State, and the owner

1 determines that such vehicle, at the time of the proposed
2 sale, transfer or assignment is damaged in excess of 33
3 1/3% of its fair market value, the owner shall, before such
4 sale, transfer or assignment, make application for a
5 salvage certificate. The application shall contain with it
6 evidence of possession of the vehicle. If the fleet vehicle
7 at the time of its sale, transfer, or assignment is not
8 damaged in excess of 33 1/3% of its fair market value, the
9 owner shall so state in a written affirmation on a form
10 prescribed by the Secretary of State by rule or regulation.
11 The Secretary of State may by rule or regulation require
12 photographs to be submitted. Upon sale, transfer or
13 assignment of the fleet vehicle the owner shall mail the
14 affirmation to the Secretary of State.

15 (5) A vehicle that has been submerged in water to the
16 point that rising water has reached over the door sill and
17 has entered the passenger or trunk compartment is a "flood
18 vehicle". A flood vehicle shall be considered to be salvage
19 only if the vehicle has sustained damage so that the cost
20 of repairing the damage, including labor, would be greater
21 than 33 1/3% of the fair market value of the vehicle
22 without that damage. The salvage certificate issued under
23 this Section shall indicate the word "flood", and the word
24 "flood" shall be conspicuously entered on subsequent
25 titles for the vehicle. A person who possesses or acquires
26 a flood vehicle that is not damaged in excess of 33 1/3% of

1 its fair market value shall make application for title in
2 accordance with Section 3-116 of this Code, designating the
3 vehicle as "flood" in a manner prescribed by the Secretary
4 of State. The certificate of title issued shall indicate
5 the word "flood", and the word "flood" shall be
6 conspicuously entered on subsequent titles for the
7 vehicle.

8 (6) When any licensed rebuilder, repairer, new or used
9 vehicle dealer, or remittance agent has submitted an
10 application for title to a vehicle (other than an
11 application for title to a rebuilt vehicle) that he or she
12 knows or reasonably should have known to have sustained
13 damages in excess of 33 1/3% of the vehicle's fair market
14 value without that damage; provided, however, that any
15 application for a salvage certificate for a vehicle
16 recovered from theft and acquired from an insurance company
17 shall be made as required by paragraph (1) of this
18 subsection (b).

19 (c) Any person who without authority acquires, sells,
20 exchanges, gives away, transfers or destroys or offers to
21 acquire, sell, exchange, give away, transfer or destroy the
22 certificate of title to any vehicle which is a junk or salvage
23 vehicle shall be guilty of a Class 3 felony.

24 (d) Except as provided under subsection (a), any person who
25 knowingly fails to surrender to the Secretary of State a
26 certificate of title, salvage certificate, certificate of

1 purchase or a similarly acceptable out-of-state document of
2 ownership as required under the provisions of this Section is
3 guilty of a Class A misdemeanor for a first offense and a Class
4 4 felony for a subsequent offense; except that a person
5 licensed under this Code who violates paragraph (5) of
6 subsection (b) of this Section is guilty of a business offense
7 and shall be fined not less than \$1,000 nor more than \$5,000
8 for a first offense and is guilty of a Class 4 felony for a
9 second or subsequent violation.

10 (e) Any vehicle which is salvage or junk may not be driven
11 or operated on roads and highways within this State. A
12 violation of this subsection is a Class A misdemeanor. A
13 salvage vehicle displaying valid special plates issued under
14 Section 3-601(b) of this Code, which is being driven to or from
15 an inspection conducted under Section 3-308 of this Code, is
16 exempt from the provisions of this subsection. A salvage
17 vehicle for which a short term permit has been issued under
18 Section 3-307 of this Code is exempt from the provisions of
19 this subsection for the duration of the permit.

20 (Source: P.A. 100-104, eff. 11-9-17; 100-956, eff. 1-1-19;
21 100-1083, eff. 1-1-19; 101-81, eff. 7-12-19.)

22 (625 ILCS 5/3-405) (from Ch. 95 1/2, par. 3-405)

23 Sec. 3-405. Application for registration.

24 (a) Every owner of a vehicle subject to registration under
25 this Code shall make application to the Secretary of State for

1 the registration of such vehicle upon the appropriate form or
2 forms furnished by the Secretary. Every such application shall
3 bear the signature of the owner written with pen and ink and
4 contain:

5 1. The name, domicile address, as defined in Section
6 1-115.5 of this Code, (except as otherwise provided in this
7 paragraph 1), mail address of the owner or business address
8 of the owner if a firm, association, or corporation, and,
9 if available, email address of the owner. If the mailing
10 address is a post office box number, the address listed on
11 the driver license record may be used to verify residence.
12 A police officer, a deputy sheriff, an elected sheriff, a
13 law enforcement officer for the Illinois ~~Department of~~
14 State Police, a fire investigator, a state's attorney, an
15 assistant state's attorney, a state's attorney special
16 investigator, or a judicial officer may elect to furnish
17 the address of the headquarters of the governmental entity,
18 police district, or business address where he or she works
19 instead of his or her domicile address, in which case that
20 address shall be deemed to be his or her domicile address
21 for all purposes under this Chapter 3. The spouse and
22 children of a person who may elect under this paragraph 1
23 to furnish the address of the headquarters of the
24 government entity, police district, or business address
25 where the person works instead of the person's domicile
26 address may, if they reside with that person, also elect to

1 furnish the address of the headquarters of the government
2 entity, police district, or business address where the
3 person works as their domicile address, in which case that
4 address shall be deemed to be their domicile address for
5 all purposes under this Chapter 3. In this paragraph 1: (A)
6 "police officer" has the meaning ascribed to "policeman" in
7 Section 10-3-1 of the Illinois Municipal Code; (B) "deputy
8 sheriff" means a deputy sheriff appointed under Section
9 3-6008 of the Counties Code; (C) "elected sheriff" means a
10 sheriff commissioned pursuant to Section 3-6001 of the
11 Counties Code; (D) "fire investigator" means a person
12 classified as a peace officer under the Peace Officer Fire
13 Investigation Act; (E) "state's attorney", "assistant
14 state's attorney", and "state's attorney special
15 investigator" mean a state's attorney, assistant state's
16 attorney, and state's attorney special investigator
17 commissioned or appointed under Division 3-9 of the
18 Counties Code; and (F) "judicial officer" has the meaning
19 ascribed to it in Section 1-10 of the Judicial Privacy Act.

20 2. A description of the vehicle, including such
21 information as is required in an application for a
22 certificate of title, determined under such standard
23 rating as may be prescribed by the Secretary.

24 3. (Blank).

25 4. Such further information as may reasonably be
26 required by the Secretary to enable him to determine

1 whether the vehicle is lawfully entitled to registration
2 and the owner entitled to a certificate of title.

3 5. An affirmation by the applicant that all information
4 set forth is true and correct. If the application is for
5 the registration of a motor vehicle, the applicant also
6 shall affirm that the motor vehicle is insured as required
7 by this Code, that such insurance will be maintained
8 throughout the period for which the motor vehicle shall be
9 registered, and that neither the owner, nor any person
10 operating the motor vehicle with the owner's permission,
11 shall operate the motor vehicle unless the required
12 insurance is in effect. If the person signing the
13 affirmation is not the sole owner of the vehicle, such
14 person shall be deemed to have affirmed on behalf of all
15 the owners of the vehicle. If the person signing the
16 affirmation is not an owner of the vehicle, such person
17 shall be deemed to have affirmed on behalf of the owner or
18 owners of the vehicle. The lack of signature on the
19 application shall not in any manner exempt the owner or
20 owners from any provisions, requirements or penalties of
21 this Code.

22 (b) When such application refers to a new vehicle purchased
23 from a dealer the application shall be accompanied by a
24 Manufacturer's Statement of Origin from the dealer, and a
25 statement showing any lien retained by the dealer.

26 (Source: P.A. 100-145, eff. 1-1-18.)

1 (625 ILCS 5/3-416) (from Ch. 95 1/2, par. 3-416)

2 Sec. 3-416. Notice of change of address or name.

3 (a) Whenever any person after making application for or
4 obtaining the registration of a vehicle shall move from the
5 address named in the application or shown upon a registration
6 card such person shall within 10 days thereafter notify the
7 Secretary of State of his or her old and new address.

8 (a-5) A police officer, a deputy sheriff, an elected
9 sheriff, a law enforcement officer for the Illinois ~~Department~~
10 ~~of State Police~~, or a fire investigator who, in accordance with
11 Section 3-405, has furnished the address of the office of the
12 headquarters of the governmental entity or police district
13 where he or she works instead of his or her domicile address
14 shall, within 10 days after he or she is no longer employed by
15 that governmental entity or police district as a police
16 officer, a deputy sheriff, an elected sheriff, a law
17 enforcement officer for the Illinois ~~Department of State Police~~
18 or a fire investigator, notify the Secretary of State of the
19 old address and his or her new address. If, in accordance with
20 Section 3-405, the spouse and children of a police officer,
21 deputy sheriff, elected sheriff, law enforcement officer for
22 the Illinois ~~Department of State Police~~, or fire investigator
23 have furnished the address of the office of the headquarters of
24 the governmental entity or police district where the police
25 officer, deputy sheriff, elected sheriff, law enforcement

1 officer for the Illinois ~~Department of~~ State Police, or fire
2 investigator works instead of their domicile address, the
3 spouse and children shall notify the Secretary of State of
4 their old address and new address within 10 days after the
5 police officer, deputy sheriff, elected sheriff, law
6 enforcement officer for the Illinois ~~Department of~~ State
7 Police, or fire investigator is no longer employed by that
8 governmental entity or police district as a police officer,
9 deputy sheriff, elected sheriff, law enforcement officer for
10 the Illinois ~~Department of~~ State Police, or fire investigator.

11 (b) Whenever the name of any person who has made
12 application for or obtained the registration of a vehicle is
13 thereafter changed by marriage or otherwise such person shall
14 within 10 days notify the Secretary of State of such former and
15 new name.

16 (c) In either event, any such person may obtain a corrected
17 registration card or certificate of title upon application and
18 payment of the statutory fee.

19 (Source: P.A. 94-239, eff. 1-1-06; 95-207, eff. 1-1-08.)

20 (625 ILCS 5/4-107) (from Ch. 95 1/2, par. 4-107)

21 Sec. 4-107. Stolen, converted, recovered and unclaimed
22 vehicles.

23 (a) Every Sheriff, Superintendent of police, Chief of
24 police or other police officer in command of any Police
25 department in any City, Village or Town of the State, shall, by

1 the fastest means of communications available to his law
2 enforcement agency, immediately report to the Illinois State
3 Police, in Springfield, Illinois, the theft or recovery of any
4 stolen or converted vehicle within his district or
5 jurisdiction. The report shall give the date of theft,
6 description of the vehicle including color, year of
7 manufacture, manufacturer's trade name, manufacturer's series
8 name, body style, vehicle identification number and license
9 registration number, including the state in which the license
10 was issued and the year of issuance, together with the name,
11 residence address, business address, and telephone number of
12 the owner. The report shall be routed by the originating law
13 enforcement agency through the Illinois State Police District
14 in which such agency is located.

15 (b) A registered owner or a lienholder may report the theft
16 by conversion of a vehicle, to the Illinois State Police, or
17 any other police department or Sheriff's office. Such report
18 will be accepted as a report of theft and processed only if a
19 formal complaint is on file and a warrant issued.

20 (c) An operator of a place of business for garaging,
21 repairing, parking or storing vehicles for the public, in which
22 a vehicle remains unclaimed, after being left for the purpose
23 of garaging, repairing, parking or storage, for a period of 15
24 days, shall, within 5 days after the expiration of that period,
25 report the vehicle as unclaimed to the municipal police when
26 the vehicle is within the corporate limits of any City, Village

1 or incorporated Town, or the County Sheriff, or State Police
2 when the vehicle is outside the corporate limits of a City,
3 Village or incorporated Town. This Section does not apply to
4 any vehicle:

5 (1) removed to a place of storage by a law enforcement
6 agency having jurisdiction, in accordance with Sections
7 4-201 and 4-203 of this Act; or

8 (2) left under a garaging, repairing, parking, or
9 storage order signed by the owner, lessor, or other legally
10 entitled person.

11 Failure to comply with this Section will result in the
12 forfeiture of storage fees for that vehicle involved.

13 (d) The Illinois State Police shall keep a complete record
14 of all reports filed under this Section of the Act. Upon
15 receipt of such report, a careful search shall be made of the
16 records of the office of the Illinois State Police, and where
17 it is found that a vehicle reported recovered was stolen in a
18 County, City, Village or Town other than the County, City,
19 Village or Town in which it is recovered, the Illinois State
20 Police shall immediately notify the Sheriff, Superintendent of
21 police, Chief of police, or other police officer in command of
22 the Sheriff's office or Police department of the County, City,
23 Village or Town in which the vehicle was originally reported
24 stolen, giving complete data as to the time and place of
25 recovery.

26 (e) Notification of the theft or conversion of a vehicle

1 will be furnished to the Secretary of State by the Illinois
2 State Police. The Secretary of State shall place the proper
3 information in the license registration and title registration
4 files to indicate the theft or conversion of a motor vehicle or
5 other vehicle. Notification of the recovery of a vehicle
6 previously reported as a theft or a conversion will be
7 furnished to the Secretary of State by the Illinois State
8 Police. The Secretary of State shall remove the proper
9 information from the license registration and title
10 registration files that has previously indicated the theft or
11 conversion of a vehicle. The Secretary of State shall suspend
12 the registration of a vehicle upon receipt of a report from the
13 Illinois State Police that such vehicle was stolen or
14 converted.

15 (f) When the Secretary of State receives an application for
16 a certificate of title or an application for registration of a
17 vehicle and it is determined from the records of the office of
18 the Secretary of State that such vehicle has been reported
19 stolen or converted, the Secretary of State shall immediately
20 notify the Illinois State Police or the Secretary of State
21 Department of Police and shall give the Illinois State Police
22 or the Secretary of State Department of Police the name and
23 address of the person or firm titling or registering the
24 vehicle, together with all other information contained in the
25 application submitted by such person or firm. If the Secretary
26 of State Department of Police receives notification under this

1 subsection (f), it shall conduct an investigation concerning
2 the identity of the registered owner of the stolen or converted
3 vehicle.

4 (g) During the usual course of business the manufacturer of
5 any vehicle shall place an original manufacturer's vehicle
6 identification number on all such vehicles manufactured and on
7 any part of such vehicles requiring an identification number.

8 (h) Except provided in subsection (h-1), if a
9 manufacturer's vehicle identification number is missing or has
10 been removed, changed or mutilated on any vehicle, or any part
11 of such vehicle requiring an identification number, the
12 Illinois State Police or the Secretary of State Department of
13 Police shall restore, restamp or reaffix the vehicle
14 identification number plate, or affix a new plate bearing the
15 original manufacturer's vehicle identification number on each
16 such vehicle and on all necessary parts of the vehicles. A
17 vehicle identification number so affixed, restored, restamped,
18 reaffixed or replaced is not falsified, altered or forged
19 within the meaning of this Act.

20 (h-1) A person engaged in the repair or servicing of
21 vehicles may reaffix a manufacturer's identification number
22 plate on the same damaged vehicle from which it was originally
23 removed, if the person reaffixes the original manufacturer's
24 identification number plate in place of the identification
25 number plate affixed on a new dashboard that has been installed
26 in the vehicle. The person must notify the Secretary of State

1 each time the original manufacturer's identification number
2 plate is reaffixed on a vehicle. The person must keep a record
3 indicating that the identification number plate affixed on the
4 new dashboard has been removed and has been replaced by the
5 manufacturer's identification number plate originally affixed
6 on the vehicle. The person also must keep a record regarding
7 the status and location of the identification number plate
8 removed from the replacement dashboard. The Secretary shall
9 adopt rules for implementing this subsection (h-1).

10 (h-2) The owner of a vehicle repaired under subsection
11 (h-1) must, within 90 days of the date of the repairs, contact
12 an officer of the Illinois State Police Vehicle Inspection
13 Bureau and arrange for an inspection of the vehicle, by the
14 officer or the officer's designee, at a mutually agreed upon
15 date and location.

16 (i) If a vehicle or part of any vehicle is found to have
17 the manufacturer's identification number removed, altered,
18 defaced or destroyed, the vehicle or part shall be seized by
19 any law enforcement agency having jurisdiction and held for the
20 purpose of identification. In the event that the manufacturer's
21 identification number of a vehicle or part cannot be
22 identified, the vehicle or part shall be considered contraband,
23 and no right of property shall exist in any person owning,
24 leasing or possessing such property, unless the person owning,
25 leasing or possessing the vehicle or part acquired such without
26 knowledge that the manufacturer's vehicle identification

1 number has been removed, altered, defaced, falsified or
2 destroyed.

3 Either the seizing law enforcement agency or the State's
4 Attorney of the county where the seizure occurred may make an
5 application for an order of forfeiture to the circuit court in
6 the county of seizure. The application for forfeiture shall be
7 independent from any prosecution arising out of the seizure and
8 is not subject to any final determination of such prosecution.
9 The circuit court shall issue an order forfeiting the property
10 to the seizing law enforcement agency if the court finds that
11 the property did not at the time of seizure possess a valid
12 manufacturer's identification number and that the original
13 manufacturer's identification number cannot be ascertained.
14 The seizing law enforcement agency may:

15 (1) retain the forfeited property for official use; or
16 (2) sell the forfeited property and distribute the
17 proceeds in accordance with Section 4-211 of this Code, or
18 dispose of the forfeited property in such manner as the law
19 enforcement agency deems appropriate.

20 (i-1) If a motorcycle is seized under subsection (i), the
21 motorcycle must be returned within 45 days of the date of
22 seizure to the person from whom it was seized, unless (i)
23 criminal charges are pending against that person or (ii) an
24 application for an order of forfeiture has been submitted to
25 the circuit in the county of seizure or (iii) the circuit court
26 in the county of seizure has received from the seizing law

1 enforcement agency and has granted a petition to extend, for a
2 single 30 day period, the 45 days allowed for return of the
3 motorcycle. Except as provided in subsection (i-2), a
4 motorcycle returned to the person from whom it was seized must
5 be returned in essentially the same condition it was in at the
6 time of seizure.

7 (i-2) If any part or parts of a motorcycle seized under
8 subsection (i) are found to be stolen and are removed, the
9 seizing law enforcement agency is not required to replace the
10 part or parts before returning the motorcycle to the person
11 from whom it was seized.

12 (j) The Illinois State Police or the Secretary of State
13 Department of Police shall notify the Secretary of State each
14 time a manufacturer's vehicle identification number is
15 affixed, reaffixed, restored or restamped on any vehicle. The
16 Secretary of State shall make the necessary changes or
17 corrections in his records, after the proper applications and
18 fees have been submitted, if applicable.

19 (k) Any vessel, vehicle or aircraft used with knowledge and
20 consent of the owner in the commission of, or in the attempt to
21 commit as defined in Section 8-4 of the Criminal Code of 2012,
22 an offense prohibited by Section 4-103 of this Chapter,
23 including transporting of a stolen vehicle or stolen vehicle
24 parts, shall be seized by any law enforcement agency. The
25 seizing law enforcement agency may:

26 (1) return the vehicle to its owner if such vehicle is

1 stolen; or

2 (2) confiscate the vehicle and retain it for any
3 purpose which the law enforcement agency deems
4 appropriate; or

5 (3) sell the vehicle at a public sale or dispose of the
6 vehicle in such other manner as the law enforcement agency
7 deems appropriate.

8 If the vehicle is sold at public sale, the proceeds of the
9 sale shall be paid to the law enforcement agency.

10 The law enforcement agency shall not retain, sell or
11 dispose of a vehicle under paragraphs (2) or (3) of this
12 subsection (k) except upon an order of forfeiture issued by the
13 circuit court. The circuit court may issue such order of
14 forfeiture upon application of the law enforcement agency or
15 State's Attorney of the county where the law enforcement agency
16 has jurisdiction, or in the case of the Illinois ~~Department of~~
17 State Police or the Secretary of State, upon application of the
18 Attorney General.

19 The court shall issue the order if the owner of the vehicle
20 has been convicted of transporting stolen vehicles or stolen
21 vehicle parts and the evidence establishes that the owner's
22 vehicle has been used in the commission of such offense.

23 The provisions of subsection (k) of this Section shall not
24 apply to any vessel, vehicle or aircraft, which has been
25 leased, rented or loaned by its owner, if the owner did not
26 have knowledge of and consent to the use of the vessel, vehicle

1 or aircraft in the commission of, or in an attempt to commit,
2 an offense prohibited by Section 4-103 of this Chapter.

3 (Source: P.A. 100-956, eff. 1-1-19.)

4 (625 ILCS 5/4-109)

5 Sec. 4-109. Motor Vehicle Theft Prevention Program. The
6 Secretary of State, in conjunction with the Motor Vehicle Theft
7 Prevention and Insurance Verification Council, is hereby
8 authorized to establish and operate a Motor Vehicle Theft
9 Prevention Program as follows:

10 (a) Voluntary program participation.

11 (b) The registered owner of a motor vehicle interested in
12 participating in the program shall sign an informed consent
13 agreement designed by the Secretary of State under subsection
14 (e) of this Section indicating that the motor vehicle
15 registered to him is not normally operated between the hours of
16 1:00 a.m. and 5:00 a.m. The form and fee, if any, shall be
17 submitted to the Secretary of State for processing.

18 (c) Upon processing the form, the Secretary of State shall
19 issue to the registered owner a decal. The registered owner
20 shall affix the decal in a conspicuous place on his motor
21 vehicle as prescribed by the Secretary of State.

22 (d) Whenever any law enforcement officer shall see a motor
23 vehicle displaying a decal issued under the provisions of
24 subsection (c) of this Section being operated upon the public
25 highways of this State between the hours of 1:00 a.m. and 5:00

1 a.m., the officer is authorized to stop that motor vehicle and
2 to request the driver to produce a valid driver's license and
3 motor vehicle registration card if required to be carried in
4 the vehicle. Whenever the operator of a motor vehicle
5 displaying a decal is unable to produce the documentation set
6 forth in this Section, the police officer shall investigate
7 further to determine if the person operating the motor vehicle
8 is the registered owner or has the authorization of the owner
9 to operate the vehicle.

10 (e) The Secretary of State, in consultation with the
11 Director of the Illinois ~~Department of~~ State Police and Motor
12 Vehicle Theft Prevention and Insurance Verification Council,
13 shall design the manner and form of the informed consent
14 agreement required under subsection (b) of this Section and the
15 decal required under subsection (c) of this Section.

16 (f) The Secretary of State shall provide for the recording
17 of registered owners of motor vehicles who participate in the
18 program. The records shall be available to all law enforcement
19 departments, agencies, and forces. The Secretary of State shall
20 cooperate with and assist all law enforcement officers and
21 other agencies in tracing or examining any questionable motor
22 vehicles in order to determine the ownership of the motor
23 vehicles.

24 (g) A fee not to exceed \$10 may be charged for the informed
25 consent form and decal provided under this Section. The fee, if
26 any, shall be set by the Motor Vehicle Theft Prevention and

1 Insurance Verification Council and shall be collected by the
2 Secretary of State and deposited into the Motor Vehicle Theft
3 Prevention and Insurance Verification Trust Fund.

4 (h) The Secretary of State, in consultation with the
5 Director of the Illinois ~~Department of~~ State Police and the
6 Motor Vehicle Theft Prevention and Insurance Verification
7 Council shall promulgate rules and regulations to effectuate
8 the purposes of this Section.

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

10 (625 ILCS 5/4-202) (from Ch. 95 1/2, par. 4-202)

11 Sec. 4-202. Abandoned, lost, stolen or unclaimed vehicle
12 notification to law enforcement agencies.

13 When an abandoned, lost, stolen or unclaimed vehicle comes
14 into the temporary possession or custody of a person in this
15 State, not the owner of the vehicle, such person shall
16 immediately notify the municipal police when the vehicle is
17 within the corporate limits of any city, village or town having
18 a duly authorized police department, or the State Police or the
19 county sheriff when the vehicle is outside the corporate limits
20 of a city, village or town. Upon receipt of such notification,
21 the municipal police, Illinois State Police or county sheriff
22 will authorize a towing service to remove and take possession
23 of the abandoned, lost, stolen or unclaimed vehicle. The towing
24 service will safely keep the towed vehicle and its contents,
25 maintain a record of the tow as set forth in Section 4-204 for

1 law enforcement agencies, until the vehicle is claimed by the
2 owner or any other person legally entitled to possession
3 thereof or until it is disposed of as provided in this Chapter.
4 (Source: P.A. 78-858.)

5 (625 ILCS 5/4-203.5)

6 Sec. 4-203.5. Tow rotation list.

7 (a) Each law enforcement agency whose duties include the
8 patrol of highways in this State shall maintain a tow rotation
9 list which shall be used by law enforcement officers
10 authorizing the tow of a vehicle within the jurisdiction of the
11 law enforcement agency. To ensure adequate response time, a law
12 enforcement agency may maintain multiple tow rotation lists,
13 with each tow rotation list covering tows authorized in
14 different geographic locations within the jurisdiction of the
15 law enforcement agency. A towing service may be included on
16 more than one tow rotation list.

17 (b) Any towing service operating within the jurisdiction of
18 a law enforcement agency may submit an application in a form
19 and manner prescribed by the law enforcement agency for
20 inclusion on the law enforcement agency's tow rotation list.
21 The towing service does not need to be located within the
22 jurisdiction of the law enforcement agency. To be included on a
23 tow rotation list the towing service must meet the following
24 requirements:

25 (1) possess a license permitting the towing service to

1 operate in every unit of local government in the law
2 enforcement agency's jurisdiction that requires a license
3 for the operation of a towing service;

4 (2) if required by the law enforcement agency for
5 inclusion on that law enforcement agency's tow rotation
6 list, each owner of the towing service and each person
7 operating a vehicle on behalf of the towing service shall
8 submit his or her fingerprints to the Illinois Department
9 ~~of State Police~~ in the form and manner prescribed by the
10 Illinois Department ~~of State Police~~. These fingerprints
11 should be transmitted through a live scan fingerprint
12 vendor licensed by the Department of Financial and
13 Professional Regulation. These fingerprints shall be
14 checked against the fingerprint records now and hereafter
15 filed in the Illinois Department ~~of State Police~~ and
16 Federal Bureau of Investigation criminal history records
17 databases. The Illinois Department ~~of State Police~~ shall
18 charge a fee for conducting the criminal history record
19 check, which shall be deposited in the State Police
20 Services Fund and shall not exceed the actual cost of the
21 State and national criminal history record check. The
22 Illinois Department ~~of State Police~~ shall furnish,
23 pursuant to positive identification, all Illinois
24 conviction information to the law enforcement agency
25 maintaining the tow rotation list and shall forward the
26 national criminal history record information to the law

1 enforcement agency maintaining the tow rotation list. A
2 person may not own a towing service or operate a vehicle on
3 behalf of a towing service included on a tow rotation list
4 if that person has been convicted during the 5 years
5 preceding the application of a criminal offense involving
6 one or more of the following:

7 (A) bodily injury or attempt to inflict bodily
8 injury to another person;

9 (B) theft of property or attempted theft of
10 property; or

11 (C) sexual assault or attempted sexual assault of
12 any kind;

13 (3) each person operating a vehicle on behalf of the
14 towing service must be classified for the type of towing
15 operation he or she shall be performing and the vehicle he
16 or she shall be operating;

17 (4) possess and maintain the following insurance in
18 addition to any other insurance required by law:

19 (A) comprehensive automobile liability insurance
20 with a minimum combined single limit coverage of
21 \$1,000,000;

22 (B) commercial general liability insurance with
23 limits of not less than \$1,000,000 per occurrence,
24 \$100,000 minimum garage keepers legal liability
25 insurance, and \$100,000 minimum on-hook coverage or
26 cargo insurance; and

1 (C) a worker's compensation policy covering every
2 person operating a tow truck on behalf of the towing
3 service, if required under current law;

4 (5) possess a secure parking lot used for short-term
5 vehicle storage after a vehicle is towed that is open
6 during business hours and is equipped with security
7 features as required by the law enforcement agency;

8 (6) utilize only vehicles that possess a valid vehicle
9 registration, display a valid Illinois license plate in
10 accordance with Section 5-202 of this Code, and comply with
11 the weight requirements of this Code;

12 (7) every person operating a towing or recovery vehicle
13 on behalf of the towing service must have completed a
14 Traffic Incident Management Training Program approved by
15 the Department of Transportation;

16 (8) hold a valid authority issued to it by the Illinois
17 Commerce Commission;

18 (9) comply with all other applicable federal, State,
19 and local laws; and

20 (10) comply with any additional requirements the
21 applicable law enforcement agency deems necessary.

22 The law enforcement agency may select which towing services
23 meeting the requirements of this subsection (b) shall be
24 included on a tow rotation list. The law enforcement agency may
25 choose to have only one towing service on its tow rotation
26 list. Complaints regarding the process for inclusion on a tow

1 rotation list or the use of a tow rotation list may be referred
2 in writing to the head of the law enforcement agency
3 administering that tow rotation list. The head of the law
4 enforcement agency shall make the final determination as to
5 which qualified towing services shall be included on a tow
6 rotation list, and shall not be held liable for the exclusion
7 of any towing service from a tow rotation list.

8 (c) Whenever a law enforcement officer initiates a tow of a
9 vehicle, the officer shall contact his or her law enforcement
10 agency and inform the agency that a tow has been authorized.
11 The law enforcement agency shall then select a towing service
12 from the law enforcement agency's tow rotation list
13 corresponding to the geographical area where the tow was
14 authorized, and shall contact that towing service directly by
15 phone, computer, or similar means. Towing services shall be
16 contacted in the order listed on the appropriate tow rotation
17 list, at which point the towing service shall be placed at the
18 end of that tow rotation list. In the event a listed towing
19 service is not available, the next listed towing service on
20 that tow rotation list shall be contacted.

21 (d) A law enforcement agency may deviate from the order
22 listed on a tow rotation list if the towing service next on
23 that tow rotation list is, in the judgment of the authorizing
24 officer or the law enforcement agency making the selection,
25 incapable of or not properly equipped for handling a specific
26 task related to the tow that requires special skills or

1 equipment. A deviation from the order listed on the tow
2 rotation list for this reason shall not cause a loss of
3 rotation turn by the towing service determined to be incapable
4 or not properly equipped for handling the request.

5 (e) In the event of an emergency a law enforcement officer
6 or agency, taking into account the safety and location of the
7 situation, may deviate from the order of the tow rotation list
8 and obtain towing service from any source deemed appropriate.

9 (f) If the owner or operator of a disabled vehicle is
10 present at the scene of the disabled vehicle, is not under
11 arrest, and does not abandon his or her vehicle, and in the law
12 enforcement officer's opinion the disabled vehicle is not
13 impeding or obstructing traffic, illegally parked, or posing a
14 security or safety risk, the law enforcement officer shall
15 allow the owner of the vehicle to specify a towing service to
16 relocate the disabled vehicle. If the owner chooses not to
17 specify a towing service, the law enforcement agency shall
18 select a towing service for the vehicle as provided in
19 subsection (c) of this Section.

20 (g) If a tow operator is present or arrives where a tow is
21 needed and it has not been requested by the law enforcement
22 agency or the owner or operator, the law enforcement officer,
23 unless acting under Section 11-1431 of this Code, shall advise
24 the tow operator to leave the scene.

25 (h) Nothing contained in this Section shall apply to a law
26 enforcement agency having jurisdiction solely over a

1 municipality with a population over 1,000,000.

2 (Source: P.A. 99-438, eff. 1-1-16.)

3 (625 ILCS 5/4-205) (from Ch. 95 1/2, par. 4-205)

4 Sec. 4-205. Record searches.

5 (a) When a law enforcement agency authorizing the
6 impounding of a vehicle does not know the identity of the
7 registered owner, lienholder or other legally entitled person,
8 that law enforcement agency will cause the vehicle registration
9 records of the State of Illinois to be searched by the
10 Secretary of State for the purpose of obtaining the required
11 ownership information.

12 (b) The law enforcement agency authorizing the impounding
13 of a vehicle will cause the stolen motor vehicle files of the
14 Illinois State Police to be searched by a directed
15 communication to the Illinois State Police for stolen or wanted
16 information on the vehicle. When the Illinois State Police
17 files are searched with negative results, the information
18 contained in the National Crime Information Center (NCIC) files
19 will be searched by the Illinois State Police. The information
20 determined from these record searches will be returned to the
21 requesting law enforcement agency for that agency's use in
22 sending a notification by certified mail to the registered
23 owner, lienholder and other legally entitled persons advising
24 where the vehicle is held, requesting a disposition be made and
25 setting forth public sale information. Notification shall be

1 sent no later than 10 business days after the date the law
2 enforcement agency impounds or authorizes the impounding of a
3 vehicle, provided that if the law enforcement agency is unable
4 to determine the identity of the registered owner, lienholder
5 or other person legally entitled to ownership of the impounded
6 vehicle within a 10 business day period after impoundment, then
7 notification shall be sent no later than 2 days after the date
8 the identity of the registered owner, lienholder or other
9 person legally entitled to ownership of the impounded vehicle
10 is determined. Exceptions to a notification by certified mail
11 to the registered owner, lienholder and other legally entitled
12 persons are set forth in Section 4-209 of this Code.

13 (c) When ownership information is needed for a towing
14 service to give notification as required under this Code, the
15 towing service may cause the vehicle registration records of
16 the State of Illinois to be searched by the Secretary of State,
17 and in such case, the towing service also shall give notice to
18 all lienholders of record within the time period required for
19 such other notices.

20 The written request of a towing service, in the form and
21 containing the information prescribed by the Secretary of State
22 by rule, may be transmitted to the Secretary of State in
23 person, by U.S. mail or other delivery service, by facsimile
24 transmission, or by other means the Secretary of State deems
25 acceptable.

26 The Secretary of State shall provide the required

1 information, or a statement that the information was not found
2 in the vehicle registration records of the State, by U.S. mail
3 or other delivery service, facsimile transmission, as
4 requested by the towing service, or by other means acceptable
5 to the Secretary of State.

6 (d) The Secretary of State may prescribe standards and
7 procedures for submission of requests for record searches and
8 replies via computer link.

9 (e) Fees for services provided under this Section shall be
10 in amounts prescribed by the Secretary of State under Section
11 3-821.1 of this Code. Payment may be made by the towing service
12 using cash, any commonly accepted credit card, or any other
13 means of payment deemed acceptable by the Secretary of State.

14 (Source: P.A. 95-838, eff. 8-15-08.)

15 (625 ILCS 5/4-206) (from Ch. 95 1/2, par. 4-206)

16 Sec. 4-206. Identifying and tracing of vehicle ownership by
17 Illinois State Police. When the registered owner, lienholder or
18 other person legally entitled to the possession of a vehicle
19 cannot be identified from the registration files of this State
20 or from the registration files of a foreign state, if
21 applicable, the law enforcement agency having custody of the
22 vehicle shall notify the Illinois State Police, for the purpose
23 of identifying the vehicle owner or other person legally
24 entitled to the possession of the vehicle. The information
25 obtained by the Illinois State Police will be immediately

1 forwarded to the law enforcement agency having custody of the
2 vehicle for notification purposes as set forth in Section 4-205
3 of this Code.

4 (Source: P.A. 82-363.)

5 (625 ILCS 5/4-209) (from Ch. 95 1/2, par. 4-209)

6 Sec. 4-209. Disposal of unclaimed vehicles more than 7
7 years of age; disposal of abandoned or unclaimed vehicles
8 without notice.

9 (a) When the identity of the registered owner, lienholder,
10 or other legally entitled persons of an abandoned, lost, or
11 unclaimed vehicle of 7 years of age or newer cannot be
12 determined by any means provided for in this Chapter, the
13 vehicle may be sold as provided in Section 4-208 without notice
14 to any person whose identity cannot be determined.

15 (b) When an abandoned vehicle of more than 7 years of age
16 is impounded as specified by this Chapter, or when any such
17 vehicle is towed at the request or with the consent of the
18 owner or operator and is subsequently abandoned, it will be
19 kept in custody or storage for a minimum of 10 days for the
20 purpose of determining the identity of the registered owner,
21 lienholder, or other legally entitled persons and contacting
22 the registered owner, lienholder, or other legally entitled
23 persons by the U. S. Mail, public service or in person for a
24 determination of disposition; and, an examination of the
25 Illinois State Police stolen vehicle files for theft and wanted

1 information. At the expiration of the 10 day period, without
2 the benefit of disposition information being received from the
3 registered owner, lienholder, or other legally entitled
4 persons, the vehicle may be disposed of in either of the
5 following ways:

6 (1) The law enforcement agency having jurisdiction
7 will authorize the disposal of the vehicle as junk or
8 salvage.

9 (2) The towing service may sell the vehicle in the
10 manner provided in Section 4-208 of this Code, provided
11 that this paragraph (2) shall not apply to vehicles towed
12 by order or authorization of a law enforcement agency.

13 (c) A vehicle classified as an antique vehicle,
14 expanded-use antique vehicle, custom vehicle, or street rod may
15 however be sold to a person desiring to restore it.

16 (Source: P.A. 97-412, eff. 1-1-12.)

17 (625 ILCS 5/4-302) (from Ch. 95 1/2, par. 4-302)

18 Sec. 4-302. Vehicle Recycling Board. There is hereby
19 created the Vehicle Recycling Board of the State of Illinois
20 composed of the Secretary of Transportation, the Director of
21 the Illinois State Police, the Director of Public Health, the
22 Director of the Environmental Protection Agency, ~~the~~
23 ~~Superintendent of State Troopers~~ or their designated
24 representatives. The Governor shall designate the Chairman and
25 Secretary of the Board.

1 The Board shall appoint an advisory committee, of no less
2 than 10 members, to include an official representative of the
3 Office of the Secretary of State as designated by the
4 Secretary; and other appropriate representatives from such
5 sources as: statewide associations of city, county and township
6 governing bodies; knowledgeable successful leaders from the
7 auto recycling private sector; the State associations of chiefs
8 of police, county sheriffs, police officers; and State agencies
9 having a direct or indirect relationship with vehicle
10 recycling.

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

12 (625 ILCS 5/5-102) (from Ch. 95 1/2, par. 5-102)

13 Sec. 5-102. Used vehicle dealers must be licensed.

14 (a) No person, other than a licensed new vehicle dealer,
15 shall engage in the business of selling or dealing in, on
16 consignment or otherwise, 5 or more used vehicles of any make
17 during the year (except house trailers as authorized by
18 paragraph (j) of this Section and rebuilt salvage vehicles sold
19 by their rebuilders to persons licensed under this Chapter), or
20 act as an intermediary, agent or broker for any licensed dealer
21 or vehicle purchaser (other than as a salesperson) or represent
22 or advertise that he is so engaged or intends to so engage in
23 such business unless licensed to do so by the Secretary of
24 State under the provisions of this Section.

25 (b) An application for a used vehicle dealer's license

1 shall be filed with the Secretary of State, duly verified by
2 oath, in such form as the Secretary of State may by rule or
3 regulation prescribe and shall contain:

4 1. The name and type of business organization
5 established and additional places of business, if any, in
6 this State.

7 2. If the applicant is a corporation, a list of its
8 officers, directors, and shareholders having a ten percent
9 or greater ownership interest in the corporation, setting
10 forth the residence address of each; if the applicant is a
11 sole proprietorship, a partnership, an unincorporated
12 association, a trust, or any similar form of business
13 organization, the names and residence address of the
14 proprietor or of each partner, member, officer, director,
15 trustee or manager.

16 3. A statement that the applicant has been approved for
17 registration under the Retailers' Occupation Tax Act by the
18 Department of Revenue. However, this requirement does not
19 apply to a dealer who is already licensed hereunder with
20 the Secretary of State, and who is merely applying for a
21 renewal of his license. As evidence of this fact, the
22 application shall be accompanied by a certification from
23 the Department of Revenue showing that the Department has
24 approved the applicant for registration under the
25 Retailers' Occupation Tax Act.

26 4. A statement that the applicant has complied with the

1 appropriate liability insurance requirement. A Certificate
2 of Insurance in a solvent company authorized to do business
3 in the State of Illinois shall be included with each
4 application covering each location at which he proposes to
5 act as a used vehicle dealer. The policy must provide
6 liability coverage in the minimum amounts of \$100,000 for
7 bodily injury to, or death of, any person, \$300,000 for
8 bodily injury to, or death of, two or more persons in any
9 one accident, and \$50,000 for damage to property. Such
10 policy shall expire not sooner than December 31 of the year
11 for which the license was issued or renewed. The expiration
12 of the insurance policy shall not terminate the liability
13 under the policy arising during the period for which the
14 policy was filed. Trailer and mobile home dealers are
15 exempt from this requirement.

16 If the permitted user has a liability insurance policy
17 that provides automobile liability insurance coverage of
18 at least \$100,000 for bodily injury to or the death of any
19 person, \$300,000 for bodily injury to or the death of any 2
20 or more persons in any one accident, and \$50,000 for damage
21 to property, then the permitted user's insurer shall be the
22 primary insurer and the dealer's insurer shall be the
23 secondary insurer. If the permitted user does not have a
24 liability insurance policy that provides automobile
25 liability insurance coverage of at least \$100,000 for
26 bodily injury to or the death of any person, \$300,000 for

1 bodily injury to or the death of any 2 or more persons in
2 any one accident, and \$50,000 for damage to property, or
3 does not have any insurance at all, then the dealer's
4 insurer shall be the primary insurer and the permitted
5 user's insurer shall be the secondary insurer.

6 When a permitted user is "test driving" a used vehicle
7 dealer's automobile, the used vehicle dealer's insurance
8 shall be primary and the permitted user's insurance shall
9 be secondary.

10 As used in this paragraph 4, a "permitted user" is a
11 person who, with the permission of the used vehicle dealer
12 or an employee of the used vehicle dealer, drives a vehicle
13 owned and held for sale or lease by the used vehicle dealer
14 which the person is considering to purchase or lease, in
15 order to evaluate the performance, reliability, or
16 condition of the vehicle. The term "permitted user" also
17 includes a person who, with the permission of the used
18 vehicle dealer, drives a vehicle owned or held for sale or
19 lease by the used vehicle dealer for loaner purposes while
20 the user's vehicle is being repaired or evaluated.

21 As used in this paragraph 4, "test driving" occurs when
22 a permitted user who, with the permission of the used
23 vehicle dealer or an employee of the used vehicle dealer,
24 drives a vehicle owned and held for sale or lease by a used
25 vehicle dealer that the person is considering to purchase
26 or lease, in order to evaluate the performance,

1 reliability, or condition of the vehicle.

2 As used in this paragraph 4, "loaner purposes" means
3 when a person who, with the permission of the used vehicle
4 dealer, drives a vehicle owned or held for sale or lease by
5 the used vehicle dealer while the user's vehicle is being
6 repaired or evaluated.

7 5. An application for a used vehicle dealer's license
8 shall be accompanied by the following license fees:

9 (A) \$1,000 for applicant's established place of
10 business, and \$50 for each additional place of
11 business, if any, to which the application pertains;
12 however, if the application is made after June 15 of
13 any year, the license fee shall be \$500 for applicant's
14 established place of business plus \$25 for each
15 additional place of business, if any, to which the
16 application pertains. License fees shall be returnable
17 only in the event that the application is denied by the
18 Secretary of State. Of the money received by the
19 Secretary of State as license fees under this
20 subparagraph (A) for the 2004 licensing year and
21 thereafter, 95% shall be deposited into the General
22 Revenue Fund.

23 (B) Except for dealers selling 25 or fewer
24 automobiles or as provided in subsection (h) of Section
25 5-102.7 of this Code, an Annual Dealer Recovery Fund
26 Fee in the amount of \$500 for the applicant's

1 established place of business, and \$50 for each
2 additional place of business, if any, to which the
3 application pertains; but if the application is made
4 after June 15 of any year, the fee shall be \$250 for
5 the applicant's established place of business plus \$25
6 for each additional place of business, if any, to which
7 the application pertains. For a license renewal
8 application, the fee shall be based on the amount of
9 automobiles sold in the past year according to the
10 following formula:

11 (1) \$0 for dealers selling 25 or less
12 automobiles;

13 (2) \$150 for dealers selling more than 25 but
14 less than 200 automobiles;

15 (3) \$300 for dealers selling 200 or more
16 automobiles but less than 300 automobiles; and

17 (4) \$500 for dealers selling 300 or more
18 automobiles.

19 License fees shall be returnable only in the event
20 that the application is denied by the Secretary of
21 State. Moneys received under this subparagraph (B)
22 shall be deposited into the Dealer Recovery Trust Fund.

23 6. A statement that the applicant's officers,
24 directors, shareholders having a 10% or greater ownership
25 interest therein, proprietor, partner, member, officer,
26 director, trustee, manager or other principals in the

1 business have not committed in the past 3 years any one
2 violation as determined in any civil, criminal or
3 administrative proceedings of any one of the following
4 Acts:

5 (A) The Anti-Theft Laws of the Illinois Vehicle
6 Code;

7 (B) The Certificate of Title Laws of the Illinois
8 Vehicle Code;

9 (C) The Offenses against Registration and
10 Certificates of Title Laws of the Illinois Vehicle
11 Code;

12 (D) The Dealers, Transporters, Wreckers and
13 Rebuilders Laws of the Illinois Vehicle Code;

14 (E) Section 21-2 of the Illinois Criminal Code of
15 1961 or the Criminal Code of 2012, Criminal Trespass to
16 Vehicles; or

17 (F) The Retailers' Occupation Tax Act.

18 7. A statement that the applicant's officers,
19 directors, shareholders having a 10% or greater ownership
20 interest therein, proprietor, partner, member, officer,
21 director, trustee, manager or other principals in the
22 business have not committed in any calendar year 3 or more
23 violations, as determined in any civil or criminal or
24 administrative proceedings, of any one or more of the
25 following Acts:

26 (A) The Consumer Finance Act;

- 1 (B) The Consumer Installment Loan Act;
- 2 (C) The Retail Installment Sales Act;
- 3 (D) The Motor Vehicle Retail Installment Sales
- 4 Act;
- 5 (E) The Interest Act;
- 6 (F) The Illinois Wage Assignment Act;
- 7 (G) Part 8 of Article XII of the Code of Civil
- 8 Procedure; or
- 9 (H) The Consumer Fraud and Deceptive Business
- 10 Practices Act.

11 7.5. A statement that, within 10 years of application,

12 each officer, director, shareholder having a 10% or greater

13 ownership interest therein, proprietor, partner, member,

14 officer, director, trustee, manager, or other principal in

15 the business of the applicant has not committed, as

16 determined in any civil, criminal, or administrative

17 proceeding, in any calendar year one or more forcible

18 felonies under the Criminal Code of 1961 or the Criminal

19 Code of 2012, or a violation of either or both Article 16

20 or 17 of the Criminal Code of 1961 or a violation of either

21 or both Article 16 or 17 of the Criminal Code of 2012,

22 Article 29B of the Criminal Code of 1961 or the Criminal

23 Code of 2012, or a similar out-of-state offense. For the

24 purposes of this paragraph, "forcible felony" has the

25 meaning provided in Section 2-8 of the Criminal Code of

26 2012.

1 8. A bond or Certificate of Deposit in the amount of
2 \$50,000 for each location at which the applicant intends to
3 act as a used vehicle dealer. The bond shall be for the
4 term of the license, or its renewal, for which application
5 is made, and shall expire not sooner than December 31 of
6 the year for which the license was issued or renewed. The
7 bond shall run to the People of the State of Illinois, with
8 surety by a bonding or insurance company authorized to do
9 business in this State. It shall be conditioned upon the
10 proper transmittal of all title and registration fees and
11 taxes (excluding taxes under the Retailers' Occupation Tax
12 Act) accepted by the applicant as a used vehicle dealer.

13 9. Such other information concerning the business of
14 the applicant as the Secretary of State may by rule or
15 regulation prescribe.

16 10. A statement that the applicant understands Chapter
17 1 through Chapter 5 of this Code.

18 11. A copy of the certification from the prelicensing
19 education program.

20 (c) Any change which renders no longer accurate any
21 information contained in any application for a used vehicle
22 dealer's license shall be amended within 30 days after the
23 occurrence of each change on such form as the Secretary of
24 State may prescribe by rule or regulation, accompanied by an
25 amendatory fee of \$2.

26 (d) Anything in this Chapter to the contrary

1 notwithstanding, no person shall be licensed as a used vehicle
2 dealer unless such person maintains an established place of
3 business as defined in this Chapter.

4 (e) The Secretary of State shall, within a reasonable time
5 after receipt, examine an application submitted to him under
6 this Section. Unless the Secretary makes a determination that
7 the application submitted to him does not conform to this
8 Section or that grounds exist for a denial of the application
9 under Section 5-501 of this Chapter, he must grant the
10 applicant an original used vehicle dealer's license in writing
11 for his established place of business and a supplemental
12 license in writing for each additional place of business in
13 such form as he may prescribe by rule or regulation which shall
14 include the following:

- 15 1. The name of the person licensed;
- 16 2. If a corporation, the name and address of its
17 officers or if a sole proprietorship, a partnership, an
18 unincorporated association or any similar form of business
19 organization, the name and address of the proprietor or of
20 each partner, member, officer, director, trustee or
21 manager;
- 22 3. In case of an original license, the established
23 place of business of the licensee;
- 24 4. In the case of a supplemental license, the
25 established place of business of the licensee and the
26 additional place of business to which such supplemental

1 license pertains.

2 (f) The appropriate instrument evidencing the license or a
3 certified copy thereof, provided by the Secretary of State
4 shall be kept posted, conspicuously, in the established place
5 of business of the licensee and in each additional place of
6 business, if any, maintained by such licensee.

7 (g) Except as provided in subsection (h) of this Section,
8 all used vehicle dealer's licenses granted under this Section
9 expire by operation of law on December 31 of the calendar year
10 for which they are granted unless sooner revoked or cancelled
11 under Section 5-501 of this Chapter.

12 (h) A used vehicle dealer's license may be renewed upon
13 application and payment of the fee required herein, and
14 submission of proof of coverage by an approved bond under the
15 "Retailers' Occupation Tax Act" or proof that applicant is not
16 subject to such bonding requirements, as in the case of an
17 original license, but in case an application for the renewal of
18 an effective license is made during the month of December, the
19 effective license shall remain in force until the application
20 for renewal is granted or denied by the Secretary of State.

21 (i) All persons licensed as a used vehicle dealer are
22 required to furnish each purchaser of a motor vehicle:

23 1. A certificate of title properly assigned to the
24 purchaser;

25 2. A statement verified under oath that all identifying
26 numbers on the vehicle agree with those on the certificate

1 of title;

2 3. A bill of sale properly executed on behalf of such
3 person;

4 4. A copy of the Uniform Invoice-transaction reporting
5 return referred to in Section 5-402 of this Chapter;

6 5. In the case of a rebuilt vehicle, a copy of the
7 Disclosure of Rebuilt Vehicle Status; and

8 6. In the case of a vehicle for which the warranty has
9 been reinstated, a copy of the warranty.

10 (j) A real estate broker holding a valid certificate of
11 registration issued pursuant to "The Real Estate Brokers and
12 Salesmen License Act" may engage in the business of selling or
13 dealing in house trailers not his own without being licensed as
14 a used vehicle dealer under this Section; however such broker
15 shall maintain a record of the transaction including the
16 following:

17 (1) the name and address of the buyer and seller,

18 (2) the date of sale,

19 (3) a description of the mobile home, including the
20 vehicle identification number, make, model, and year, and

21 (4) the Illinois certificate of title number.

22 The foregoing records shall be available for inspection by
23 any officer of the Secretary of State's Office at any
24 reasonable hour.

25 (k) Except at the time of sale or repossession of the
26 vehicle, no person licensed as a used vehicle dealer may issue

1 any other person a newly created key to a vehicle unless the
2 used vehicle dealer makes a color photocopy or electronic scan
3 of the driver's license or State identification card of the
4 person requesting or obtaining the newly created key. The used
5 vehicle dealer must retain the photocopy or scan for 30 days.

6 A used vehicle dealer who violates this subsection (k) is
7 guilty of a petty offense. Violation of this subsection (k) is
8 not cause to suspend, revoke, cancel, or deny renewal of the
9 used vehicle dealer's license.

10 (1) Used vehicle dealers licensed under this Section shall
11 provide the Secretary of State a register for the sale at
12 auction of each salvage or junk certificate vehicle. Each
13 register shall include the following information:

14 1. The year, make, model, style and color of the
15 vehicle;

16 2. The vehicle's manufacturer's identification number
17 or, if applicable, the Secretary of State or Illinois
18 ~~Department of State Police~~ identification number;

19 3. The date of acquisition of the vehicle;

20 4. The name and address of the person from whom the
21 vehicle was acquired;

22 5. The name and address of the person to whom any
23 vehicle was disposed, the person's Illinois license number
24 or if the person is an out-of-state salvage vehicle buyer,
25 the license number from the state or jurisdiction where the
26 buyer is licensed; and

1 6. The purchase price of the vehicle.

2 The register shall be submitted to the Secretary of State
3 via written or electronic means within 10 calendar days from
4 the date of the auction.

5 (Source: P.A. 100-450, eff. 1-1-18; 100-956, eff. 1-1-19;
6 101-505, eff. 1-1-20.)

7 (625 ILCS 5/5-105) (from Ch. 95 1/2, par. 5-105)

8 Sec. 5-105. Investigation of licensee required. Every
9 person seeking a license under Chapter 5 of this Act, as part
10 of the application process, authorizes an investigation to
11 determine if the applicant has ever been convicted of a crime
12 and if so, the disposition of those convictions. This
13 authorization shall indicate the scope of the inquiry and the
14 agencies which may be contacted. Upon this authorization the
15 Secretary of State may request and receive information and
16 assistance from any Federal, State or local governmental agency
17 as part of the authorized investigation. The Illinois
18 ~~Department of~~ State Police shall provide information
19 concerning any criminal convictions and their disposition
20 brought against the applicant upon request of the Secretary of
21 State when the request is made in the form and manner required
22 by the Illinois ~~Department of~~ State Police. The information
23 derived from this investigation, including the source of this
24 information, and any conclusions or recommendations derived
25 from this information by the Secretary of State shall be

1 provided to the applicant or his designee. Upon request to the
2 Secretary of State prior to any final action by the Secretary
3 of State on the application, no information obtained from such
4 investigation may be placed in any automated information
5 system. Any criminal convictions and their disposition
6 information obtained by the Secretary of State shall be
7 confidential and may not be transmitted outside the Office of
8 the Secretary of State, except as required herein, and may not
9 be transmitted to anyone within the Office of the Secretary of
10 State except as needed for the purpose of evaluating the
11 application. All criminal convictions and their disposition
12 and information obtained by the Division of Investigation shall
13 be destroyed no later than 60 days after the Division of
14 Investigation has made a final ruling on the application, and
15 all rights of appeal have expired and pending appeals have been
16 completed. The only physical identity materials which the
17 applicant can be required to provide the Secretary of State are
18 photographs or fingerprints. Only information and standards
19 which bear a reasonable and rational relation to the
20 performance of a licensee shall be used by the Secretary of
21 State. The Secretary of State shall adopt rules and regulations
22 for the administration of this Section. Any employee of the
23 Secretary of State who gives or causes to be given away any
24 confidential information concerning any criminal convictions
25 and their disposition of an applicant shall be guilty of a
26 Class A misdemeanor.

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

2 (625 ILCS 5/5-401.2) (from Ch. 95 1/2, par. 5-401.2)

3 Sec. 5-401.2. Licensees required to keep records and make
4 inspections.

5 (a) Every person licensed or required to be licensed under
6 Section 5-101, 5-101.1, 5-101.2, 5-102, 5-102.8, 5-301, or
7 5-302 of this Code, shall, with the exception of scrap
8 processors, maintain for 3 years, in a form as the Secretary of
9 State may by rule or regulation prescribe, at his established
10 place of business, additional place of business, or principal
11 place of business if licensed under Section 5-302, the
12 following records relating to the acquisition or disposition of
13 vehicles and their essential parts possessed in this State,
14 brought into this State from another state, territory or
15 country, or sold or transferred to another person in this State
16 or in another state, territory, or country.

17 (1) The following records pertaining to new or used
18 vehicles shall be kept:

19 (A) the year, make, model, style and color of the
20 vehicle;

21 (B) the vehicle's manufacturer's identification
22 number or, if applicable, the Secretary of State or
23 Illinois ~~Department of~~ State Police identification
24 number;

25 (C) the date of acquisition of the vehicle;

1 (D) the name and address of the person from whom
2 the vehicle was acquired and, if that person is a
3 dealer, the Illinois or out-of-state dealer license
4 number of such person;

5 (E) the signature of the person making the
6 inspection of a used vehicle as required under
7 subsection (d) of this Section, if applicable;

8 (F) the purchase price of the vehicle, if
9 applicable;

10 (G) the date of the disposition of the vehicle;

11 (H) the name and address of the person to whom any
12 vehicle was disposed, and if that person is a dealer,
13 the Illinois or out-of-State dealer's license number
14 of that dealer;

15 (I) the uniform invoice number reflecting the
16 disposition of the vehicle, if applicable; and

17 (J) The sale price of the vehicle, if applicable.

18 (2) (A) The following records pertaining to used
19 essential parts other than quarter panels and
20 transmissions of vehicles of the first division shall be
21 kept:

22 (i) the year, make, model, color and type of such
23 part;

24 (ii) the vehicle's manufacturer's identification
25 number, derivative number, or, if applicable, the
26 Secretary of State or Illinois ~~Department of State~~

- 1 Police identification number of such part;
- 2 (iii) the date of the acquisition of each part;
- 3 (iv) the name and address of the person from whom
4 the part was acquired and, if that person is a dealer,
5 the Illinois or out-of-state dealer license number of
6 such person; if the essential part being acquired is
7 from a person other than a dealer, the licensee shall
8 verify and record that person's identity by recording
9 the identification numbers from at least two sources of
10 identification, one of which shall be a drivers license
11 or State identification card;
- 12 (v) the uniform invoice number or out-of-state
13 bill of sale number reflecting the acquisition of such
14 part;
- 15 (vi) the stock number assigned to the essential
16 part by the licensee, if applicable;
- 17 (vii) the date of the disposition of such part;
- 18 (viii) the name and address of the person to whom
19 such part was disposed of and, if that person is a
20 dealer, the Illinois or out-of-state dealer license
21 number of that person;
- 22 (ix) the uniform invoice number reflecting the
23 disposition of such part.
- 24 (B) Inspections of all essential parts shall be
25 conducted in accordance with Section 5-402.1.
- 26 (C) A separate entry containing all of the information

1 required to be recorded in subparagraph (A) of paragraph
2 (2) of subsection (a) of this Section shall be made for
3 each separate essential part. Separate entries shall be
4 made regardless of whether the part was a large purchase
5 acquisition. In addition, a separate entry shall be made
6 for each part acquired for immediate sale or transfer, or
7 for placement into the overall inventory or stock to be
8 disposed of at a later time, or for use on a vehicle to be
9 materially altered by the licensee, or acquired for any
10 other purpose or reason. Failure to make a separate entry
11 for each essential part acquired or disposed of, or a
12 failure to record any of the specific information required
13 to be recorded concerning the acquisition or disposition of
14 each essential part as set forth in subparagraph (A) of
15 paragraph (2) of subsection (a) shall constitute a failure
16 to keep records.

17 (D) The vehicle's manufacturer's identification number
18 or Secretary of State or Illinois ~~Department of~~ State
19 Police identification number for the essential part shall
20 be ascertained and recorded even if such part is acquired
21 from a person or dealer located in a State, territory, or
22 country which does not require that such information be
23 recorded. If the vehicle's manufacturer's identification
24 number or Secretary of State or Illinois ~~Department of~~
25 State Police identification number for an essential part
26 cannot be obtained, that part shall not be acquired by the

1 licensee or any of his agents or employees. If such part or
2 parts were physically acquired by the licensee or any of
3 his agents or employees while the licensee or agent or
4 employee was outside this State, that licensee or agent or
5 employee was outside the State, that licensee, agent or
6 employee shall not bring such essential part into this
7 State or cause it to be brought into this State. The
8 acquisition or disposition of an essential part by a
9 licensee without the recording of the vehicle
10 identification number or Secretary of State identification
11 number for such part or the transportation into the State
12 by the licensee or his agent or employee of such part or
13 parts shall constitute a failure to keep records.

14 (E) The records of essential parts required to be kept
15 by this Section shall apply to all hulks, chassis, frames
16 or cowls, regardless of the age of those essential parts.
17 The records required to be kept by this Section for
18 essential parts other than hulks, chassis, frames or cowls,
19 shall apply only to those essential parts which are 6 model
20 years of age or newer. In determining the model year of
21 such an essential part it may be presumed that the
22 identification number of the vehicle from which the
23 essential part came or the identification number affixed to
24 the essential part itself acquired by the licensee denotes
25 the model year of that essential part. This presumption,
26 however, shall not apply if the gross appearance of the

1 essential part does not correspond to the year, make or
2 model of either the identification number of the vehicle
3 from which the essential part is alleged to have come or
4 the identification number which is affixed to the essential
5 part itself. To determine whether an essential part is 6
6 years of age or newer within this paragraph, the model year
7 of the essential part shall be subtracted from the calendar
8 year in which the essential part is acquired or disposed of
9 by the licensee. If the remainder is 6 or less, the record
10 of the acquisition or disposition of that essential part
11 shall be kept as required by this Section.

12 (F) The requirements of paragraph (2) of subsection (a)
13 of this Section shall not apply to the disposition of an
14 essential part other than a cowl which has been damaged or
15 altered to a state in which it can no longer be returned to
16 a usable condition and which is being sold or transferred
17 to a scrap processor or for delivery to a scrap processor.

18 (3) the following records for vehicles on which junking
19 certificates are obtained shall be kept:

20 (A) the year, make, model, style and color of the
21 vehicle;

22 (B) the vehicle's manufacturer's identification number
23 or, if applicable, the Secretary of State or Illinois
24 ~~Department of State Police~~ identification number;

25 (C) the date the vehicle was acquired;

26 (D) the name and address of the person from whom the

1 vehicle was acquired and, if that person is a dealer, the
2 Illinois or out-of-state dealer license number of that
3 person;

4 (E) the certificate of title number or salvage
5 certificate number for the vehicle, if applicable;

6 (F) the junking certificate number obtained by the
7 licensee; this entry shall be recorded at the close of
8 business of the fifth business day after receiving the
9 junking certificate;

10 (G) the name and address of the person to whom the
11 junking certificate has been assigned, if applicable, and
12 if that person is a dealer, the Illinois or out-of-state
13 dealer license number of that dealer;

14 (H) if the vehicle or any part of the vehicle is
15 dismantled for its parts to be disposed of in any way, or
16 if such parts are to be used by the licensee to materially
17 alter a vehicle, those essential parts shall be recorded
18 and the entries required by paragraph (2) of subsection (a)
19 shall be made.

20 (4) The following records for rebuilt vehicles shall be
21 kept:

22 (A) the year, make, model, style and color of the
23 vehicle;

24 (B) the vehicle's manufacturer's identification number
25 of the vehicle or, if applicable, the Secretary of State or
26 Illinois ~~Department of~~ State Police identification number;

1 (C) the date the vehicle was acquired;

2 (D) the name and address of the person from whom the
3 vehicle was acquired, and if that person is a dealer, the
4 Illinois or out-of-state dealer license number of that
5 person;

6 (E) the salvage certificate number for the vehicle;

7 (F) the newly issued certificate of title number for
8 the vehicle;

9 (G) the date of disposition of the vehicle;

10 (H) the name and address of the person to whom the
11 vehicle was disposed, and if a dealer, the Illinois or
12 out-of-state dealer license number of that dealer;

13 (I) The sale price of the vehicle.

14 (a-1) A person licensed or required to be licensed under
15 Section 5-101 or Section 5-102 of this Code who issues
16 temporary registration permits as permitted by this Code and by
17 rule must electronically file the registration with the
18 Secretary and must maintain records of the registration in the
19 manner prescribed by the Secretary.

20 (b) A failure to make separate entries for each vehicle
21 acquired, disposed of, or assigned, or a failure to record any
22 of the specific information required to be recorded concerning
23 the acquisition or disposition of each vehicle as set forth in
24 paragraphs (1), (3) and (4) of subsection (a) shall constitute
25 a failure to keep records.

26 (c) All entries relating to the acquisition of a vehicle or

1 essential part required by subsection (a) of this Section shall
2 be recorded no later than the close of business on the seventh
3 calendar day following such acquisition. All entries relating
4 to the disposition of a vehicle or an essential part shall be
5 made at the time of such disposition. If the vehicle or
6 essential part was disposed of on the same day as its
7 acquisition or the day thereafter, the entries relating to the
8 acquisition of the vehicle or essential part shall be made at
9 the time of the disposition of the vehicle or essential part.
10 Failure to make the entries required in or at the times
11 prescribed by this subsection following the acquisition or
12 disposition of such vehicle or essential part shall constitute
13 a failure to keep records.

14 (d) Every person licensed or required to be licensed shall,
15 before accepting delivery of a used vehicle, inspect the
16 vehicle to determine whether the manufacturer's public vehicle
17 identification number has been defaced, destroyed, falsified,
18 removed, altered, or tampered with in any way. If the person
19 making the inspection determines that the manufacturer's
20 public vehicle identification number has been altered,
21 removed, defaced, destroyed, falsified or tampered with he
22 shall not acquire that vehicle but instead shall promptly
23 notify law enforcement authorities of his finding.

24 (e) The information required to be kept in subsection (a)
25 of this Section shall be kept in a manner prescribed by rule or
26 regulation of the Secretary of State.

1 (f) Every person licensed or required to be licensed shall
2 have in his possession a separate certificate of title, salvage
3 certificate, junking certificate, certificate of purchase,
4 uniform invoice, out-of-state bill of sale or other acceptable
5 documentary evidence of his right to the possession of every
6 vehicle or essential part.

7 (g) Every person licensed or required to be licensed as a
8 transporter under Section 5-201 shall maintain for 3 years, in
9 such form as the Secretary of State may by rule or regulation
10 prescribe, at his principal place of business a record of every
11 vehicle transported by him, including numbers of or other marks
12 of identification thereof, the names and addresses of persons
13 from whom and to whom the vehicle was delivered and the dates
14 of delivery.

15 (h) No later than 15 days prior to going out of business,
16 selling the business, or transferring the ownership of the
17 business, the licensee shall notify the Secretary of State that
18 he is going out of business or that he is transferring the
19 ownership of the business. Failure to notify under this
20 paragraph shall constitute a failure to keep records.

21 (i) (Blank).

22 (j) A person who knowingly fails to comply with the
23 provisions of this Section or knowingly fails to obey, observe,
24 or comply with any order of the Secretary or any law
25 enforcement agency issued in accordance with this Section is
26 guilty of a Class B misdemeanor for the first violation and a

1 Class A misdemeanor for the second and subsequent violations.
2 Each violation constitutes a separate and distinct offense and
3 a separate count may be brought in the same indictment or
4 information for each vehicle or each essential part of a
5 vehicle for which a record was not kept as required by this
6 Section.

7 (k) Any person convicted of failing to keep the records
8 required by this Section with intent to conceal the identity or
9 origin of a vehicle or its essential parts or with intent to
10 defraud the public in the transfer or sale of vehicles or their
11 essential parts is guilty of a Class 2 felony. Each violation
12 constitutes a separate and distinct offense and a separate
13 count may be brought in the same indictment or information for
14 each vehicle or essential part of a vehicle for which a record
15 was not kept as required by this Section.

16 (l) A person may not be criminally charged with or
17 convicted of both a knowing failure to comply with this Section
18 and a knowing failure to comply with any order, if both
19 offenses involve the same record keeping violation.

20 (m) The Secretary shall adopt rules necessary for
21 implementation of this Section, which may include the
22 imposition of administrative fines.

23 (Source: P.A. 101-505, eff. 1-1-20.)

24 (625 ILCS 5/5-402.1) (from Ch. 95 1/2, par. 5-402.1)

25 Sec. 5-402.1. Use of Secretary of State Uniform Invoice for

1 Essential Parts.

2 (a) Except for scrap processors, every person licensed or
3 required to be licensed under Section 5-101, 5-101.1, 5-102,
4 5-102.8, or 5-301 of this Code shall issue, in a form the
5 Secretary of State may by rule or regulation prescribe, a
6 Uniform Invoice, which may also act as a bill of sale, made out
7 in triplicate with respect to each transaction in which he
8 disposes of an essential part other than quarter panels and
9 transmissions of vehicles of the first division. Such Invoice
10 shall be made out at the time of the disposition of the
11 essential part. If the licensee disposes of several essential
12 parts in the same transaction, the licensee may issue one
13 Uniform Invoice covering all essential parts disposed of in
14 that transaction.

15 (b) The following information shall be contained on the
16 Uniform Invoice:

17 (1) the business name, address and dealer license
18 number of the person disposing of the essential part;

19 (2) the name and address of the person acquiring the
20 essential part, and if that person is a dealer, the
21 Illinois or out-of-state dealer license number of that
22 dealer;

23 (3) the date of the disposition of the essential part;

24 (4) the year, make, model, color and description of
25 each essential part disposed of by the person;

26 (5) the manufacturer's vehicle identification number,

1 Secretary of State identification number or Illinois
2 ~~Department of~~ State Police identification number, for each
3 essential part disposed of by the person;

4 (6) the printed name and legible signature of the
5 person or agent disposing of the essential part; and

6 (7) if the person is a dealer the printed name and
7 legible signature of the dealer or his agent or employee
8 accepting delivery of the essential part.

9 (c) Except for scrap processors, and except as set forth in
10 subsection (d) of this Section, whenever a person licensed or
11 required to be licensed by Section 5-101, 5-101.1, 5-102, or
12 5-301 accepts delivery of an essential part, other than quarter
13 panels and transmissions of vehicles of the first division,
14 that person shall, at the time of the acceptance or delivery,
15 comply with the following procedures:

16 (1) Before acquiring or accepting delivery of any
17 essential part, the licensee or his authorized agent or
18 employee shall inspect the part to determine whether the
19 vehicle identification number, Secretary of State
20 identification number, Illinois ~~Department of~~ State Police
21 identification number, or identification plate or sticker
22 attached to or stamped on any part being acquired or
23 delivered has been removed, falsified, altered, defaced,
24 destroyed, or tampered with. If the licensee or his agent
25 or employee determines that the vehicle identification
26 number, Secretary of State identification number, Illinois

1 ~~Department~~ of State Police identification number,
2 identification plate or identification sticker containing
3 an identification number, or Federal Certificate label of
4 an essential part has been removed, falsified, altered,
5 defaced, destroyed or tampered with, the licensee or agent
6 shall not accept or receive that part.

7 If that part was physically acquired by or delivered to
8 a licensee or his agent or employee while that licensee,
9 agent or employee was outside this State, that licensee or
10 agent or employee shall not bring that essential part into
11 this State or cause it to be brought into this State.

12 (2) If the person disposing of or delivering the
13 essential part to the licensee is a licensed in-state or
14 out-of-state dealer, the licensee or his agent or employee,
15 after inspecting the essential part as required by
16 paragraph (1) of this subsection (c), shall examine the
17 Uniform Invoice, or bill of sale, as the case may be, to
18 ensure that it contains all the information required to be
19 provided by persons disposing of essential parts as set
20 forth in subsection (b) of this Section. If the Uniform
21 Invoice or bill of sale does not contain all the
22 information required to be listed by subsection (b) of this
23 Section, the dealer disposing of or delivering such part or
24 his agent or employee shall record such additional
25 information or other needed modifications on the Uniform
26 Invoice or bill of sale or, if needed, an attachment

1 thereto. The dealer or his agent or employee delivering the
2 essential part shall initial all additions or
3 modifications to the Uniform Invoice or bill of sale and
4 legibly print his name at the bottom of each document
5 containing his initials. If the transaction involves a bill
6 of sale rather than a Uniform Invoice, the licensee or his
7 agent or employee accepting delivery of or acquiring the
8 essential part shall affix his printed name and legible
9 signature on the space on the bill of sale provided for his
10 signature or, if no space is provided, on the back of the
11 bill of sale. If the dealer or his agent or employee
12 disposing of or delivering the essential part cannot or
13 does not provide all the information required by subsection
14 (b) of this Section, the licensee or his agent or employee
15 shall not accept or receive any essential part for which
16 that required information is not provided. If such
17 essential part for which the information required is not
18 fully provided was physically acquired while the licensee
19 or his agent or employee was outside this State, the
20 licensee or his agent or employee shall not bring that
21 essential part into this State or cause it to be brought
22 into this State.

23 (3) If the person disposing of the essential part is
24 not a licensed dealer, the licensee or his agent or
25 employee shall, after inspecting the essential part as
26 required by paragraph (1) of subsection (c) of this Section

1 verify the identity of the person disposing of the
2 essential part by examining 2 sources of identification,
3 one of which shall be either a driver's license or state
4 identification card. The licensee or his agent or employee
5 shall then prepare a Uniform Invoice listing all the
6 information required to be provided by subsection (b) of
7 this Section. In the space on the Uniform Invoice provided
8 for the dealer license number of the person disposing of
9 the part, the licensee or his agent or employee shall list
10 the numbers taken from the documents of identification
11 provided by the person disposing of the part. The person
12 disposing of the part shall affix his printed name and
13 legible signature on the space on the Uniform Invoice
14 provided for the person disposing of the essential part and
15 the licensee or his agent or employee acquiring the part
16 shall affix his printed name and legible signature on the
17 space provided on the Uniform Invoice for the person
18 acquiring the essential part. If the person disposing of
19 the essential part cannot or does not provide all the
20 information required to be provided by this paragraph, or
21 does not present 2 satisfactory forms of identification,
22 the licensee or his agent or employee shall not acquire
23 that essential part.

24 (d) If an essential part other than quarter panels and
25 transmissions of vehicles of the first division was delivered
26 by a licensed commercial delivery service delivering such part

1 on behalf of a licensed dealer, the person required to comply
2 with subsection (c) of this Section may conduct the inspection
3 of that part required by paragraph (1) of subsection (c) and
4 examination of the Uniform Invoice or bill of sale required by
5 paragraph (2) of subsection (c) of this Section immediately
6 after the acceptance of the part.

7 (1) If the inspection of the essential part pursuant to
8 paragraph (1) of subsection (c) reveals that the vehicle
9 identification number, Secretary of State identification
10 number, Illinois ~~Department of~~ State Police identification
11 number, identification plate or sticker containing an
12 identification number, or Federal Certificate label of an
13 essential part has been removed, falsified, altered,
14 defaced, destroyed or tampered with, the licensee or his
15 agent shall immediately record such fact on the Uniform
16 Invoice or bill of sale, assign the part an inventory or
17 stock number, place such inventory or stock number on both
18 the essential part and the Uniform Invoice or bill of sale,
19 and record the date of the inspection of the part on the
20 Uniform Invoice or bill of sale. The licensee shall, within
21 7 days of such inspection, return such part to the dealer
22 from whom it was acquired.

23 (2) If the examination of the Uniform Invoice or bill
24 of sale pursuant to paragraph (2) of subsection (c) reveals
25 that any of the information required to be listed by
26 subsection (b) of this Section is missing, the licensee or

1 person required to be licensed shall immediately assign a
2 stock or inventory number to such part, place such stock or
3 inventory number on both the essential part and the Uniform
4 Invoice or bill of sale, and record the date of examination
5 on the Uniform Invoice or bill of sale. The licensee or
6 person required to be licensed shall acquire the
7 information missing from the Uniform Invoice or bill of
8 sale within 7 days of the examination of such Uniform
9 Invoice or bill of sale. Such information may be received
10 by telephone conversation with the dealer from whom the
11 part was acquired. If the dealer provides the missing
12 information the licensee shall record such information on
13 the Uniform Invoice or bill of sale along with the name of
14 the person providing the information. If the dealer does
15 not provide the required information within the
16 aforementioned 7 day period, the licensee shall return the
17 part to that dealer.

18 (e) Except for scrap processors, all persons licensed or
19 required to be licensed who acquire or dispose of essential
20 parts other than quarter panels and transmissions of vehicles
21 of the first division shall retain a copy of the Uniform
22 Invoice required to be made by subsections (a), (b) and (c) of
23 this Section for a period of 3 years.

24 (f) Except for scrap processors, any person licensed or
25 required to be licensed under Sections 5-101, 5-102 or 5-301
26 who knowingly fails to record on a Uniform Invoice any of the

1 information or entries required to be recorded by subsections
2 (a), (b) and (c) of this Section, or who knowingly places false
3 entries or other misleading information on such Uniform
4 Invoice, or who knowingly fails to retain for 3 years a copy of
5 a Uniform Invoice reflecting transactions required to be
6 recorded by subsections (a), (b) and (c) of this Section, or
7 who knowingly acquires or disposes of essential parts without
8 receiving, issuing, or executing a Uniform Invoice reflecting
9 that transaction as required by subsections (a), (b) and (c) of
10 this Section, or who brings or causes to be brought into this
11 State essential parts for which the information required to be
12 recorded on a Uniform Invoice is not recorded as prohibited by
13 subsection (c) of this Section, or who knowingly fails to
14 comply with the provisions of this Section in any other manner
15 shall be guilty of a Class 2 felony. Each violation shall
16 constitute a separate and distinct offense and a separate count
17 may be brought in the same indictment or information for each
18 essential part for which a record was not kept as required by
19 this Section or for which the person failed to comply with
20 other provisions of this Section.

21 (g) The records required to be kept by this Section may be
22 examined by a person or persons making a lawful inspection of
23 the licensee's premises pursuant to Section 5-403.

24 (h) The records required to be kept by this Section shall
25 be retained by the licensee at his principal place of business
26 for a period of 7 years.

1 (i) The requirements of this Section shall not apply to the
2 disposition of an essential part other than a cowl which has
3 been damaged or altered to a state in which it can no longer be
4 returned to a usable condition and which is being sold or
5 transferred to a scrap processor or for delivery to a scrap
6 processor.

7 (Source: P.A. 101-505, eff. 1-1-20.)

8 (625 ILCS 5/6-106.1) (from Ch. 95 1/2, par. 6-106.1)

9 Sec. 6-106.1. School bus driver permit.

10 (a) The Secretary of State shall issue a school bus driver
11 permit to those applicants who have met all the requirements of
12 the application and screening process under this Section to
13 insure the welfare and safety of children who are transported
14 on school buses throughout the State of Illinois. Applicants
15 shall obtain the proper application required by the Secretary
16 of State from their prospective or current employer and submit
17 the completed application to the prospective or current
18 employer along with the necessary fingerprint submission as
19 required by the Illinois ~~Department of~~ State Police to conduct
20 fingerprint based criminal background checks on current and
21 future information available in the state system and current
22 information available through the Federal Bureau of
23 Investigation's system. Applicants who have completed the
24 fingerprinting requirements shall not be subjected to the
25 fingerprinting process when applying for subsequent permits or

1 submitting proof of successful completion of the annual
2 refresher course. Individuals who on July 1, 1995 (the
3 effective date of Public Act 88-612) possess a valid school bus
4 driver permit that has been previously issued by the
5 appropriate Regional School Superintendent are not subject to
6 the fingerprinting provisions of this Section as long as the
7 permit remains valid and does not lapse. The applicant shall be
8 required to pay all related application and fingerprinting fees
9 as established by rule including, but not limited to, the
10 amounts established by the Illinois ~~Department of~~ State Police
11 and the Federal Bureau of Investigation to process fingerprint
12 based criminal background investigations. All fees paid for
13 fingerprint processing services under this Section shall be
14 deposited into the State Police Services Fund for the cost
15 incurred in processing the fingerprint based criminal
16 background investigations. All other fees paid under this
17 Section shall be deposited into the Road Fund for the purpose
18 of defraying the costs of the Secretary of State in
19 administering this Section. All applicants must:

- 20 1. be 21 years of age or older;
- 21 2. possess a valid and properly classified driver's
22 license issued by the Secretary of State;
- 23 3. possess a valid driver's license, which has not been
24 revoked, suspended, or canceled for 3 years immediately
25 prior to the date of application, or have not had his or
26 her commercial motor vehicle driving privileges

1 disqualified within the 3 years immediately prior to the
2 date of application;

3 4. successfully pass a written test, administered by
4 the Secretary of State, on school bus operation, school bus
5 safety, and special traffic laws relating to school buses
6 and submit to a review of the applicant's driving habits by
7 the Secretary of State at the time the written test is
8 given;

9 5. demonstrate ability to exercise reasonable care in
10 the operation of school buses in accordance with rules
11 promulgated by the Secretary of State;

12 6. demonstrate physical fitness to operate school
13 buses by submitting the results of a medical examination,
14 including tests for drug use for each applicant not subject
15 to such testing pursuant to federal law, conducted by a
16 licensed physician, a licensed advanced practice
17 registered nurse, or a licensed physician assistant within
18 90 days of the date of application according to standards
19 promulgated by the Secretary of State;

20 7. affirm under penalties of perjury that he or she has
21 not made a false statement or knowingly concealed a
22 material fact in any application for permit;

23 8. have completed an initial classroom course,
24 including first aid procedures, in school bus driver safety
25 as promulgated by the Secretary of State; and after
26 satisfactory completion of said initial course an annual

1 refresher course; such courses and the agency or
2 organization conducting such courses shall be approved by
3 the Secretary of State; failure to complete the annual
4 refresher course, shall result in cancellation of the
5 permit until such course is completed;

6 9. not have been under an order of court supervision
7 for or convicted of 2 or more serious traffic offenses, as
8 defined by rule, within one year prior to the date of
9 application that may endanger the life or safety of any of
10 the driver's passengers within the duration of the permit
11 period;

12 10. not have been under an order of court supervision
13 for or convicted of reckless driving, aggravated reckless
14 driving, driving while under the influence of alcohol,
15 other drug or drugs, intoxicating compound or compounds or
16 any combination thereof, or reckless homicide resulting
17 from the operation of a motor vehicle within 3 years of the
18 date of application;

19 11. not have been convicted of committing or attempting
20 to commit any one or more of the following offenses: (i)
21 those offenses defined in Sections 8-1, 8-1.2, 9-1, 9-1.2,
22 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1, 10-4,
23 10-5, 10-5.1, 10-6, 10-7, 10-9, 11-1.20, 11-1.30, 11-1.40,
24 11-1.50, 11-1.60, 11-6, 11-6.5, 11-6.6, 11-9, 11-9.1,
25 11-9.1A, 11-9.3, 11-9.4, 11-9.4-1, 11-14, 11-14.1,
26 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17, 11-17.1,

1 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1,
2 11-20.1B, 11-20.3, 11-21, 11-22, 11-23, 11-24, 11-25,
3 11-26, 11-30, 12-2.6, 12-3.05, 12-3.1, 12-4, 12-4.1,
4 12-4.2, 12-4.2-5, 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7,
5 12-4.9, 12-5.01, 12-5.3, 12-6, 12-6.2, 12-7.1, 12-7.3,
6 12-7.4, 12-7.5, 12-11, 12-13, 12-14, 12-14.1, 12-15,
7 12-16, 12-16.2, 12-21.5, 12-21.6, 12-33, 12C-5, 12C-10,
8 12C-20, 12C-30, 12C-45, 16-16, 16-16.1, 18-1, 18-2, 18-3,
9 18-4, 18-5, 19-6, 20-1, 20-1.1, 20-1.2, 20-1.3, 20-2, 24-1,
10 24-1.1, 24-1.2, 24-1.2-5, 24-1.6, 24-1.7, 24-2.1, 24-3.3,
11 24-3.5, 24-3.8, 24-3.9, 31A-1.1, 33A-2, and 33D-1, in
12 subsection (A), clauses (a) and (b), of Section 24-3, and
13 those offenses contained in Article 29D of the Criminal
14 Code of 1961 or the Criminal Code of 2012; (ii) those
15 offenses defined in the Cannabis Control Act except those
16 offenses defined in subsections (a) and (b) of Section 4,
17 and subsection (a) of Section 5 of the Cannabis Control
18 Act; (iii) those offenses defined in the Illinois
19 Controlled Substances Act; (iv) those offenses defined in
20 the Methamphetamine Control and Community Protection Act;
21 and (v) any offense committed or attempted in any other
22 state or against the laws of the United States, which if
23 committed or attempted in this State would be punishable as
24 one or more of the foregoing offenses; (vi) the offenses
25 defined in Section 4.1 and 5.1 of the Wrongs to Children
26 Act or Section 11-9.1A of the Criminal Code of 1961 or the

1 Criminal Code of 2012; (vii) those offenses defined in
2 Section 6-16 of the Liquor Control Act of 1934; and (viii)
3 those offenses defined in the Methamphetamine Precursor
4 Control Act;

5 12. not have been repeatedly involved as a driver in
6 motor vehicle collisions or been repeatedly convicted of
7 offenses against laws and ordinances regulating the
8 movement of traffic, to a degree which indicates lack of
9 ability to exercise ordinary and reasonable care in the
10 safe operation of a motor vehicle or disrespect for the
11 traffic laws and the safety of other persons upon the
12 highway;

13 13. not have, through the unlawful operation of a motor
14 vehicle, caused an accident resulting in the death of any
15 person;

16 14. not have, within the last 5 years, been adjudged to
17 be afflicted with or suffering from any mental disability
18 or disease;

19 15. consent, in writing, to the release of results of
20 reasonable suspicion drug and alcohol testing under
21 Section 6-106.1c of this Code by the employer of the
22 applicant to the Secretary of State; and

23 16. not have been convicted of committing or attempting
24 to commit within the last 20 years: (i) an offense defined
25 in subsection (c) of Section 4, subsection (b) of Section
26 5, and subsection (a) of Section 8 of the Cannabis Control

1 Act; or (ii) any offenses in any other state or against the
2 laws of the United States that, if committed or attempted
3 in this State, would be punishable as one or more of the
4 foregoing offenses.

5 (b) A school bus driver permit shall be valid for a period
6 specified by the Secretary of State as set forth by rule. It
7 shall be renewable upon compliance with subsection (a) of this
8 Section.

9 (c) A school bus driver permit shall contain the holder's
10 driver's license number, legal name, residence address, zip
11 code, and date of birth, a brief description of the holder and
12 a space for signature. The Secretary of State may require a
13 suitable photograph of the holder.

14 (d) The employer shall be responsible for conducting a
15 pre-employment interview with prospective school bus driver
16 candidates, distributing school bus driver applications and
17 medical forms to be completed by the applicant, and submitting
18 the applicant's fingerprint cards to the Illinois ~~Department of~~
19 State Police that are required for the criminal background
20 investigations. The employer shall certify in writing to the
21 Secretary of State that all pre-employment conditions have been
22 successfully completed including the successful completion of
23 an Illinois specific criminal background investigation through
24 the Illinois ~~Department of~~ State Police and the submission of
25 necessary fingerprints to the Federal Bureau of Investigation
26 for criminal history information available through the Federal

1 Bureau of Investigation system. The applicant shall present the
2 certification to the Secretary of State at the time of
3 submitting the school bus driver permit application.

4 (e) Permits shall initially be provisional upon receiving
5 certification from the employer that all pre-employment
6 conditions have been successfully completed, and upon
7 successful completion of all training and examination
8 requirements for the classification of the vehicle to be
9 operated, the Secretary of State shall provisionally issue a
10 School Bus Driver Permit. The permit shall remain in a
11 provisional status pending the completion of the Federal Bureau
12 of Investigation's criminal background investigation based
13 upon fingerprinting specimens submitted to the Federal Bureau
14 of Investigation by the Illinois ~~Department of~~ State Police.
15 The Federal Bureau of Investigation shall report the findings
16 directly to the Secretary of State. The Secretary of State
17 shall remove the bus driver permit from provisional status upon
18 the applicant's successful completion of the Federal Bureau of
19 Investigation's criminal background investigation.

20 (f) A school bus driver permit holder shall notify the
21 employer and the Secretary of State if he or she is issued an
22 order of court supervision for or convicted in another state of
23 an offense that would make him or her ineligible for a permit
24 under subsection (a) of this Section. The written notification
25 shall be made within 5 days of the entry of the order of court
26 supervision or conviction. Failure of the permit holder to

1 provide the notification is punishable as a petty offense for a
2 first violation and a Class B misdemeanor for a second or
3 subsequent violation.

4 (g) Cancellation; suspension; notice and procedure.

5 (1) The Secretary of State shall cancel a school bus
6 driver permit of an applicant whose criminal background
7 investigation discloses that he or she is not in compliance
8 with the provisions of subsection (a) of this Section.

9 (2) The Secretary of State shall cancel a school bus
10 driver permit when he or she receives notice that the
11 permit holder fails to comply with any provision of this
12 Section or any rule promulgated for the administration of
13 this Section.

14 (3) The Secretary of State shall cancel a school bus
15 driver permit if the permit holder's restricted commercial
16 or commercial driving privileges are withdrawn or
17 otherwise invalidated.

18 (4) The Secretary of State may not issue a school bus
19 driver permit for a period of 3 years to an applicant who
20 fails to obtain a negative result on a drug test as
21 required in item 6 of subsection (a) of this Section or
22 under federal law.

23 (5) The Secretary of State shall forthwith suspend a
24 school bus driver permit for a period of 3 years upon
25 receiving notice that the holder has failed to obtain a
26 negative result on a drug test as required in item 6 of

1 subsection (a) of this Section or under federal law.

2 (6) The Secretary of State shall suspend a school bus
3 driver permit for a period of 3 years upon receiving notice
4 from the employer that the holder failed to perform the
5 inspection procedure set forth in subsection (a) or (b) of
6 Section 12-816 of this Code.

7 (7) The Secretary of State shall suspend a school bus
8 driver permit for a period of 3 years upon receiving notice
9 from the employer that the holder refused to submit to an
10 alcohol or drug test as required by Section 6-106.1c or has
11 submitted to a test required by that Section which
12 disclosed an alcohol concentration of more than 0.00 or
13 disclosed a positive result on a National Institute on Drug
14 Abuse five-drug panel, utilizing federal standards set
15 forth in 49 CFR 40.87.

16 The Secretary of State shall notify the State
17 Superintendent of Education and the permit holder's
18 prospective or current employer that the applicant has (1) has
19 failed a criminal background investigation or (2) is no longer
20 eligible for a school bus driver permit; and of the related
21 cancellation of the applicant's provisional school bus driver
22 permit. The cancellation shall remain in effect pending the
23 outcome of a hearing pursuant to Section 2-118 of this Code.
24 The scope of the hearing shall be limited to the issuance
25 criteria contained in subsection (a) of this Section. A
26 petition requesting a hearing shall be submitted to the

1 Secretary of State and shall contain the reason the individual
2 feels he or she is entitled to a school bus driver permit. The
3 permit holder's employer shall notify in writing to the
4 Secretary of State that the employer has certified the removal
5 of the offending school bus driver from service prior to the
6 start of that school bus driver's next workshift. An employing
7 school board that fails to remove the offending school bus
8 driver from service is subject to the penalties defined in
9 Section 3-14.23 of the School Code. A school bus contractor who
10 violates a provision of this Section is subject to the
11 penalties defined in Section 6-106.11.

12 All valid school bus driver permits issued under this
13 Section prior to January 1, 1995, shall remain effective until
14 their expiration date unless otherwise invalidated.

15 (h) When a school bus driver permit holder who is a service
16 member is called to active duty, the employer of the permit
17 holder shall notify the Secretary of State, within 30 days of
18 notification from the permit holder, that the permit holder has
19 been called to active duty. Upon notification pursuant to this
20 subsection, (i) the Secretary of State shall characterize the
21 permit as inactive until a permit holder renews the permit as
22 provided in subsection (i) of this Section, and (ii) if a
23 permit holder fails to comply with the requirements of this
24 Section while called to active duty, the Secretary of State
25 shall not characterize the permit as invalid.

26 (i) A school bus driver permit holder who is a service

1 member returning from active duty must, within 90 days, renew a
2 permit characterized as inactive pursuant to subsection (h) of
3 this Section by complying with the renewal requirements of
4 subsection (b) of this Section.

5 (j) For purposes of subsections (h) and (i) of this
6 Section:

7 "Active duty" means active duty pursuant to an executive
8 order of the President of the United States, an act of the
9 Congress of the United States, or an order of the Governor.

10 "Service member" means a member of the Armed Services or
11 reserve forces of the United States or a member of the Illinois
12 National Guard.

13 (k) A private carrier employer of a school bus driver
14 permit holder, having satisfied the employer requirements of
15 this Section, shall be held to a standard of ordinary care for
16 intentional acts committed in the course of employment by the
17 bus driver permit holder. This subsection (k) shall in no way
18 limit the liability of the private carrier employer for
19 violation of any provision of this Section or for the negligent
20 hiring or retention of a school bus driver permit holder.

21 (Source: P.A. 100-513, eff. 1-1-18; 101-458, eff. 1-1-20.)

22 (625 ILCS 5/6-106.1a)

23 Sec. 6-106.1a. Cancellation of school bus driver permit;
24 trace of alcohol.

25 (a) A person who has been issued a school bus driver permit

1 by the Secretary of State in accordance with Section 6-106.1 of
2 this Code and who drives or is in actual physical control of a
3 school bus or any other vehicle owned or operated by or for a
4 public or private school, or a school operated by a religious
5 institution, when the vehicle is being used over a regularly
6 scheduled route for the transportation of persons enrolled as
7 students in grade 12 or below, in connection with any activity
8 of the entities listed, upon the public highways of this State
9 shall be deemed to have given consent to a chemical test or
10 tests of blood, breath, other bodily substance, or urine for
11 the purpose of determining the alcohol content of the person's
12 blood if arrested, as evidenced by the issuance of a Uniform
13 Traffic Ticket for any violation of this Code or a similar
14 provision of a local ordinance, if a police officer has
15 probable cause to believe that the driver has consumed any
16 amount of an alcoholic beverage based upon evidence of the
17 driver's physical condition or other first hand knowledge of
18 the police officer. The test or tests shall be administered at
19 the direction of the arresting officer. The law enforcement
20 agency employing the officer shall designate which of the
21 aforesaid tests shall be administered. A urine or other bodily
22 substance test may be administered even after a blood or breath
23 test or both has been administered.

24 (b) A person who is dead, unconscious, or who is otherwise
25 in a condition rendering that person incapable of refusal,
26 shall be deemed not to have withdrawn the consent provided by

1 paragraph (a) of this Section and the test or tests may be
2 administered subject to the following provisions:

3 (1) Chemical analysis of the person's blood, urine,
4 breath, or other bodily substance, to be considered valid
5 under the provisions of this Section, shall have been
6 performed according to standards promulgated by the
7 Illinois ~~Department of~~ State Police by an individual
8 possessing a valid permit issued by the Illinois ~~Department~~
9 ~~of~~ State Police for this purpose. The Director of the
10 Illinois State Police is authorized to approve
11 satisfactory techniques or methods, to ascertain the
12 qualifications and competence of individuals to conduct
13 analyses, to issue permits that shall be subject to
14 termination or revocation at the direction of the Illinois
15 ~~Department of~~ State Police, and to certify the accuracy of
16 breath testing equipment. The Illinois ~~Department of~~ State
17 Police shall prescribe rules as necessary.

18 (2) When a person submits to a blood test at the
19 request of a law enforcement officer under the provisions
20 of this Section, only a physician authorized to practice
21 medicine, a licensed physician assistant, a licensed
22 advanced practice registered nurse, a registered nurse, or
23 other qualified person trained in venipuncture and acting
24 under the direction of a licensed physician may withdraw
25 blood for the purpose of determining the alcohol content.
26 This limitation does not apply to the taking of breath,

1 other bodily substance, or urine specimens.

2 (3) The person tested may have a physician, qualified
3 technician, chemist, registered nurse, or other qualified
4 person of his or her own choosing administer a chemical
5 test or tests in addition to any test or tests administered
6 at the direction of a law enforcement officer. The test
7 administered at the request of the person may be admissible
8 into evidence at a hearing conducted in accordance with
9 Section 2-118 of this Code. The failure or inability to
10 obtain an additional test by a person shall not preclude
11 the consideration of the previously performed chemical
12 test.

13 (4) Upon a request of the person who submits to a
14 chemical test or tests at the request of a law enforcement
15 officer, full information concerning the test or tests
16 shall be made available to the person or that person's
17 attorney by the requesting law enforcement agency within 72
18 hours of receipt of the test result.

19 (5) Alcohol concentration means either grams of
20 alcohol per 100 milliliters of blood or grams of alcohol
21 per 210 liters of breath.

22 (6) If a driver is receiving medical treatment as a
23 result of a motor vehicle accident, a physician licensed to
24 practice medicine, licensed physician assistant, licensed
25 advanced practice registered nurse, registered nurse, or
26 other qualified person trained in venipuncture and acting

1 under the direction of a licensed physician shall withdraw
2 blood for testing purposes to ascertain the presence of
3 alcohol upon the specific request of a law enforcement
4 officer. However, that testing shall not be performed
5 until, in the opinion of the medical personnel on scene,
6 the withdrawal can be made without interfering with or
7 endangering the well-being of the patient.

8 (c) A person requested to submit to a test as provided in
9 this Section shall be warned by the law enforcement officer
10 requesting the test that a refusal to submit to the test, or
11 submission to the test resulting in an alcohol concentration of
12 more than 0.00, may result in the loss of that person's
13 privilege to possess a school bus driver permit. The loss of
14 the individual's privilege to possess a school bus driver
15 permit shall be imposed in accordance with Section 6-106.1b of
16 this Code. A person requested to submit to a test under this
17 Section shall also acknowledge, in writing, receipt of the
18 warning required under this subsection (c). If the person
19 refuses to acknowledge receipt of the warning, the law
20 enforcement officer shall make a written notation on the
21 warning that the person refused to sign the warning. A person's
22 refusal to sign the warning shall not be evidence that the
23 person was not read the warning.

24 (d) If the person refuses testing or submits to a test that
25 discloses an alcohol concentration of more than 0.00, the law
26 enforcement officer shall immediately submit a sworn report to

1 the Secretary of State on a form prescribed by the Secretary of
2 State certifying that the test or tests were requested under
3 subsection (a) and the person refused to submit to a test or
4 tests or submitted to testing which disclosed an alcohol
5 concentration of more than 0.00. The law enforcement officer
6 shall submit the same sworn report when a person who has been
7 issued a school bus driver permit and who was operating a
8 school bus or any other vehicle owned or operated by or for a
9 public or private school, or a school operated by a religious
10 institution, when the vehicle is being used over a regularly
11 scheduled route for the transportation of persons enrolled as
12 students in grade 12 or below, in connection with any activity
13 of the entities listed, submits to testing under Section
14 11-501.1 of this Code and the testing discloses an alcohol
15 concentration of more than 0.00 and less than the alcohol
16 concentration at which driving or being in actual physical
17 control of a motor vehicle is prohibited under paragraph (1) of
18 subsection (a) of Section 11-501.

19 Upon receipt of the sworn report of a law enforcement
20 officer, the Secretary of State shall enter the school bus
21 driver permit sanction on the individual's driving record and
22 the sanction shall be effective on the 46th day following the
23 date notice of the sanction was given to the person.

24 The law enforcement officer submitting the sworn report
25 shall serve immediate notice of this school bus driver permit
26 sanction on the person and the sanction shall be effective on

1 the 46th day following the date notice was given.

2 In cases where the blood alcohol concentration of more than
3 0.00 is established by a subsequent analysis of blood, other
4 bodily substance, or urine, the police officer or arresting
5 agency shall give notice as provided in this Section or by
6 deposit in the United States mail of that notice in an envelope
7 with postage prepaid and addressed to that person at his or her
8 last known address and the loss of the school bus driver permit
9 shall be effective on the 46th day following the date notice
10 was given.

11 Upon receipt of the sworn report of a law enforcement
12 officer, the Secretary of State shall also give notice of the
13 school bus driver permit sanction to the driver and the
14 driver's current employer by mailing a notice of the effective
15 date of the sanction to the individual. However, shall the
16 sworn report be defective by not containing sufficient
17 information or be completed in error, the notice of the school
18 bus driver permit sanction may not be mailed to the person or
19 his current employer or entered to the driving record, but
20 rather the sworn report shall be returned to the issuing law
21 enforcement agency.

22 (e) A driver may contest this school bus driver permit
23 sanction by requesting an administrative hearing with the
24 Secretary of State in accordance with Section 2-118 of this
25 Code. An individual whose blood alcohol concentration is shown
26 to be more than 0.00 is not subject to this Section if he or she

1 consumed alcohol in the performance of a religious service or
2 ceremony. An individual whose blood alcohol concentration is
3 shown to be more than 0.00 shall not be subject to this Section
4 if the individual's blood alcohol concentration resulted only
5 from ingestion of the prescribed or recommended dosage of
6 medicine that contained alcohol. The petition for that hearing
7 shall not stay or delay the effective date of the impending
8 suspension. The scope of this hearing shall be limited to the
9 issues of:

10 (1) whether the police officer had probable cause to
11 believe that the person was driving or in actual physical
12 control of a school bus or any other vehicle owned or
13 operated by or for a public or private school, or a school
14 operated by a religious institution, when the vehicle is
15 being used over a regularly scheduled route for the
16 transportation of persons enrolled as students in grade 12
17 or below, in connection with any activity of the entities
18 listed, upon the public highways of the State and the
19 police officer had reason to believe that the person was in
20 violation of any provision of this Code or a similar
21 provision of a local ordinance; and

22 (2) whether the person was issued a Uniform Traffic
23 Ticket for any violation of this Code or a similar
24 provision of a local ordinance; and

25 (3) whether the police officer had probable cause to
26 believe that the driver had consumed any amount of an

1 alcoholic beverage based upon the driver's physical
2 actions or other first-hand knowledge of the police
3 officer; and

4 (4) whether the person, after being advised by the
5 officer that the privilege to possess a school bus driver
6 permit would be canceled if the person refused to submit to
7 and complete the test or tests, did refuse to submit to or
8 complete the test or tests to determine the person's
9 alcohol concentration; and

10 (5) whether the person, after being advised by the
11 officer that the privileges to possess a school bus driver
12 permit would be canceled if the person submits to a
13 chemical test or tests and the test or tests disclose an
14 alcohol concentration of more than 0.00 and the person did
15 submit to and complete the test or tests that determined an
16 alcohol concentration of more than 0.00; and

17 (6) whether the test result of an alcohol concentration
18 of more than 0.00 was based upon the person's consumption
19 of alcohol in the performance of a religious service or
20 ceremony; and

21 (7) whether the test result of an alcohol concentration
22 of more than 0.00 was based upon the person's consumption
23 of alcohol through ingestion of the prescribed or
24 recommended dosage of medicine.

25 The Secretary of State may adopt administrative rules
26 setting forth circumstances under which the holder of a school

1 bus driver permit is not required to appear in person at the
2 hearing.

3 Provided that the petitioner may subpoena the officer, the
4 hearing may be conducted upon a review of the law enforcement
5 officer's own official reports. Failure of the officer to
6 answer the subpoena shall be grounds for a continuance if, in
7 the hearing officer's discretion, the continuance is
8 appropriate. At the conclusion of the hearing held under
9 Section 2-118 of this Code, the Secretary of State may rescind,
10 continue, or modify the school bus driver permit sanction.

11 (f) The results of any chemical testing performed in
12 accordance with subsection (a) of this Section are not
13 admissible in any civil or criminal proceeding, except that the
14 results of the testing may be considered at a hearing held
15 under Section 2-118 of this Code. However, the results of the
16 testing may not be used to impose driver's license sanctions
17 under Section 11-501.1 of this Code. A law enforcement officer
18 may, however, pursue a statutory summary suspension or
19 revocation of driving privileges under Section 11-501.1 of this
20 Code if other physical evidence or first hand knowledge forms
21 the basis of that suspension or revocation.

22 (g) This Section applies only to drivers who have been
23 issued a school bus driver permit in accordance with Section
24 6-106.1 of this Code at the time of the issuance of the Uniform
25 Traffic Ticket for a violation of this Code or a similar
26 provision of a local ordinance, and a chemical test request is

1 made under this Section.

2 (h) The action of the Secretary of State in suspending,
3 revoking, canceling, or denying any license, permit,
4 registration, or certificate of title shall be subject to
5 judicial review in the Circuit Court of Sangamon County or in
6 the Circuit Court of Cook County, and the provisions of the
7 Administrative Review Law and its rules are hereby adopted and
8 shall apply to and govern every action for the judicial review
9 of final acts or decisions of the Secretary of State under this
10 Section.

11 (Source: P.A. 99-467, eff. 1-1-16; 99-697, eff. 7-29-16;
12 100-513, eff. 1-1-18.)

13 (625 ILCS 5/6-107.5)

14 Sec. 6-107.5. Adult Driver Education Course.

15 (a) The Secretary shall establish by rule the curriculum
16 and designate the materials to be used in an adult driver
17 education course. The course shall be at least 6 hours in
18 length and shall include instruction on traffic laws; highway
19 signs, signals, and markings that regulate, warn, or direct
20 traffic; and issues commonly associated with motor vehicle
21 accidents including poor decision-making, risk taking,
22 impaired driving, distraction, speed, failure to use a safety
23 belt, driving at night, failure to yield the right-of-way,
24 texting while driving, using wireless communication devices,
25 and alcohol and drug awareness. The curriculum shall not

1 require the operation of a motor vehicle.

2 (b) The Secretary shall certify course providers. The
3 requirements to be a certified course provider, the process for
4 applying for certification, and the procedure for decertifying
5 a course provider shall be established by rule.

6 (b-5) In order to qualify for certification as an adult
7 driver education course provider, each applicant must
8 authorize an investigation that includes a fingerprint-based
9 background check to determine if the applicant has ever been
10 convicted of a criminal offense and, if so, the disposition of
11 any conviction. This authorization shall indicate the scope of
12 the inquiry and the agencies that may be contacted. Upon
13 receiving this authorization, the Secretary of State may
14 request and receive information and assistance from any
15 federal, State, or local governmental agency as part of the
16 authorized investigation. Each applicant shall submit his or
17 her fingerprints to the Illinois ~~Department of~~ State Police in
18 the form and manner prescribed by the Illinois ~~Department of~~
19 State Police. These fingerprints shall be checked against
20 fingerprint records now and hereafter filed in the Illinois
21 ~~Department of~~ State Police and Federal Bureau of Investigation
22 criminal history record databases. The Illinois ~~Department of~~
23 State Police shall charge applicants a fee for conducting the
24 criminal history record check, which shall be deposited into
25 the State Police Services Fund and shall not exceed the actual
26 cost of the State and national criminal history record check.

1 The Illinois ~~Department of~~ State Police shall furnish, pursuant
2 to positive identification, records of Illinois criminal
3 convictions to the Secretary and shall forward the national
4 criminal history record information to the Secretary.
5 Applicants shall pay any other fingerprint-related fees.
6 Unless otherwise prohibited by law, the information derived
7 from the investigation, including the source of the information
8 and any conclusions or recommendations derived from the
9 information by the Secretary of State, shall be provided to the
10 applicant upon request to the Secretary of State prior to any
11 final action by the Secretary of State on the application. Any
12 criminal conviction information obtained by the Secretary of
13 State shall be confidential and may not be transmitted outside
14 the Office of the Secretary of State, except as required by
15 this subsection (b-5), and may not be transmitted to anyone
16 within the Office of the Secretary of State except as needed
17 for the purpose of evaluating the applicant. At any
18 administrative hearing held under Section 2-118 of this Code
19 relating to the denial, cancellation, suspension, or
20 revocation of certification of an adult driver education course
21 provider, the Secretary of State may utilize at that hearing
22 any criminal history, criminal conviction, and disposition
23 information obtained under this subsection (b-5). The
24 information obtained from the investigation may be maintained
25 by the Secretary of State or any agency to which the
26 information was transmitted. Only information and standards

1 which bear a reasonable and rational relation to the
2 performance of providing adult driver education shall be used
3 by the Secretary of State. Any employee of the Secretary of
4 State who gives or causes to be given away any confidential
5 information concerning any criminal convictions or disposition
6 of criminal convictions of an applicant shall be guilty of a
7 Class A misdemeanor unless release of the information is
8 authorized by this Section.

9 (c) The Secretary may permit a course provider to offer the
10 course online, if the Secretary is satisfied the course
11 provider has established adequate procedures for verifying:

12 (1) the identity of the person taking the course
13 online; and

14 (2) the person completes the entire course.

15 (d) The Secretary shall establish a method of electronic
16 verification of a student's successful completion of the
17 course.

18 (e) The fee charged by the course provider must bear a
19 reasonable relationship to the cost of the course. The
20 Secretary shall post on the Secretary of State's website a list
21 of approved course providers, the fees charged by the
22 providers, and contact information for each provider.

23 (f) In addition to any other fee charged by the course
24 provider, the course provider shall collect a fee of \$5 from
25 each student to offset the costs incurred by the Secretary in
26 administering this program. The \$5 shall be submitted to the

1 Secretary within 14 days of the day on which it was collected.
2 All such fees received by the Secretary shall be deposited in
3 the Secretary of State Driver Services Administration Fund.
4 (Source: P.A. 98-167, eff. 7-1-14; 98-876, eff. 1-1-15.)

5 (625 ILCS 5/6-112) (from Ch. 95 1/2, par. 6-112)

6 Sec. 6-112. License and Permits to be carried and exhibited
7 on demand. Every licensee or permittee shall have his drivers
8 license or permit in his immediate possession at all times when
9 operating a motor vehicle and, for the purpose of indicating
10 compliance with this requirement, shall display such license or
11 permit if it is in his possession upon demand made, when in
12 uniform or displaying a badge or other sign of authority, by a
13 member of the Illinois State Police, a sheriff or other police
14 officer or designated agent of the Secretary of State. However,
15 no person charged with violating this Section shall be
16 convicted if he produces in court satisfactory evidence that a
17 drivers license was theretofore ~~theretofor~~ issued to him and
18 was valid at the time of his arrest.

19 For the purposes of this Section, "display" means the
20 manual surrender of his license certificate into the hands of
21 the demanding officer for his inspection thereof.

22 (Source: P.A. 76-1749.)

23 (625 ILCS 5/6-402) (from Ch. 95 1/2, par. 6-402)

24 Sec. 6-402. Qualifications of driver training schools. In

1 order to qualify for a license to operate a driver training
2 school, each applicant must:

3 (a) be of good moral character;

4 (b) be at least 21 years of age;

5 (c) maintain an established place of business open to
6 the public which meets the requirements of Section 6-403
7 through 6-407;

8 (d) maintain bodily injury and property damage
9 liability insurance on motor vehicles while used in driving
10 instruction, insuring the liability of the driving school,
11 the driving instructors and any person taking instruction
12 in at least the following amounts: \$50,000 for bodily
13 injury to or death of one person in any one accident and,
14 subject to said limit for one person, \$100,000 for bodily
15 injury to or death of 2 or more persons in any one accident
16 and the amount of \$10,000 for damage to property of others
17 in any one accident. Evidence of such insurance coverage in
18 the form of a certificate from the insurance carrier shall
19 be filed with the Secretary of State, and such certificate
20 shall stipulate that the insurance shall not be cancelled
21 except upon 10 days prior written notice to the Secretary
22 of State. The decal showing evidence of insurance shall be
23 affixed to the windshield of the vehicle;

24 (e) provide a continuous surety company bond in the
25 principal sum of \$10,000 for a non-accredited school,
26 \$40,000 for a CDL or teenage accredited school, \$60,000 for

1 a CDL accredited and teenage accredited school, \$50,000 for
2 a CDL or teenage accredited school with 3 or more licensed
3 branches, \$70,000 for a CDL accredited and teenage
4 accredited school with 3 or more licensed branches for the
5 protection of the contractual rights of students in such
6 form as will meet with the approval of the Secretary of
7 State and written by a company authorized to do business in
8 this State. However, the aggregate liability of the surety
9 for all breaches of the condition of the bond in no event
10 shall exceed the principal sum of \$10,000 for a
11 non-accredited school, \$40,000 for a CDL or teenage
12 accredited school, \$60,000 for a CDL accredited and teenage
13 accredited school, \$50,000 for a CDL or teenage accredited
14 school with 3 or more licensed branches, \$70,000 for a CDL
15 accredited and teenage accredited school with 3 or more
16 licensed branches. The surety on any such bond may cancel
17 such bond on giving 30 days notice thereof in writing to
18 the Secretary of State and shall be relieved of liability
19 for any breach of any conditions of the bond which occurs
20 after the effective date of cancellation;

21 (f) have the equipment necessary to the giving of
22 proper instruction in the operation of motor vehicles;

23 (g) have and use a business telephone listing for all
24 business purposes;

25 (h) pay to the Secretary of State an application fee of
26 \$500 and \$50 for each branch application; and

1 (i) authorize an investigation to include a
2 fingerprint based background check to determine if the
3 applicant has ever been convicted of a crime and if so, the
4 disposition of those convictions. The authorization shall
5 indicate the scope of the inquiry and the agencies that may
6 be contacted. Upon this authorization, the Secretary of
7 State may request and receive information and assistance
8 from any federal, State, or local governmental agency as
9 part of the authorized investigation. Each applicant shall
10 have his or her fingerprints submitted to the Illinois
11 ~~Department of~~ State Police in the form and manner
12 prescribed by the Illinois ~~Department of~~ State Police. The
13 fingerprints shall be checked against the Illinois
14 ~~Department of~~ State Police and Federal Bureau of
15 Investigation criminal history record information
16 databases. The Illinois ~~Department of~~ State Police shall
17 charge a fee for conducting the criminal history records
18 check, which shall be deposited in the State Police
19 Services Fund and shall not exceed the actual cost of the
20 records check. The applicant shall be required to pay all
21 related fingerprint fees including, but not limited to, the
22 amounts established by the Illinois ~~Department of~~ State
23 Police and the Federal Bureau of Investigation to process
24 fingerprint based criminal background investigations. The
25 Illinois ~~Department of~~ State Police shall provide
26 information concerning any criminal convictions and

1 disposition of criminal convictions brought against the
2 applicant upon request of the Secretary of State provided
3 that the request is made in the form and manner required by
4 the Illinois ~~Department of the~~ State Police. Unless
5 otherwise prohibited by law, the information derived from
6 the investigation including the source of the information
7 and any conclusions or recommendations derived from the
8 information by the Secretary of State shall be provided to
9 the applicant, or his designee, upon request to the
10 Secretary of State, prior to any final action by the
11 Secretary of State on the application. Any criminal
12 convictions and disposition information obtained by the
13 Secretary of State shall be confidential and may not be
14 transmitted outside the Office of the Secretary of State,
15 except as required herein, and may not be transmitted to
16 anyone within the Office of the Secretary of State except
17 as needed for the purpose of evaluating the applicant. At
18 any administrative hearing held under Section 2-118 of this
19 Code relating to the denial, cancellation, suspension, or
20 revocation of a driver training school license, the
21 Secretary of State is authorized to utilize at that hearing
22 any criminal histories, criminal convictions, and
23 disposition information obtained under this Section. The
24 information obtained from the investigation may be
25 maintained by the Secretary of State or any agency to which
26 the information was transmitted. Only information and

1 standards, which bear a reasonable and rational relation to
2 the performance of a driver training school owner, shall be
3 used by the Secretary of State. Any employee of the
4 Secretary of State who gives or causes to be given away any
5 confidential information concerning any criminal charges
6 or disposition of criminal charges of an applicant shall be
7 guilty of a Class A misdemeanor, unless release of the
8 information is authorized by this Section.

9 No license shall be issued under this Section to a person
10 who is a spouse, offspring, sibling, parent, grandparent,
11 grandchild, uncle or aunt, nephew or niece, cousin, or in-law
12 of the person whose license to do business at that location has
13 been revoked or denied or to a person who was an officer or
14 employee of a business firm that has had its license revoked or
15 denied, unless the Secretary of State is satisfied the
16 application was submitted in good faith and not for the purpose
17 or effect of defeating the intent of this Code.

18 (Source: P.A. 96-740, eff. 1-1-10; 96-962, eff. 7-2-10;
19 96-1062, eff. 7-14-10; 97-333, eff. 8-12-11; 97-835, eff.
20 7-20-12.)

21 (625 ILCS 5/6-411) (from Ch. 95 1/2, par. 6-411)

22 Sec. 6-411. Qualifications of Driver Training Instructors.
23 In order to qualify for a license as an instructor for a
24 driving school, an applicant must:

25 (a) Be of good moral character;

1 (b) Authorize an investigation to include a
2 fingerprint based background check to determine if the
3 applicant has ever been convicted of a crime and if so, the
4 disposition of those convictions; this authorization shall
5 indicate the scope of the inquiry and the agencies which
6 may be contacted. Upon this authorization the Secretary of
7 State may request and receive information and assistance
8 from any federal, state or local governmental agency as
9 part of the authorized investigation. Each applicant shall
10 submit his or her fingerprints to the Illinois Department
11 ~~of State Police~~ in the form and manner prescribed by the
12 Illinois Department ~~of State Police~~. These fingerprints
13 shall be checked against the fingerprint records now and
14 hereafter filed in the Illinois Department ~~of State Police~~
15 and Federal Bureau of Investigation criminal history
16 records databases. The Illinois Department ~~of State Police~~
17 shall charge a fee for conducting the criminal history
18 records check, which shall be deposited in the State Police
19 Services Fund and shall not exceed the actual cost of the
20 records check. The applicant shall be required to pay all
21 related fingerprint fees including, but not limited to, the
22 amounts established by the Illinois Department ~~of State~~
23 ~~Police~~ and the Federal Bureau of Investigation to process
24 fingerprint based criminal background investigations. The
25 Illinois Department ~~of State Police~~ shall provide
26 information concerning any criminal convictions, and their

1 disposition, brought against the applicant upon request of
2 the Secretary of State when the request is made in the form
3 and manner required by the Illinois ~~Department of State~~
4 Police. Unless otherwise prohibited by law, the
5 information derived from this investigation including the
6 source of this information, and any conclusions or
7 recommendations derived from this information by the
8 Secretary of State shall be provided to the applicant, or
9 his designee, upon request to the Secretary of State, prior
10 to any final action by the Secretary of State on the
11 application. At any administrative hearing held under
12 Section 2-118 of this Code relating to the denial,
13 cancellation, suspension, or revocation of a driver
14 training school license, the Secretary of State is
15 authorized to utilize at that hearing any criminal
16 histories, criminal convictions, and disposition
17 information obtained under this Section. Any criminal
18 convictions and their disposition information obtained by
19 the Secretary of State shall be confidential and may not be
20 transmitted outside the Office of the Secretary of State,
21 except as required herein, and may not be transmitted to
22 anyone within the Office of the Secretary of State except
23 as needed for the purpose of evaluating the applicant. The
24 information obtained from this investigation may be
25 maintained by the Secretary of State or any agency to which
26 such information was transmitted. Only information and

1 standards which bear a reasonable and rational relation to
2 the performance of a driver training instructor shall be
3 used by the Secretary of State. Any employee of the
4 Secretary of State who gives or causes to be given away any
5 confidential information concerning any criminal charges
6 and their disposition of an applicant shall be guilty of a
7 Class A misdemeanor unless release of such information is
8 authorized by this Section;

9 (c) Pass such examination as the Secretary of State
10 shall require on (1) traffic laws, (2) safe driving
11 practices, (3) operation of motor vehicles, and (4)
12 qualifications of teacher;

13 (d) Be physically able to operate safely a motor
14 vehicle and to train others in the operation of motor
15 vehicles. An instructors license application must be
16 accompanied by a medical examination report completed by a
17 competent physician licensed to practice in the State of
18 Illinois;

19 (e) Hold a valid Illinois drivers license;

20 (f) Have graduated from an accredited high school after
21 at least 4 years of high school education or the
22 equivalent; and

23 (g) Pay to the Secretary of State an application and
24 license fee of \$70.

25 If a driver training school class room instructor teaches
26 an approved driver education course, as defined in Section

1 1-103 of this Code, to students under 18 years of age, he or
2 she shall furnish to the Secretary of State a certificate
3 issued by the State Board of Education that the said instructor
4 is qualified and meets the minimum educational standards for
5 teaching driver education courses in the local public or
6 parochial school systems, except that no State Board of
7 Education certification shall be required of any instructor who
8 teaches exclusively in a commercial driving school. On and
9 after July 1, 1986, the existing rules and regulations of the
10 State Board of Education concerning commercial driving schools
11 shall continue to remain in effect but shall be administered by
12 the Secretary of State until such time as the Secretary of
13 State shall amend or repeal the rules in accordance with the
14 Illinois Administrative Procedure Act. Upon request, the
15 Secretary of State shall issue a certificate of completion to a
16 student under 18 years of age who has completed an approved
17 driver education course at a commercial driving school.

18 (Source: P.A. 96-740, eff. 1-1-10; 96-962, eff. 7-2-10; 97-835,
19 eff. 7-20-12.)

20 (625 ILCS 5/6-508) (from Ch. 95 1/2, par. 6-508)

21 Sec. 6-508. Commercial Driver's License (CDL) -
22 qualification standards.

23 (a) Testing.

24 (1) General. No person shall be issued an original or
25 renewal CDL unless that person is domiciled in this State

1 or is applying for a non-domiciled CDL under Sections 6-509
2 and 6-510 of this Code. The Secretary shall cause to be
3 administered such tests as the Secretary deems necessary to
4 meet the requirements of 49 C.F.R. Part 383, subparts F, G,
5 H, and J.

6 (1.5) Effective July 1, 2014, no person shall be issued
7 an original CDL or an upgraded CDL that requires a skills
8 test unless that person has held a CLP, for a minimum of 14
9 calendar days, for the classification of vehicle and
10 endorsement, if any, for which the person is seeking a CDL.

11 (2) Third party testing. The Secretary of State may
12 authorize a "third party tester", pursuant to 49 C.F.R.
13 383.75 and 49 C.F.R. 384.228 and 384.229, to administer the
14 skills test or tests specified by the Federal Motor Carrier
15 Safety Administration pursuant to the Commercial Motor
16 Vehicle Safety Act of 1986 and any appropriate federal
17 rule.

18 (3) (i) Effective February 7, 2020, unless the person is
19 exempted by 49 CFR 380.603, no person shall be issued an
20 original (first time issuance) CDL, an upgraded CDL or a
21 school bus (S), passenger (P), or hazardous Materials (H)
22 endorsement unless the person has successfully completed
23 entry-level driver training (ELDT) taught by a training
24 provider listed on the federal Training Provider Registry.

25 (ii) Persons who obtain a CLP before February 7, 2020
26 are not required to complete ELDT if the person obtains a

1 CDL before the CLP or renewed CLP expires.

2 (iii) Except for persons seeking the H endorsement,
3 persons must complete the theory and behind-the-wheel
4 (range and public road) portions of ELDT within one year of
5 completing the first portion.

6 (iv) The Secretary shall adopt rules to implement this
7 subsection.

8 (b) Waiver of Skills Test. The Secretary of State may waive
9 the skills test specified in this Section for a driver
10 applicant for a commercial driver license who meets the
11 requirements of 49 C.F.R. 383.77. The Secretary of State shall
12 waive the skills tests specified in this Section for a driver
13 applicant who has military commercial motor vehicle
14 experience, subject to the requirements of 49 C.F.R. 383.77.

15 (b-1) No person shall be issued a CDL unless the person
16 certifies to the Secretary one of the following types of
17 driving operations in which he or she will be engaged:

- 18 (1) non-excepted interstate;
19 (2) non-excepted intrastate;
20 (3) excepted interstate; or
21 (4) excepted intrastate.

22 (b-2) (Blank).

23 (c) Limitations on issuance of a CDL. A CDL shall not be
24 issued to a person while the person is subject to a
25 disqualification from driving a commercial motor vehicle, or
26 unless otherwise permitted by this Code, while the person's

1 driver's license is suspended, revoked or cancelled in any
2 state, or any territory or province of Canada; nor may a CLP or
3 CDL be issued to a person who has a CLP or CDL issued by any
4 other state, or foreign jurisdiction, nor may a CDL be issued
5 to a person who has an Illinois CLP unless the person first
6 surrenders all of these licenses or permits. However, a person
7 may hold an Illinois CLP and an Illinois CDL providing the CLP
8 is necessary to train or practice for an endorsement or vehicle
9 classification not present on the current CDL. No CDL shall be
10 issued to or renewed for a person who does not meet the
11 requirement of 49 CFR 391.41(b)(11). The requirement may be met
12 with the aid of a hearing aid.

13 (c-1) The Secretary may issue a CDL with a school bus
14 driver endorsement to allow a person to drive the type of bus
15 described in subsection (d-5) of Section 6-104 of this Code.
16 The CDL with a school bus driver endorsement may be issued only
17 to a person meeting the following requirements:

18 (1) the person has submitted his or her fingerprints to
19 the Illinois ~~Department of~~ State Police in the form and
20 manner prescribed by the Illinois ~~Department of~~ State
21 Police. These fingerprints shall be checked against the
22 fingerprint records now and hereafter filed in the Illinois
23 ~~Department of~~ State Police and Federal Bureau of
24 Investigation criminal history records databases;

25 (2) the person has passed a written test, administered
26 by the Secretary of State, on charter bus operation,

1 charter bus safety, and certain special traffic laws
2 relating to school buses determined by the Secretary of
3 State to be relevant to charter buses, and submitted to a
4 review of the driver applicant's driving habits by the
5 Secretary of State at the time the written test is given;

6 (3) the person has demonstrated physical fitness to
7 operate school buses by submitting the results of a medical
8 examination, including tests for drug use; and

9 (4) the person has not been convicted of committing or
10 attempting to commit any one or more of the following
11 offenses: (i) those offenses defined in Sections 8-1.2,
12 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2,
13 10-3.1, 10-4, 10-5, 10-5.1, 10-6, 10-7, 10-9, 11-1.20,
14 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5, 11-6.6,
15 11-9, 11-9.1, 11-9.3, 11-9.4, 11-14, 11-14.1, 11-14.3,
16 11-14.4, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18,
17 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1,
18 11-20.1B, 11-20.3, 11-21, 11-22, 11-23, 11-24, 11-25,
19 11-26, 11-30, 12-2.6, 12-3.1, 12-4, 12-4.1, 12-4.2,
20 12-4.2-5, 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7, 12-4.9,
21 12-5.01, 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-7.5,
22 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-16.2,
23 12-21.5, 12-21.6, 12-33, 12C-5, 12C-10, 12C-20, 12C-30,
24 12C-45, 16-16, 16-16.1, 18-1, 18-2, 18-3, 18-4, 18-5, 19-6,
25 20-1, 20-1.1, 20-1.2, 20-1.3, 20-2, 24-1, 24-1.1, 24-1.2,
26 24-1.2-5, 24-1.6, 24-1.7, 24-2.1, 24-3.3, 24-3.5, 24-3.8,

1 24-3.9, 31A-1, 31A-1.1, 33A-2, and 33D-1, and in subsection
2 (b) of Section 8-1, and in subdivisions (a)(1), (a)(2),
3 (b)(1), (e)(1), (e)(2), (e)(3), (e)(4), and (f)(1) of
4 Section 12-3.05, and in subsection (a) and subsection (b),
5 clause (1), of Section 12-4, and in subsection (A), clauses
6 (a) and (b), of Section 24-3, and those offenses contained
7 in Article 29D of the Criminal Code of 1961 or the Criminal
8 Code of 2012; (ii) those offenses defined in the Cannabis
9 Control Act except those offenses defined in subsections
10 (a) and (b) of Section 4, and subsection (a) of Section 5
11 of the Cannabis Control Act; (iii) those offenses defined
12 in the Illinois Controlled Substances Act; (iv) those
13 offenses defined in the Methamphetamine Control and
14 Community Protection Act; (v) any offense committed or
15 attempted in any other state or against the laws of the
16 United States, which if committed or attempted in this
17 State would be punishable as one or more of the foregoing
18 offenses; (vi) the offenses defined in Sections 4.1 and 5.1
19 of the Wrongs to Children Act or Section 11-9.1A of the
20 Criminal Code of 1961 or the Criminal Code of 2012; (vii)
21 those offenses defined in Section 6-16 of the Liquor
22 Control Act of 1934; and (viii) those offenses defined in
23 the Methamphetamine Precursor Control Act.

24 The Illinois ~~Department of~~ State Police shall charge a fee
25 for conducting the criminal history records check, which shall
26 be deposited into the State Police Services Fund and may not

1 exceed the actual cost of the records check.

2 (c-2) The Secretary shall issue a CDL with a school bus
3 endorsement to allow a person to drive a school bus as defined
4 in this Section. The CDL shall be issued according to the
5 requirements outlined in 49 C.F.R. 383. A person may not
6 operate a school bus as defined in this Section without a
7 school bus endorsement. The Secretary of State may adopt rules
8 consistent with Federal guidelines to implement this
9 subsection (c-2).

10 (d) (Blank).

11 (Source: P.A. 101-185, eff. 1-1-20.)

12 (625 ILCS 5/8-115) (from Ch. 95 1/2, par. 8-115)

13 Sec. 8-115. Display of certificate-Enforcement. The
14 certificate issued pursuant to Section 8-114 shall be displayed
15 upon a window of the motor vehicle for which it was issued, in
16 such manner as to be visible to the passengers carried therein.
17 This Section and Section 8-114 shall be enforced by the
18 Illinois State Police, the Secretary of State, and other police
19 officers.

20 (Source: P.A. 82-433.)

21 (625 ILCS 5/11-212)

22 Sec. 11-212. Traffic and pedestrian stop statistical
23 study.

24 (a) Whenever a State or local law enforcement officer

1 issues a uniform traffic citation or warning citation for an
2 alleged violation of the Illinois Vehicle Code, he or she shall
3 record at least the following:

4 (1) the name, address, gender, and the officer's
5 subjective determination of the race of the person stopped;
6 the person's race shall be selected from the following
7 list: American Indian or Alaska Native, Asian, Black or
8 African American, Hispanic or Latino, Native Hawaiian or
9 Other Pacific Islander, or White;

10 (2) the alleged traffic violation that led to the stop
11 of the motorist;

12 (3) the make and year of the vehicle stopped;

13 (4) the date and time of the stop, beginning when the
14 vehicle was stopped and ending when the driver is free to
15 leave or taken into physical custody;

16 (5) the location of the traffic stop;

17 (5.5) whether or not a consent search contemporaneous
18 to the stop was requested of the vehicle, driver,
19 passenger, or passengers; and, if so, whether consent was
20 given or denied;

21 (6) whether or not a search contemporaneous to the stop
22 was conducted of the vehicle, driver, passenger, or
23 passengers; and, if so, whether it was with consent or by
24 other means;

25 (6.2) whether or not a police dog performed a sniff of
26 the vehicle; and, if so, whether or not the dog alerted to

1 the presence of contraband; and, if so, whether or not an
2 officer searched the vehicle; and, if so, whether or not
3 contraband was discovered; and, if so, the type and amount
4 of contraband;

5 (6.5) whether or not contraband was found during a
6 search; and, if so, the type and amount of contraband
7 seized; and

8 (7) the name and badge number of the issuing officer.

9 (b) Whenever a State or local law enforcement officer stops
10 a motorist for an alleged violation of the Illinois Vehicle
11 Code and does not issue a uniform traffic citation or warning
12 citation for an alleged violation of the Illinois Vehicle Code,
13 he or she shall complete a uniform stop card, which includes
14 field contact cards, or any other existing form currently used
15 by law enforcement containing information required pursuant to
16 this Act, that records at least the following:

17 (1) the name, address, gender, and the officer's
18 subjective determination of the race of the person stopped;
19 the person's race shall be selected from the following
20 list: American Indian or Alaska Native, Asian, Black or
21 African American, Hispanic or Latino, Native Hawaiian or
22 Other Pacific Islander, or White;

23 (2) the reason that led to the stop of the motorist;

24 (3) the make and year of the vehicle stopped;

25 (4) the date and time of the stop, beginning when the
26 vehicle was stopped and ending when the driver is free to

1 leave or taken into physical custody;

2 (5) the location of the traffic stop;

3 (5.5) whether or not a consent search contemporaneous
4 to the stop was requested of the vehicle, driver,
5 passenger, or passengers; and, if so, whether consent was
6 given or denied;

7 (6) whether or not a search contemporaneous to the stop
8 was conducted of the vehicle, driver, passenger, or
9 passengers; and, if so, whether it was with consent or by
10 other means;

11 (6.2) whether or not a police dog performed a sniff of
12 the vehicle; and, if so, whether or not the dog alerted to
13 the presence of contraband; and, if so, whether or not an
14 officer searched the vehicle; and, if so, whether or not
15 contraband was discovered; and, if so, the type and amount
16 of contraband;

17 (6.5) whether or not contraband was found during a
18 search; and, if so, the type and amount of contraband
19 seized; and

20 (7) the name and badge number of the issuing officer.

21 (b-5) For purposes of this subsection (b-5), "detention"
22 means all frisks, searches, summons, and arrests. Whenever a
23 law enforcement officer subjects a pedestrian to detention in a
24 public place, he or she shall complete a uniform pedestrian
25 stop card, which includes any existing form currently used by
26 law enforcement containing all the information required under

1 this Section, that records at least the following:

2 (1) the gender, and the officer's subjective
3 determination of the race of the person stopped; the
4 person's race shall be selected from the following list:
5 American Indian or Alaska Native, Asian, Black or African
6 American, Hispanic or Latino, Native Hawaiian or Other
7 Pacific Islander, or White;

8 (2) all the alleged reasons that led to the stop of the
9 person;

10 (3) the date and time of the stop;

11 (4) the location of the stop;

12 (5) whether or not a protective pat down or frisk was
13 conducted of the person; and, if so, all the alleged
14 reasons that led to the protective pat down or frisk, and
15 whether it was with consent or by other means;

16 (6) whether or not contraband was found during the
17 protective pat down or frisk; and, if so, the type and
18 amount of contraband seized;

19 (7) whether or not a search beyond a protective pat
20 down or frisk was conducted of the person or his or her
21 effects; and, if so, all the alleged reasons that led to
22 the search, and whether it was with consent or by other
23 means;

24 (8) whether or not contraband was found during the
25 search beyond a protective pat down or frisk; and, if so,
26 the type and amount of contraband seized;

1 (9) the disposition of the stop, such as a warning, a
2 ticket, a summons, or an arrest;

3 (10) if a summons or ticket was issued, or an arrest
4 made, a record of the violations, offenses, or crimes
5 alleged or charged; and

6 (11) the name and badge number of the officer who
7 conducted the detention.

8 This subsection (b-5) does not apply to searches or
9 inspections for compliance authorized under the Fish and
10 Aquatic Life Code, the Wildlife Code, the Herptiles-Herps Act,
11 or searches or inspections during routine security screenings
12 at facilities or events.

13 (c) The Illinois Department of Transportation shall
14 provide a standardized law enforcement data compilation form on
15 its website.

16 (d) Every law enforcement agency shall, by March 1 with
17 regard to data collected during July through December of the
18 previous calendar year and by August 1 with regard to data
19 collected during January through June of the current calendar
20 year, compile the data described in subsections (a), (b), and
21 (b-5) on the standardized law enforcement data compilation form
22 provided by the Illinois Department of Transportation and
23 transmit the data to the Department.

24 (e) The Illinois Department of Transportation shall
25 analyze the data provided by law enforcement agencies required
26 by this Section and submit a report of the previous year's

1 findings to the Governor, the General Assembly, the Racial
2 Profiling Prevention and Data Oversight Board, and each law
3 enforcement agency no later than July 1 of each year. The
4 Illinois Department of Transportation may contract with an
5 outside entity for the analysis of the data provided. In
6 analyzing the data collected under this Section, the analyzing
7 entity shall scrutinize the data for evidence of statistically
8 significant aberrations. The following list, which is
9 illustrative, and not exclusive, contains examples of areas in
10 which statistically significant aberrations may be found:

11 (1) The percentage of minority drivers, passengers, or
12 pedestrians being stopped in a given area is substantially
13 higher than the proportion of the overall population in or
14 traveling through the area that the minority constitutes.

15 (2) A substantial number of false stops including stops
16 not resulting in the issuance of a traffic ticket or the
17 making of an arrest.

18 (3) A disparity between the proportion of citations
19 issued to minorities and proportion of minorities in the
20 population.

21 (4) A disparity among the officers of the same law
22 enforcement agency with regard to the number of minority
23 drivers, passengers, or pedestrians being stopped in a
24 given area.

25 (5) A disparity between the frequency of searches
26 performed on minority drivers or pedestrians and the

1 frequency of searches performed on non-minority drivers or
2 pedestrians.

3 (f) Any law enforcement officer identification information
4 and driver or pedestrian identification information that is
5 compiled by any law enforcement agency or the Illinois
6 Department of Transportation pursuant to this Act for the
7 purposes of fulfilling the requirements of this Section shall
8 be confidential and exempt from public inspection and copying,
9 as provided under Section 7 of the Freedom of Information Act,
10 and the information shall not be transmitted to anyone except
11 as needed to comply with this Section. This Section shall not
12 exempt those materials that, prior to the effective date of
13 this amendatory Act of the 93rd General Assembly, were
14 available under the Freedom of Information Act. This subsection
15 (f) shall not preclude law enforcement agencies from reviewing
16 data to perform internal reviews.

17 (g) Funding to implement this Section shall come from
18 federal highway safety funds available to Illinois, as directed
19 by the Governor.

20 (h) The Illinois Criminal Justice Information Authority,
21 in consultation with law enforcement agencies, officials, and
22 organizations, including Illinois chiefs of police, the
23 Illinois Department ~~Department~~ of State Police, the Illinois Sheriffs
24 Association, and the Chicago Police Department, and community
25 groups and other experts, shall undertake a study to determine
26 the best use of technology to collect, compile, and analyze the

1 traffic stop statistical study data required by this Section.
2 The Department shall report its findings and recommendations to
3 the Governor and the General Assembly by March 1, 2022.

4 (h-1) The Traffic and Pedestrian Stop Data Use and
5 Collection Task Force is hereby created.

6 (1) The Task Force shall undertake a study to determine
7 the best use of technology to collect, compile, and analyze
8 the traffic stop statistical study data required by this
9 Section.

10 (2) The Task Force shall be an independent Task Force
11 under the Illinois Criminal Justice Information Authority
12 for administrative purposes, and shall consist of the
13 following members:

14 (A) 2 academics or researchers who have studied
15 issues related to traffic or pedestrian stop data
16 collection and have education or expertise in
17 statistics;

18 (B) one professor from an Illinois university who
19 specializes in policing and racial equity;

20 (C) one representative from the Illinois State
21 Police;

22 (D) one representative from the Chicago Police
23 Department;

24 (E) one representative from the Illinois Chiefs of
25 Police;

26 (F) one representative from the Illinois Sheriffs

1 Association;

2 (G) one representative from the Chicago Fraternal
3 Order of Police;

4 (H) one representative from the Illinois Fraternal
5 Order of Police;

6 (I) the Executive Director of the American Civil
7 Liberties Union of Illinois, or his or her designee;
8 and

9 (J) 5 representatives from different community
10 organizations who specialize in civil or human rights,
11 policing, or criminal justice reform work, and that
12 represent a range of minority interests or different
13 parts of the State.

14 (3) The Illinois Criminal Justice Information
15 Authority may consult, contract, work in conjunction with,
16 and obtain any information from any individual, agency,
17 association, or research institution deemed appropriate by
18 the Authority.

19 (4) The Task Force shall report its findings and
20 recommendations to the Governor and the General Assembly by
21 March 1, 2022 and every 3 years after.

22 (h-5) For purposes of this Section:

23 (1) "American Indian or Alaska Native" means a person
24 having origins in any of the original peoples of North and
25 South America, including Central America, and who
26 maintains tribal affiliation or community attachment.

1 (2) "Asian" means a person having origins in any of the
2 original peoples of the Far East, Southeast Asia, or the
3 Indian subcontinent, including, but not limited to,
4 Cambodia, China, India, Japan, Korea, Malaysia, Pakistan,
5 the Philippine Islands, Thailand, and Vietnam.

6 (2.5) "Badge" means an officer's department issued
7 identification number associated with his or her position
8 as a police officer with that department.

9 (3) "Black or African American" means a person having
10 origins in any of the black racial groups of Africa. Terms
11 such as "Haitian" or "Negro" can be used in addition to
12 "Black or African American".

13 (4) "Hispanic or Latino" means a person of Cuban,
14 Mexican, Puerto Rican, South or Central American, or other
15 Spanish culture or origin, regardless of race.

16 (5) "Native Hawaiian or Other Pacific Islander" means a
17 person having origins in any of the original peoples of
18 Hawaii, Guam, Samoa, or other Pacific Islands.

19 (6) "White" means a person having origins in any of the
20 original peoples of Europe, the Middle East, or North
21 Africa.

22 (i) (Blank).

23 (Source: P.A. 101-24, eff. 6-21-19.)

24 (625 ILCS 5/11-416) (from Ch. 95 1/2, par. 11-416)

25 Sec. 11-416. Furnishing copies - Fees. The Illinois

1 ~~Department of~~ State Police may furnish copies of an Illinois
2 State Police Traffic Accident Report that has been investigated
3 by the Illinois State Police and shall be paid a fee of \$5 for
4 each such copy, or in the case of an accident which was
5 investigated by an accident reconstruction officer or accident
6 reconstruction team, a fee of \$20 shall be paid. These fees
7 shall be deposited into the State Police Services Fund.

8 Other State law enforcement agencies or law enforcement
9 agencies of local authorities may furnish copies of traffic
10 accident reports prepared by such agencies and may receive a
11 fee not to exceed \$5 for each copy or in the case of an accident
12 which was investigated by an accident reconstruction officer or
13 accident reconstruction team, the State or local law
14 enforcement agency may receive a fee not to exceed \$20.

15 Any written accident report required or requested to be
16 furnished the Administrator shall be provided without cost or
17 fee charges authorized under this Section or any other
18 provision of law.

19 (Source: P.A. 101-571, eff. 8-23-19.)

20 (625 ILCS 5/11-501.01)

21 Sec. 11-501.01. Additional administrative sanctions.

22 (a) After a finding of guilt and prior to any final
23 sentencing or an order for supervision, for an offense based
24 upon an arrest for a violation of Section 11-501 or a similar
25 provision of a local ordinance, individuals shall be required

1 to undergo a professional evaluation to determine if an
2 alcohol, drug, or intoxicating compound abuse problem exists
3 and the extent of the problem, and undergo the imposition of
4 treatment as appropriate. Programs conducting these
5 evaluations shall be licensed by the Department of Human
6 Services. The cost of any professional evaluation shall be paid
7 for by the individual required to undergo the professional
8 evaluation.

9 (b) Any person who is found guilty of or pleads guilty to
10 violating Section 11-501, including any person receiving a
11 disposition of court supervision for violating that Section,
12 may be required by the Court to attend a victim impact panel
13 offered by, or under contract with, a county State's Attorney's
14 office, a probation and court services department, Mothers
15 Against Drunk Driving, or the Alliance Against Intoxicated
16 Motorists. All costs generated by the victim impact panel shall
17 be paid from fees collected from the offender or as may be
18 determined by the court.

19 (c) (Blank).

20 (d) The Secretary of State shall revoke the driving
21 privileges of any person convicted under Section 11-501 or a
22 similar provision of a local ordinance.

23 (e) The Secretary of State shall require the use of
24 ignition interlock devices for a period not less than 5 years
25 on all vehicles owned by a person who has been convicted of a
26 second or subsequent offense of Section 11-501 or a similar

1 provision of a local ordinance. The person must pay to the
2 Secretary of State DUI Administration Fund an amount not to
3 exceed \$30 for each month that he or she uses the device. The
4 Secretary shall establish by rule and regulation the procedures
5 for certification and use of the interlock system, the amount
6 of the fee, and the procedures, terms, and conditions relating
7 to these fees. During the time period in which a person is
8 required to install an ignition interlock device under this
9 subsection (e), that person shall only operate vehicles in
10 which ignition interlock devices have been installed, except as
11 allowed by subdivision (c) (5) or (d) (5) of Section 6-205 of
12 this Code.

13 (f) (Blank).

14 (g) The Secretary of State Police DUI Fund is created as a
15 special fund in the State treasury and, subject to
16 appropriation, shall be used for enforcement and prevention of
17 driving while under the influence of alcohol, other drug or
18 drugs, intoxicating compound or compounds or any combination
19 thereof, as defined by Section 11-501 of this Code, including,
20 but not limited to, the purchase of law enforcement equipment
21 and commodities to assist in the prevention of alcohol-related
22 criminal violence throughout the State; police officer
23 training and education in areas related to alcohol-related
24 crime, including, but not limited to, DUI training; and police
25 officer salaries, including, but not limited to, salaries for
26 hire back funding for safety checkpoints, saturation patrols,

1 and liquor store sting operations.

2 (h) Whenever an individual is sentenced for an offense
3 based upon an arrest for a violation of Section 11-501 or a
4 similar provision of a local ordinance, and the professional
5 evaluation recommends remedial or rehabilitative treatment or
6 education, neither the treatment nor the education shall be the
7 sole disposition and either or both may be imposed only in
8 conjunction with another disposition. The court shall monitor
9 compliance with any remedial education or treatment
10 recommendations contained in the professional evaluation.
11 Programs conducting alcohol or other drug evaluation or
12 remedial education must be licensed by the Department of Human
13 Services. If the individual is not a resident of Illinois,
14 however, the court may accept an alcohol or other drug
15 evaluation or remedial education program in the individual's
16 state of residence. Programs providing treatment must be
17 licensed under existing applicable alcoholism and drug
18 treatment licensure standards.

19 (i) (Blank).

20 (j) A person that is subject to a chemical test or tests of
21 blood under subsection (a) of Section 11-501.1 or subdivision
22 (c) (2) of Section 11-501.2 of this Code, whether or not that
23 person consents to testing, shall be liable for the expense up
24 to \$500 for blood withdrawal by a physician authorized to
25 practice medicine, a licensed physician assistant, a licensed
26 advanced practice registered nurse, a registered nurse, a

1 trained phlebotomist, a licensed paramedic, or a qualified
2 person other than a police officer approved by the Illinois
3 ~~Department of~~ State Police to withdraw blood, who responds,
4 whether at a law enforcement facility or a health care
5 facility, to a police department request for the drawing of
6 blood based upon refusal of the person to submit to a lawfully
7 requested breath test or probable cause exists to believe the
8 test would disclose the ingestion, consumption, or use of drugs
9 or intoxicating compounds if:

10 (1) the person is found guilty of violating Section
11 11-501 of this Code or a similar provision of a local
12 ordinance; or

13 (2) the person pleads guilty to or stipulates to facts
14 supporting a violation of Section 11-503 of this Code or a
15 similar provision of a local ordinance when the plea or
16 stipulation was the result of a plea agreement in which the
17 person was originally charged with violating Section
18 11-501 of this Code or a similar local ordinance.

19 (Source: P.A. 100-513, eff. 1-1-18; 100-987, eff. 7-1-19;
20 101-81, eff. 7-12-19.)

21 (625 ILCS 5/11-501.2) (from Ch. 95 1/2, par. 11-501.2)

22 Sec. 11-501.2. Chemical and other tests.

23 (a) Upon the trial of any civil or criminal action or
24 proceeding arising out of an arrest for an offense as defined
25 in Section 11-501 or a similar local ordinance or proceedings

1 pursuant to Section 2-118.1, evidence of the concentration of
2 alcohol, other drug or drugs, or intoxicating compound or
3 compounds, or any combination thereof in a person's blood or
4 breath at the time alleged, as determined by analysis of the
5 person's blood, urine, breath, or other bodily substance, shall
6 be admissible. Where such test is made the following provisions
7 shall apply:

8 1. Chemical analyses of the person's blood, urine,
9 breath, or other bodily substance to be considered valid
10 under the provisions of this Section shall have been
11 performed according to standards promulgated by the
12 Illinois ~~Department of~~ State Police by a licensed
13 physician, registered nurse, trained phlebotomist,
14 licensed paramedic, or other individual possessing a valid
15 permit issued by that Department for this purpose. The
16 Director of the Illinois State Police is authorized to
17 approve satisfactory techniques or methods, to ascertain
18 the qualifications and competence of individuals to
19 conduct such analyses, to issue permits which shall be
20 subject to termination or revocation at the discretion of
21 that Department and to certify the accuracy of breath
22 testing equipment. The Illinois ~~Department of~~ State Police
23 shall prescribe regulations as necessary to implement this
24 Section.

25 2. When a person in this State shall submit to a blood
26 test at the request of a law enforcement officer under the

1 provisions of Section 11-501.1, only a physician
2 authorized to practice medicine, a licensed physician
3 assistant, a licensed advanced practice registered nurse,
4 a registered nurse, trained phlebotomist, or licensed
5 paramedic, or other qualified person approved by the
6 Illinois Department of State Police may withdraw blood for
7 the purpose of determining the alcohol, drug, or alcohol
8 and drug content therein. This limitation shall not apply
9 to the taking of breath, other bodily substance, or urine
10 specimens.

11 When a blood test of a person who has been taken to an
12 adjoining state for medical treatment is requested by an
13 Illinois law enforcement officer, the blood may be
14 withdrawn only by a physician authorized to practice
15 medicine in the adjoining state, a licensed physician
16 assistant, a licensed advanced practice registered nurse,
17 a registered nurse, a trained phlebotomist acting under the
18 direction of the physician, or licensed paramedic. The law
19 enforcement officer requesting the test shall take custody
20 of the blood sample, and the blood sample shall be analyzed
21 by a laboratory certified by the Illinois Department of
22 State Police for that purpose.

23 3. The person tested may have a physician, or a
24 qualified technician, chemist, registered nurse, or other
25 qualified person of their own choosing administer a
26 chemical test or tests in addition to any administered at

1 the direction of a law enforcement officer. The failure or
2 inability to obtain an additional test by a person shall
3 not preclude the admission of evidence relating to the test
4 or tests taken at the direction of a law enforcement
5 officer.

6 4. Upon the request of the person who shall submit to a
7 chemical test or tests at the request of a law enforcement
8 officer, full information concerning the test or tests
9 shall be made available to the person or such person's
10 attorney.

11 5. Alcohol concentration shall mean either grams of
12 alcohol per 100 milliliters of blood or grams of alcohol
13 per 210 liters of breath.

14 6. Tetrahydrocannabinol concentration means either 5
15 nanograms or more of delta-9-tetrahydrocannabinol per
16 milliliter of whole blood or 10 nanograms or more of
17 delta-9-tetrahydrocannabinol per milliliter of other
18 bodily substance.

19 (a-5) Law enforcement officials may use validated roadside
20 chemical tests or standardized field sobriety tests approved by
21 the National Highway Traffic Safety Administration when
22 conducting investigations of a violation of Section 11-501 or
23 similar local ordinance by drivers suspected of driving under
24 the influence of cannabis. The General Assembly finds that (i)
25 validated roadside chemical tests are effective means to
26 determine if a person is under the influence of cannabis and

1 (ii) standardized field sobriety tests approved by the National
2 Highway Traffic Safety Administration are divided attention
3 tasks that are intended to determine if a person is under the
4 influence of cannabis. The purpose of these tests is to
5 determine the effect of the use of cannabis on a person's
6 capacity to think and act with ordinary care and therefore
7 operate a motor vehicle safely. Therefore, the results of these
8 validated roadside chemical tests and standardized field
9 sobriety tests, appropriately administered, shall be
10 admissible in the trial of any civil or criminal action or
11 proceeding arising out of an arrest for a cannabis-related
12 offense as defined in Section 11-501 or a similar local
13 ordinance or proceedings under Section 2-118.1 or 2-118.2.
14 Where a test is made the following provisions shall apply:

15 1. The person tested may have a physician, or a
16 qualified technician, chemist, registered nurse, or other
17 qualified person of their own choosing administer a
18 chemical test or tests in addition to the standardized
19 field sobriety test or tests administered at the direction
20 of a law enforcement officer. The failure or inability to
21 obtain an additional test by a person does not preclude the
22 admission of evidence relating to the test or tests taken
23 at the direction of a law enforcement officer.

24 2. Upon the request of the person who shall submit to
25 validated roadside chemical tests or a standardized field
26 sobriety test or tests at the request of a law enforcement

1 officer, full information concerning the test or tests
2 shall be made available to the person or the person's
3 attorney.

4 3. At the trial of any civil or criminal action or
5 proceeding arising out of an arrest for an offense as
6 defined in Section 11-501 or a similar local ordinance or
7 proceedings under Section 2-118.1 or 2-118.2 in which the
8 results of these validated roadside chemical tests or
9 standardized field sobriety tests are admitted, the person
10 may present and the trier of fact may consider evidence
11 that the person lacked the physical capacity to perform the
12 validated roadside chemical tests or standardized field
13 sobriety tests.

14 (b) Upon the trial of any civil or criminal action or
15 proceeding arising out of acts alleged to have been committed
16 by any person while driving or in actual physical control of a
17 vehicle while under the influence of alcohol, the concentration
18 of alcohol in the person's blood or breath at the time alleged
19 as shown by analysis of the person's blood, urine, breath, or
20 other bodily substance shall give rise to the following
21 presumptions:

22 1. If there was at that time an alcohol concentration
23 of 0.05 or less, it shall be presumed that the person was
24 not under the influence of alcohol.

25 2. If there was at that time an alcohol concentration
26 in excess of 0.05 but less than 0.08, such facts shall not

1 give rise to any presumption that the person was or was not
2 under the influence of alcohol, but such fact may be
3 considered with other competent evidence in determining
4 whether the person was under the influence of alcohol.

5 3. If there was at that time an alcohol concentration
6 of 0.08 or more, it shall be presumed that the person was
7 under the influence of alcohol.

8 4. The foregoing provisions of this Section shall not
9 be construed as limiting the introduction of any other
10 relevant evidence bearing upon the question whether the
11 person was under the influence of alcohol.

12 (b-5) Upon the trial of any civil or criminal action or
13 proceeding arising out of acts alleged to have been committed
14 by any person while driving or in actual physical control of a
15 vehicle while under the influence of alcohol, other drug or
16 drugs, intoxicating compound or compounds or any combination
17 thereof, the concentration of cannabis in the person's whole
18 blood or other bodily substance at the time alleged as shown by
19 analysis of the person's blood or other bodily substance shall
20 give rise to the following presumptions:

21 1. If there was a tetrahydrocannabinol concentration
22 of 5 nanograms or more in whole blood or 10 nanograms or
23 more in an other bodily substance as defined in this
24 Section, it shall be presumed that the person was under the
25 influence of cannabis.

26 2. If there was at that time a tetrahydrocannabinol

1 concentration of less than 5 nanograms in whole blood or
2 less than 10 nanograms in an other bodily substance, such
3 facts shall not give rise to any presumption that the
4 person was or was not under the influence of cannabis, but
5 such fact may be considered with other competent evidence
6 in determining whether the person was under the influence
7 of cannabis.

8 (c) 1. If a person under arrest refuses to submit to a
9 chemical test under the provisions of Section 11-501.1,
10 evidence of refusal shall be admissible in any civil or
11 criminal action or proceeding arising out of acts alleged to
12 have been committed while the person under the influence of
13 alcohol, other drug or drugs, or intoxicating compound or
14 compounds, or any combination thereof was driving or in actual
15 physical control of a motor vehicle.

16 2. Notwithstanding any ability to refuse under this Code to
17 submit to these tests or any ability to revoke the implied
18 consent to these tests, if a law enforcement officer has
19 probable cause to believe that a motor vehicle driven by or in
20 actual physical control of a person under the influence of
21 alcohol, other drug or drugs, or intoxicating compound or
22 compounds, or any combination thereof has caused the death or
23 personal injury to another, the law enforcement officer shall
24 request, and that person shall submit, upon the request of a
25 law enforcement officer, to a chemical test or tests of his or
26 her blood, breath, other bodily substance, or urine for the

1 purpose of determining the alcohol content thereof or the
2 presence of any other drug or combination of both.

3 This provision does not affect the applicability of or
4 imposition of driver's license sanctions under Section
5 11-501.1 of this Code.

6 3. For purposes of this Section, a personal injury includes
7 any Type A injury as indicated on the traffic accident report
8 completed by a law enforcement officer that requires immediate
9 professional attention in either a doctor's office or a medical
10 facility. A Type A injury includes severe bleeding wounds,
11 distorted extremities, and injuries that require the injured
12 party to be carried from the scene.

13 (d) If a person refuses validated roadside chemical tests
14 or standardized field sobriety tests under Section 11-501.9 of
15 this Code, evidence of refusal shall be admissible in any civil
16 or criminal action or proceeding arising out of acts committed
17 while the person was driving or in actual physical control of a
18 vehicle and alleged to have been impaired by the use of
19 cannabis.

20 (e) Illinois ~~Department of~~ State Police compliance with the
21 changes in this amendatory Act of the 99th General Assembly
22 concerning testing of other bodily substances and
23 tetrahydrocannabinol concentration by Illinois ~~Department of~~
24 State Police laboratories is subject to appropriation and until
25 the Illinois ~~Department of~~ State Police adopt standards and
26 completion validation. Any laboratories that test for the

1 presence of cannabis or other drugs under this Article, the
2 Snowmobile Registration and Safety Act, or the Boat
3 Registration and Safety Act must comply with ISO/IEC
4 17025:2005.

5 (Source: P.A. 100-513, eff. 1-1-18; 101-27, eff. 6-25-19.)

6 (625 ILCS 5/11-501.4-1)

7 Sec. 11-501.4-1. Reporting of test results of blood, other
8 bodily substance, or urine conducted in the regular course of
9 providing emergency medical treatment.

10 (a) Notwithstanding any other provision of law, the results
11 of blood, other bodily substance, or urine tests performed for
12 the purpose of determining the content of alcohol, other drug
13 or drugs, or intoxicating compound or compounds, or any
14 combination thereof, in an individual's blood, other bodily
15 substance, or urine conducted upon persons receiving medical
16 treatment in a hospital emergency room for injuries resulting
17 from a motor vehicle accident shall be disclosed to the
18 Illinois ~~Department of~~ State Police or local law enforcement
19 agencies of jurisdiction, upon request. Such blood, other
20 bodily substance, or urine tests are admissible in evidence as
21 a business record exception to the hearsay rule only in
22 prosecutions for any violation of Section 11-501 of this Code
23 or a similar provision of a local ordinance, or in prosecutions
24 for reckless homicide brought under the Criminal Code of 1961
25 or the Criminal Code of 2012.

1 (b) The confidentiality provisions of law pertaining to
2 medical records and medical treatment shall not be applicable
3 with regard to tests performed upon an individual's blood,
4 other bodily substance, or urine under the provisions of
5 subsection (a) of this Section. No person shall be liable for
6 civil damages or professional discipline as a result of the
7 disclosure or reporting of the tests or the evidentiary use of
8 an individual's blood, other bodily substance, or urine test
9 results under this Section or Section 11-501.4 or as a result
10 of that person's testimony made available under this Section or
11 Section 11-501.4, except for willful or wanton misconduct.

12 (Source: P.A. 99-697, eff. 7-29-16.)

13 (625 ILCS 5/11-501.5) (from Ch. 95 1/2, par. 11-501.5)

14 Sec. 11-501.5. Preliminary Breath Screening Test.

15 (a) If a law enforcement officer has reasonable suspicion
16 to believe that a person is violating or has violated Section
17 11-501 or a similar provision of a local ordinance, the
18 officer, prior to an arrest, may request the person to provide
19 a sample of his or her breath for a preliminary breath
20 screening test using a portable device approved by the Illinois
21 ~~Department of~~ State Police. The person may refuse the test. The
22 results of this preliminary breath screening test may be used
23 by the law enforcement officer for the purpose of assisting
24 with the determination of whether to require a chemical test as
25 authorized under Sections 11-501.1 and 11-501.2, and the

1 appropriate type of test to request. Any chemical test
2 authorized under Sections 11-501.1 and 11-501.2 may be
3 requested by the officer regardless of the result of the
4 preliminary breath screening test, if probable cause for an
5 arrest exists. The result of a preliminary breath screening
6 test may be used by the defendant as evidence in any
7 administrative or court proceeding involving a violation of
8 Section 11-501 or 11-501.1.

9 (b) The Illinois ~~Department of~~ State Police shall create a
10 pilot program to establish the effectiveness of pupillometer
11 technology (the measurement of the pupil's reaction to light)
12 as a noninvasive technique to detect and measure possible
13 impairment of any person who drives or is in actual physical
14 control of a motor vehicle resulting from the suspected usage
15 of alcohol, other drug or drugs, intoxicating compound or
16 compounds or any combination thereof. This technology shall
17 also be used to detect fatigue levels of the operator of a
18 Commercial Motor Vehicle as defined in Section 6-500(6),
19 pursuant to Section 18b-105 (Part 395-Hours of Service of
20 Drivers) of the Illinois Vehicle Code. A State Police officer
21 may request that the operator of a commercial motor vehicle
22 have his or her eyes examined or tested with a pupillometer
23 device. The person may refuse the examination or test. The
24 State Police officer shall have the device readily available to
25 limit undue delays.

26 If a State Police officer has reasonable suspicion to

1 believe that a person is violating or has violated Section
2 11-501, the officer may use the pupillometer technology, when
3 available. The officer, prior to an arrest, may request the
4 person to have his or her eyes examined or tested with a
5 pupillometer device. The person may refuse the examination or
6 test. The results of this examination or test may be used by
7 the officer for the purpose of assisting with the determination
8 of whether to require a chemical test as authorized under
9 Sections 11-501.1 and 11-501.2 and the appropriate type of test
10 to request. Any chemical test authorized under Sections
11 11-501.1 and 11-501.2 may be requested by the officer
12 regardless of the result of the pupillometer examination or
13 test, if probable cause for an arrest exists. The result of the
14 examination or test may be used by the defendant as evidence in
15 any administrative or court proceeding involving a violation of
16 11-501 or 11-501.1.

17 The pilot program shall last for a period of 18 months and
18 involve the testing of 15 pupillometer devices. Within 90 days
19 of the completion of the pilot project, the Illinois Department
20 ~~of~~ State Police shall file a report with the President of the
21 Senate and Speaker of the House evaluating the project.

22 (Source: P.A. 91-828, eff. 1-1-01; 91-881, eff. 6-30-00; 92-16,
23 eff. 6-28-01.)

24 (625 ILCS 5/11-501.6) (from Ch. 95 1/2, par. 11-501.6)

25 Sec. 11-501.6. Driver involvement in personal injury or

1 fatal motor vehicle accident; chemical test.

2 (a) Any person who drives or is in actual control of a
3 motor vehicle upon the public highways of this State and who
4 has been involved in a personal injury or fatal motor vehicle
5 accident, shall be deemed to have given consent to a breath
6 test using a portable device as approved by the Illinois
7 ~~Department of~~ State Police or to a chemical test or tests of
8 blood, breath, other bodily substance, or urine for the purpose
9 of determining the content of alcohol, other drug or drugs, or
10 intoxicating compound or compounds of such person's blood if
11 arrested as evidenced by the issuance of a Uniform Traffic
12 Ticket for any violation of the Illinois Vehicle Code or a
13 similar provision of a local ordinance, with the exception of
14 equipment violations contained in Chapter 12 of this Code, or
15 similar provisions of local ordinances. The test or tests shall
16 be administered at the direction of the arresting officer. The
17 law enforcement agency employing the officer shall designate
18 which of the aforesaid tests shall be administered. Up to 2
19 additional tests of urine or other bodily substance may be
20 administered even after a blood or breath test or both has been
21 administered. Compliance with this Section does not relieve
22 such person from the requirements of Section 11-501.1 of this
23 Code.

24 (b) Any person who is dead, unconscious or who is otherwise
25 in a condition rendering such person incapable of refusal shall
26 be deemed not to have withdrawn the consent provided by

1 subsection (a) of this Section. In addition, if a driver of a
2 vehicle is receiving medical treatment as a result of a motor
3 vehicle accident, any physician licensed to practice medicine,
4 licensed physician assistant, licensed advanced practice
5 registered nurse, registered nurse or a phlebotomist acting
6 under the direction of a licensed physician shall withdraw
7 blood for testing purposes to ascertain the presence of
8 alcohol, other drug or drugs, or intoxicating compound or
9 compounds, upon the specific request of a law enforcement
10 officer. However, no such testing shall be performed until, in
11 the opinion of the medical personnel on scene, the withdrawal
12 can be made without interfering with or endangering the
13 well-being of the patient.

14 (c) A person requested to submit to a test as provided
15 above shall be warned by the law enforcement officer requesting
16 the test that a refusal to submit to the test, or submission to
17 the test resulting in an alcohol concentration of 0.08 or more,
18 or testing discloses the presence of cannabis as listed in the
19 Cannabis Control Act with a tetrahydrocannabinol concentration
20 as defined in paragraph 6 of subsection (a) of Section 11-501.2
21 of this Code, or any amount of a drug, substance, or
22 intoxicating compound resulting from the unlawful use or
23 consumption of a controlled substance listed in the Illinois
24 Controlled Substances Act, an intoxicating compound listed in
25 the Use of Intoxicating Compounds Act, or methamphetamine as
26 listed in the Methamphetamine Control and Community Protection

1 Act as detected in such person's blood, other bodily substance,
2 or urine, may result in the suspension of such person's
3 privilege to operate a motor vehicle. If the person is also a
4 CDL holder, he or she shall be warned by the law enforcement
5 officer requesting the test that a refusal to submit to the
6 test, or submission to the test resulting in an alcohol
7 concentration of 0.08 or more, or any amount of a drug,
8 substance, or intoxicating compound resulting from the
9 unlawful use or consumption of cannabis, as covered by the
10 Cannabis Control Act, a controlled substance listed in the
11 Illinois Controlled Substances Act, an intoxicating compound
12 listed in the Use of Intoxicating Compounds Act, or
13 methamphetamine as listed in the Methamphetamine Control and
14 Community Protection Act as detected in the person's blood,
15 other bodily substance, or urine, may result in the
16 disqualification of the person's privilege to operate a
17 commercial motor vehicle, as provided in Section 6-514 of this
18 Code. The length of the suspension shall be the same as
19 outlined in Section 6-208.1 of this Code regarding statutory
20 summary suspensions.

21 A person requested to submit to a test shall also
22 acknowledge, in writing, receipt of the warning required under
23 this Section. If the person refuses to acknowledge receipt of
24 the warning, the law enforcement officer shall make a written
25 notation on the warning that the person refused to sign the
26 warning. A person's refusal to sign the warning shall not be

1 evidence that the person was not read the warning.

2 (d) If the person refuses testing or submits to a test
3 which discloses an alcohol concentration of 0.08 or more, the
4 presence of cannabis as listed in the Cannabis Control Act with
5 a tetrahydrocannabinol concentration as defined in paragraph 6
6 of subsection (a) of Section 11-501.2 of this Code, or any
7 amount of a drug, substance, or intoxicating compound in such
8 person's blood or urine resulting from the unlawful use or
9 consumption of a controlled substance listed in the Illinois
10 Controlled Substances Act, an intoxicating compound listed in
11 the Use of Intoxicating Compounds Act, or methamphetamine as
12 listed in the Methamphetamine Control and Community Protection
13 Act, the law enforcement officer shall immediately submit a
14 sworn report to the Secretary of State on a form prescribed by
15 the Secretary, certifying that the test or tests were requested
16 under subsection (a) and the person refused to submit to a test
17 or tests or submitted to testing which disclosed an alcohol
18 concentration of 0.08 or more, the presence of cannabis as
19 listed in the Cannabis Control Act with a tetrahydrocannabinol
20 concentration as defined in paragraph 6 of subsection (a) of
21 Section 11-501.2 of this Code, or any amount of a drug,
22 substance, or intoxicating compound in such person's blood,
23 other bodily substance, or urine, resulting from the unlawful
24 use or consumption of a controlled substance listed in the
25 Illinois Controlled Substances Act, an intoxicating compound
26 listed in the Use of Intoxicating Compounds Act, or

1 methamphetamine as listed in the Methamphetamine Control and
2 Community Protection Act. If the person is also a CDL holder
3 and refuses testing or submits to a test which discloses an
4 alcohol concentration of 0.08 or more, or any amount of a drug,
5 substance, or intoxicating compound in the person's blood,
6 other bodily substance, or urine resulting from the unlawful
7 use or consumption of cannabis listed in the Cannabis Control
8 Act, a controlled substance listed in the Illinois Controlled
9 Substances Act, an intoxicating compound listed in the Use of
10 Intoxicating Compounds Act, or methamphetamine as listed in the
11 Methamphetamine Control and Community Protection Act, the law
12 enforcement officer shall immediately submit a sworn report to
13 the Secretary of State on a form prescribed by the Secretary,
14 certifying that the test or tests were requested under
15 subsection (a) and the person refused to submit to a test or
16 tests or submitted to testing which disclosed an alcohol
17 concentration of 0.08 or more, or any amount of a drug,
18 substance, or intoxicating compound in such person's blood,
19 other bodily substance, or urine, resulting from the unlawful
20 use or consumption of cannabis listed in the Cannabis Control
21 Act, a controlled substance listed in the Illinois Controlled
22 Substances Act, an intoxicating compound listed in the Use of
23 Intoxicating Compounds Act, or methamphetamine as listed in the
24 Methamphetamine Control and Community Protection Act.

25 Upon receipt of the sworn report of a law enforcement
26 officer, the Secretary shall enter the suspension and

1 disqualification to the individual's driving record and the
2 suspension and disqualification shall be effective on the 46th
3 day following the date notice of the suspension was given to
4 the person.

5 The law enforcement officer submitting the sworn report
6 shall serve immediate notice of this suspension on the person
7 and such suspension and disqualification shall be effective on
8 the 46th day following the date notice was given.

9 In cases involving a person who is not a CDL holder where
10 the blood alcohol concentration of 0.08 or more, or blood
11 testing discloses the presence of cannabis as listed in the
12 Cannabis Control Act with a tetrahydrocannabinol concentration
13 as defined in paragraph 6 of subsection (a) of Section 11-501.2
14 of this Code, or any amount of a drug, substance, or
15 intoxicating compound resulting from the unlawful use or
16 consumption of a controlled substance listed in the Illinois
17 Controlled Substances Act, an intoxicating compound listed in
18 the Use of Intoxicating Compounds Act, or methamphetamine as
19 listed in the Methamphetamine Control and Community Protection
20 Act, is established by a subsequent analysis of blood, other
21 bodily substance, or urine collected at the time of arrest, the
22 arresting officer shall give notice as provided in this Section
23 or by deposit in the United States mail of such notice in an
24 envelope with postage prepaid and addressed to such person at
25 his or her address as shown on the Uniform Traffic Ticket and
26 the suspension shall be effective on the 46th day following the

1 date notice was given.

2 In cases involving a person who is a CDL holder where the
3 blood alcohol concentration of 0.08 or more, or any amount of a
4 drug, substance, or intoxicating compound resulting from the
5 unlawful use or consumption of cannabis as listed in the
6 Cannabis Control Act, a controlled substance listed in the
7 Illinois Controlled Substances Act, an intoxicating compound
8 listed in the Use of Intoxicating Compounds Act, or
9 methamphetamine as listed in the Methamphetamine Control and
10 Community Protection Act, is established by a subsequent
11 analysis of blood, other bodily substance, or urine collected
12 at the time of arrest, the arresting officer shall give notice
13 as provided in this Section or by deposit in the United States
14 mail of such notice in an envelope with postage prepaid and
15 addressed to the person at his or her address as shown on the
16 Uniform Traffic Ticket and the suspension and disqualification
17 shall be effective on the 46th day following the date notice
18 was given.

19 Upon receipt of the sworn report of a law enforcement
20 officer, the Secretary shall also give notice of the suspension
21 and disqualification to the driver by mailing a notice of the
22 effective date of the suspension and disqualification to the
23 individual. However, should the sworn report be defective by
24 not containing sufficient information or be completed in error,
25 the notice of the suspension and disqualification shall not be
26 mailed to the person or entered to the driving record, but

1 rather the sworn report shall be returned to the issuing law
2 enforcement agency.

3 (e) A driver may contest this suspension of his or her
4 driving privileges and disqualification of his or her CDL
5 privileges by requesting an administrative hearing with the
6 Secretary in accordance with Section 2-118 of this Code. At the
7 conclusion of a hearing held under Section 2-118 of this Code,
8 the Secretary may rescind, continue, or modify the orders of
9 suspension and disqualification. If the Secretary does not
10 rescind the orders of suspension and disqualification, a
11 restricted driving permit may be granted by the Secretary upon
12 application being made and good cause shown. A restricted
13 driving permit may be granted to relieve undue hardship to
14 allow driving for employment, educational, and medical
15 purposes as outlined in Section 6-206 of this Code. The
16 provisions of Section 6-206 of this Code shall apply. In
17 accordance with 49 C.F.R. 384, the Secretary of State may not
18 issue a restricted driving permit for the operation of a
19 commercial motor vehicle to a person holding a CDL whose
20 driving privileges have been suspended, revoked, cancelled, or
21 disqualified.

22 (f) (Blank).

23 (g) For the purposes of this Section, a personal injury
24 shall include any type A injury as indicated on the traffic
25 accident report completed by a law enforcement officer that
26 requires immediate professional attention in either a doctor's

1 office or a medical facility. A type A injury shall include
2 severely bleeding wounds, distorted extremities, and injuries
3 that require the injured party to be carried from the scene.

4 (Source: P.A. 99-467, eff. 1-1-16; 99-697, eff. 7-29-16;
5 100-513, eff. 1-1-18.)

6 (625 ILCS 5/11-501.8)

7 Sec. 11-501.8. Suspension of driver's license; persons
8 under age 21.

9 (a) A person who is less than 21 years of age and who
10 drives or is in actual physical control of a motor vehicle upon
11 the public highways of this State shall be deemed to have given
12 consent to a chemical test or tests of blood, breath, other
13 bodily substance, or urine for the purpose of determining the
14 alcohol content of the person's blood if arrested, as evidenced
15 by the issuance of a Uniform Traffic Ticket for any violation
16 of the Illinois Vehicle Code or a similar provision of a local
17 ordinance, if a police officer has probable cause to believe
18 that the driver has consumed any amount of an alcoholic
19 beverage based upon evidence of the driver's physical condition
20 or other first hand knowledge of the police officer. The test
21 or tests shall be administered at the direction of the
22 arresting officer. The law enforcement agency employing the
23 officer shall designate which of the aforesaid tests shall be
24 administered. Up to 2 additional tests of urine or other bodily
25 substance may be administered even after a blood or breath test

1 or both has been administered.

2 (b) A person who is dead, unconscious, or who is otherwise
3 in a condition rendering that person incapable of refusal,
4 shall be deemed not to have withdrawn the consent provided by
5 paragraph (a) of this Section and the test or tests may be
6 administered subject to the following provisions:

7 (i) Chemical analysis of the person's blood, urine,
8 breath, or other bodily substance, to be considered valid
9 under the provisions of this Section, shall have been
10 performed according to standards promulgated by the
11 Illinois ~~Department of~~ State Police by an individual
12 possessing a valid permit issued by that Department for
13 this purpose. The Director of the Illinois State Police is
14 authorized to approve satisfactory techniques or methods,
15 to ascertain the qualifications and competence of
16 individuals to conduct analyses, to issue permits that
17 shall be subject to termination or revocation at the
18 direction of that Department, and to certify the accuracy
19 of breath testing equipment. The Illinois ~~Department of~~
20 State Police shall prescribe regulations as necessary.

21 (ii) When a person submits to a blood test at the
22 request of a law enforcement officer under the provisions
23 of this Section, only a physician authorized to practice
24 medicine, a licensed physician assistant, a licensed
25 advanced practice registered nurse, a registered nurse, or
26 other qualified person trained in venipuncture and acting

1 under the direction of a licensed physician may withdraw
2 blood for the purpose of determining the alcohol content
3 therein. This limitation does not apply to the taking of
4 breath, other bodily substance, or urine specimens.

5 (iii) The person tested may have a physician, qualified
6 technician, chemist, registered nurse, or other qualified
7 person of his or her own choosing administer a chemical
8 test or tests in addition to any test or tests administered
9 at the direction of a law enforcement officer. The failure
10 or inability to obtain an additional test by a person shall
11 not preclude the consideration of the previously performed
12 chemical test.

13 (iv) Upon a request of the person who submits to a
14 chemical test or tests at the request of a law enforcement
15 officer, full information concerning the test or tests
16 shall be made available to the person or that person's
17 attorney.

18 (v) Alcohol concentration means either grams of
19 alcohol per 100 milliliters of blood or grams of alcohol
20 per 210 liters of breath.

21 (vi) If a driver is receiving medical treatment as a
22 result of a motor vehicle accident, a physician licensed to
23 practice medicine, licensed physician assistant, licensed
24 advanced practice registered nurse, registered nurse, or
25 other qualified person trained in venipuncture and acting
26 under the direction of a licensed physician shall withdraw

1 blood for testing purposes to ascertain the presence of
2 alcohol upon the specific request of a law enforcement
3 officer. However, that testing shall not be performed
4 until, in the opinion of the medical personnel on scene,
5 the withdrawal can be made without interfering with or
6 endangering the well-being of the patient.

7 (c) A person requested to submit to a test as provided
8 above shall be warned by the law enforcement officer requesting
9 the test that a refusal to submit to the test, or submission to
10 the test resulting in an alcohol concentration of more than
11 0.00, may result in the loss of that person's privilege to
12 operate a motor vehicle and may result in the disqualification
13 of the person's privilege to operate a commercial motor
14 vehicle, as provided in Section 6-514 of this Code, if the
15 person is a CDL holder. The loss of driving privileges shall be
16 imposed in accordance with Section 6-208.2 of this Code.

17 A person requested to submit to a test shall also
18 acknowledge, in writing, receipt of the warning required under
19 this Section. If the person refuses to acknowledge receipt of
20 the warning, the law enforcement officer shall make a written
21 notation on the warning that the person refused to sign the
22 warning. A person's refusal to sign the warning shall not be
23 evidence that the person was not read the warning.

24 (d) If the person refuses testing or submits to a test that
25 discloses an alcohol concentration of more than 0.00, the law
26 enforcement officer shall immediately submit a sworn report to

1 the Secretary of State on a form prescribed by the Secretary of
2 State, certifying that the test or tests were requested under
3 subsection (a) and the person refused to submit to a test or
4 tests or submitted to testing which disclosed an alcohol
5 concentration of more than 0.00. The law enforcement officer
6 shall submit the same sworn report when a person under the age
7 of 21 submits to testing under Section 11-501.1 of this Code
8 and the testing discloses an alcohol concentration of more than
9 0.00 and less than 0.08.

10 Upon receipt of the sworn report of a law enforcement
11 officer, the Secretary of State shall enter the suspension and
12 disqualification on the individual's driving record and the
13 suspension and disqualification shall be effective on the 46th
14 day following the date notice of the suspension was given to
15 the person. If this suspension is the individual's first
16 driver's license suspension under this Section, reports
17 received by the Secretary of State under this Section shall,
18 except during the time the suspension is in effect, be
19 privileged information and for use only by the courts, police
20 officers, prosecuting authorities, the Secretary of State, or
21 the individual personally, unless the person is a CDL holder,
22 is operating a commercial motor vehicle or vehicle required to
23 be placarded for hazardous materials, in which case the
24 suspension shall not be privileged. Reports received by the
25 Secretary of State under this Section shall also be made
26 available to the parent or guardian of a person under the age

1 of 18 years that holds an instruction permit or a graduated
2 driver's license, regardless of whether the suspension is in
3 effect.

4 The law enforcement officer submitting the sworn report
5 shall serve immediate notice of this suspension on the person
6 and the suspension and disqualification shall be effective on
7 the 46th day following the date notice was given.

8 In cases where the blood alcohol concentration of more than
9 0.00 is established by a subsequent analysis of blood, other
10 bodily substance, or urine, the police officer or arresting
11 agency shall give notice as provided in this Section or by
12 deposit in the United States mail of that notice in an envelope
13 with postage prepaid and addressed to that person at his last
14 known address and the loss of driving privileges shall be
15 effective on the 46th day following the date notice was given.

16 Upon receipt of the sworn report of a law enforcement
17 officer, the Secretary of State shall also give notice of the
18 suspension and disqualification to the driver by mailing a
19 notice of the effective date of the suspension and
20 disqualification to the individual. However, should the sworn
21 report be defective by not containing sufficient information or
22 be completed in error, the notice of the suspension and
23 disqualification shall not be mailed to the person or entered
24 to the driving record, but rather the sworn report shall be
25 returned to the issuing law enforcement agency.

26 (e) A driver may contest this suspension and

1 disqualification by requesting an administrative hearing with
2 the Secretary of State in accordance with Section 2-118 of this
3 Code. An individual whose blood alcohol concentration is shown
4 to be more than 0.00 is not subject to this Section if he or she
5 consumed alcohol in the performance of a religious service or
6 ceremony. An individual whose blood alcohol concentration is
7 shown to be more than 0.00 shall not be subject to this Section
8 if the individual's blood alcohol concentration resulted only
9 from ingestion of the prescribed or recommended dosage of
10 medicine that contained alcohol. The petition for that hearing
11 shall not stay or delay the effective date of the impending
12 suspension. The scope of this hearing shall be limited to the
13 issues of:

14 (1) whether the police officer had probable cause to
15 believe that the person was driving or in actual physical
16 control of a motor vehicle upon the public highways of the
17 State and the police officer had reason to believe that the
18 person was in violation of any provision of the Illinois
19 Vehicle Code or a similar provision of a local ordinance;
20 and

21 (2) whether the person was issued a Uniform Traffic
22 Ticket for any violation of the Illinois Vehicle Code or a
23 similar provision of a local ordinance; and

24 (3) whether the police officer had probable cause to
25 believe that the driver had consumed any amount of an
26 alcoholic beverage based upon the driver's physical

1 actions or other first-hand knowledge of the police
2 officer; and

3 (4) whether the person, after being advised by the
4 officer that the privilege to operate a motor vehicle would
5 be suspended if the person refused to submit to and
6 complete the test or tests, did refuse to submit to or
7 complete the test or tests to determine the person's
8 alcohol concentration; and

9 (5) whether the person, after being advised by the
10 officer that the privileges to operate a motor vehicle
11 would be suspended if the person submits to a chemical test
12 or tests and the test or tests disclose an alcohol
13 concentration of more than 0.00, did submit to and complete
14 the test or tests that determined an alcohol concentration
15 of more than 0.00; and

16 (6) whether the test result of an alcohol concentration
17 of more than 0.00 was based upon the person's consumption
18 of alcohol in the performance of a religious service or
19 ceremony; and

20 (7) whether the test result of an alcohol concentration
21 of more than 0.00 was based upon the person's consumption
22 of alcohol through ingestion of the prescribed or
23 recommended dosage of medicine.

24 At the conclusion of the hearing held under Section 2-118
25 of this Code, the Secretary of State may rescind, continue, or
26 modify the suspension and disqualification. If the Secretary of

1 State does not rescind the suspension and disqualification, a
2 restricted driving permit may be granted by the Secretary of
3 State upon application being made and good cause shown. A
4 restricted driving permit may be granted to relieve undue
5 hardship by allowing driving for employment, educational, and
6 medical purposes as outlined in item (3) of part (c) of Section
7 6-206 of this Code. The provisions of item (3) of part (c) of
8 Section 6-206 of this Code and of subsection (f) of that
9 Section shall apply. The Secretary of State shall promulgate
10 rules providing for participation in an alcohol education and
11 awareness program or activity, a drug education and awareness
12 program or activity, or both as a condition to the issuance of
13 a restricted driving permit for suspensions imposed under this
14 Section.

15 (f) The results of any chemical testing performed in
16 accordance with subsection (a) of this Section are not
17 admissible in any civil or criminal proceeding, except that the
18 results of the testing may be considered at a hearing held
19 under Section 2-118 of this Code. However, the results of the
20 testing may not be used to impose driver's license sanctions
21 under Section 11-501.1 of this Code. A law enforcement officer
22 may, however, pursue a statutory summary suspension or
23 revocation of driving privileges under Section 11-501.1 of this
24 Code if other physical evidence or first hand knowledge forms
25 the basis of that suspension or revocation.

26 (g) This Section applies only to drivers who are under age

1 21 at the time of the issuance of a Uniform Traffic Ticket for
2 a violation of the Illinois Vehicle Code or a similar provision
3 of a local ordinance, and a chemical test request is made under
4 this Section.

5 (h) The action of the Secretary of State in suspending,
6 revoking, cancelling, or disqualifying any license or permit
7 shall be subject to judicial review in the Circuit Court of
8 Sangamon County or in the Circuit Court of Cook County, and the
9 provisions of the Administrative Review Law and its rules are
10 hereby adopted and shall apply to and govern every action for
11 the judicial review of final acts or decisions of the Secretary
12 of State under this Section.

13 (Source: P.A. 99-467, eff. 1-1-16; 99-697, eff. 7-29-16;
14 100-513, eff. 1-1-18.)

15 (625 ILCS 5/11-501.10)

16 (Section scheduled to be repealed on July 1, 2021)

17 Sec. 11-501.10. DUI Cannabis Task Force.

18 (a) The DUI Cannabis Task Force is hereby created to study
19 the issue of driving under the influence of cannabis. The Task
20 Force shall consist of the following members:

21 (1) The Director of the Illinois State Police, or his
22 or her designee, who shall serve as chair;

23 (2) The Secretary of State, or his or her designee;

24 (3) The President of the Illinois State's Attorneys
25 Association, or his or her designee;

1 (4) The President of the Illinois Association of
2 Criminal Defense Lawyers, or his or her designee;

3 (5) One member appointed by the Speaker of the House of
4 Representatives;

5 (6) One member appointed by the Minority Leader of the
6 House of Representatives;

7 (7) One member appointed by the President of the
8 Senate;

9 (8) One member appointed by the Minority Leader of the
10 Senate;

11 (9) One member of an organization dedicated to end
12 drunk driving and drugged driving;

13 (10) The president of a statewide bar association,
14 appointed by the Governor;

15 (11) One member of a statewide organization
16 representing civil and constitutional rights, appointed by
17 the Governor;

18 (12) One member of a statewide association
19 representing chiefs of police, appointed by the Governor;
20 and

21 (13) One member of a statewide association
22 representing sheriffs, appointed by the Governor.

23 (b) The members of the Task Force shall serve without
24 compensation.

25 (c) The Task Force shall examine best practices in the area
26 of driving under the influence of cannabis enforcement,

1 including examining emerging technology in roadside testing.

2 (d) The Task Force shall meet no fewer than 3 times and
3 shall present its report and recommendations on improvements to
4 enforcement of driving under the influence of cannabis, in
5 electronic format, to the Governor and the General Assembly no
6 later than July 1, 2020.

7 (e) The Illinois ~~Department of~~ State Police shall provide
8 administrative support to the Task Force as needed. The
9 Sentencing Policy Advisory Council shall provide data on
10 driving under the influence of cannabis offenses and other data
11 to the Task Force as needed.

12 (f) This Section is repealed on July 1, 2021.

13 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

14 (625 ILCS 5/11-605.1)

15 Sec. 11-605.1. Special limit while traveling through a
16 highway construction or maintenance speed zone.

17 (a) A person may not operate a motor vehicle in a
18 construction or maintenance speed zone at a speed in excess of
19 the posted speed limit when workers are present.

20 (a-5) A person may not operate a motor vehicle in a
21 construction or maintenance speed zone at a speed in excess of
22 the posted speed limit when workers are not present.

23 (b) Nothing in this Chapter prohibits the use of electronic
24 speed-detecting devices within 500 feet of signs within a
25 construction or maintenance speed zone indicating the zone, as

1 defined in this Section, nor shall evidence obtained by use of
2 those devices be inadmissible in any prosecution for speeding,
3 provided the use of the device shall apply only to the
4 enforcement of the speed limit in the construction or
5 maintenance speed zone.

6 (c) As used in this Section, a "construction or maintenance
7 speed zone" is an area in which the Department, Toll Highway
8 Authority, or local agency has posted signage advising drivers
9 that a construction or maintenance speed zone is being
10 approached, or in which the Department, Authority, or local
11 agency has posted a lower speed limit with a highway
12 construction or maintenance speed zone special speed limit sign
13 after determining that the preexisting established speed limit
14 through a highway construction or maintenance project is
15 greater than is reasonable or safe with respect to the
16 conditions expected to exist in the construction or maintenance
17 speed zone.

18 If it is determined that the preexisting established speed
19 limit is safe with respect to the conditions expected to exist
20 in the construction or maintenance speed zone, additional speed
21 limit signs which conform to the requirements of this
22 subsection (c) shall be posted.

23 Highway construction or maintenance speed zone special
24 speed limit signs shall be of a design approved by the
25 Department. The signs must give proper due warning that a
26 construction or maintenance speed zone is being approached and

1 must indicate the maximum speed limit in effect. The signs also
2 must state the amount of the minimum fine for a violation.

3 (d) Except as provided under subsection (d-5), a person who
4 violates this Section is guilty of a petty offense. Violations
5 of this Section are punishable with a minimum fine of \$250 for
6 the first violation and a minimum fine of \$750 for the second
7 or subsequent violation.

8 (d-5) A person committing a violation of this Section is
9 guilty of aggravated special speed limit while traveling
10 through a highway construction or maintenance speed zone when
11 he or she drives a motor vehicle at a speed that is:

12 (1) 26 miles per hour or more but less than 35 miles
13 per hour in excess of the applicable special speed limit
14 established under this Section or a similar provision of a
15 local ordinance and is guilty of a Class B misdemeanor; or

16 (2) 35 miles per hour or more in excess of the
17 applicable special speed limit established under this
18 Section or a similar provision of a local ordinance and is
19 guilty of a Class A misdemeanor.

20 (e) (Blank).

21 (e-5) The Illinois ~~Department of~~ State Police and the local
22 county police department have concurrent jurisdiction over any
23 violation of this Section that occurs on an interstate highway.

24 (f) The Transportation Safety Highway Hire-back Fund,
25 which was created by Public Act 92-619, shall continue to be a
26 special fund in the State treasury. Subject to appropriation by

1 the General Assembly and approval by the Secretary, the
2 Secretary of Transportation shall use all moneys in the
3 Transportation Safety Highway Hire-back Fund to hire off-duty
4 Illinois ~~Department of~~ State Police officers to monitor
5 construction or maintenance zones.

6 (f-5) Each county shall create a Transportation Safety
7 Highway Hire-back Fund. The county shall use the moneys in its
8 Transportation Safety Highway Hire-back Fund to hire off-duty
9 county police officers to monitor construction or maintenance
10 zones in that county on highways other than interstate
11 highways. The county, in its discretion, may also use a portion
12 of the moneys in its Transportation Safety Highway Hire-back
13 Fund to purchase equipment for county law enforcement and fund
14 the production of materials to educate drivers on construction
15 zone safe driving habits.

16 (g) For a second or subsequent violation of this Section
17 within 2 years of the date of the previous violation, the
18 Secretary of State shall suspend the driver's license of the
19 violator for a period of 90 days. This suspension shall only be
20 imposed if the current violation of this Section and at least
21 one prior violation of this Section occurred during a period
22 when workers were present in the construction or maintenance
23 zone.

24 (Source: P.A. 99-212, eff. 1-1-16; 99-280, eff. 1-1-16; 99-642,
25 eff. 7-28-16; 100-987, eff. 7-1-19.)

1 (625 ILCS 5/11-907.1)

2 (Section scheduled to be repealed on January 1, 2022)

3 Sec. 11-907.1. Move Over Task Force.

4 (a) The Move Over Task Force is created to study the issue
5 of violations of Sections 11-907, 11-907.5, and 11-908 with
6 particular attention to the causes of violations and ways to
7 protect law enforcement and emergency responders.

8 (b) The membership of the Task Force shall consist of the
9 following members:

10 (1) the Director of the Illinois State Police or his or
11 her designee, who shall serve as chair;

12 (2) the Governor or his or her designee;

13 (3) the Secretary of State or his or her designee;

14 (4) the Secretary of Transportation or his or her
15 designee;

16 (5) the Director of the Illinois Toll Highway Authority
17 or his or her designee;

18 (6) the President of the Illinois State's Attorneys
19 Association or his or her designee;

20 (7) the President of the Illinois Association of Chiefs
21 of Police or his or her designee;

22 (8) the President of the Illinois Sheriffs'
23 Association or his or her designee;

24 (9) the President of the Illinois Fraternal Order of
25 Police or his or her designee;

26 (10) the President of the Associated Fire Fighters of

1 Illinois or his or her designee;

2 (11) one member appointed by the Speaker of the House
3 of Representatives;

4 (12) one member appointed by the Minority Leader of the
5 House of Representatives;

6 (13) one member appointed by the President of the
7 Senate;

8 (14) one member appointed by the Minority Leader of the
9 Senate; and

10 (15) the following persons appointed by the Governor:

11 (A) 2 representatives of different statewide
12 trucking associations;

13 (B) one representative of a Chicago area motor
14 club;

15 (C) one representative of a Chicago area transit
16 safety alliance;

17 (D) one representative of a statewide press
18 association;

19 (E) one representative of a statewide broadcast
20 association;

21 (F) one representative of a statewide towing
22 organization;

23 (G) the chief of police of a municipality with a
24 population under 25,000;

25 (H) one representative of a statewide organization
26 representing chiefs of police; and

1 (I) one representative of the solid waste
2 management industry; and

3 (J) one representative from a bona fide labor
4 organization representing certified road flaggers and
5 other road construction workers.

6 (c) The members of the Task Force shall serve without
7 compensation.

8 (d) The Task Force shall meet no fewer than 3 times and
9 shall present its report and recommendations, including
10 legislative recommendations, if any, on how to better enforce
11 Scott's Law and prevent fatalities on Illinois roadways to the
12 General Assembly no later than January 1, 2021.

13 (e) The Illinois Department of State Police shall provide
14 administrative support to the Task Force as needed.

15 (f) This Section is repealed on January 1, 2022.

16 (Source: P.A. 101-174, eff. 1-1-20; 101-606, eff. 12-13-19.)

17 (625 ILCS 5/12-612)

18 Sec. 12-612. False or secret compartment in a vehicle.

19 (a) Offenses. It is unlawful for any person:

20 (1) to own or operate with criminal intent any vehicle
21 he or she knows to contain a false or secret compartment
22 that is used or has been used to conceal a firearm as
23 prohibited by paragraph (a) (4) of Section 24-1 or paragraph
24 (a) (1) of Section 24-1.6 of the Criminal Code of 2012, or
25 controlled substance as prohibited by the Illinois

1 Controlled Substances Act or the Methamphetamine Control
2 and Community Protection Act; or

3 (2) to install, create, build, or fabricate in any
4 vehicle a false or secret compartment knowing that another
5 person intends to use the compartment to conceal a firearm
6 as prohibited by paragraph (a)(4) of Section 24-1 of the
7 Criminal Code of 2012, or controlled substance as
8 prohibited by the Illinois Controlled Substances Act or the
9 Methamphetamine Control and Community Protection Act.

10 (b) Definitions. For purposes of this Section:

11 (1) "False or secret compartment" means an enclosure
12 integrated into a vehicle that is a modification of the
13 vehicle as built by the original manufacturer.

14 (2) "Vehicle" means any of the following vehicles
15 without regard to whether the vehicles are private or
16 commercial, including, but not limited to, cars, trucks,
17 buses, aircraft, and watercraft.

18 (c) Forfeiture. Any vehicle containing a false or secret
19 compartment used in violation of this Section, as well as any
20 items within that compartment, shall be subject to seizure by
21 the Illinois ~~Department of~~ State Police or by any municipal or
22 other local law enforcement agency within whose jurisdiction
23 that property is found as provided in Sections 36-1 and 36-2 of
24 the Criminal Code of 2012 (~~720 ILCS 5/36-1 and 5/36-2~~). The
25 removal of the false or secret compartment from the vehicle, or
26 the promise to do so, shall not be the basis for a defense to

1 forfeiture of the motor vehicle under Section 36-2 of the
2 Criminal Code of 2012 and shall not be the basis for the court
3 to release the vehicle to the owner.

4 (d) Sentence. A violation of this Section is a Class 4
5 felony. The sentence imposed for violation of this Section
6 shall be served consecutively to any other sentence imposed in
7 connection with the firearm, controlled substance, or other
8 contraband concealed in the false or secret compartment.

9 (e) For purposes of this Section, a new owner is not
10 responsible for any conduct that occurred or knowledge of
11 conduct that occurred prior to transfer of title.

12 (Source: P.A. 96-202, eff. 1-1-10; 97-1150, eff. 1-25-13.)

13 (625 ILCS 5/13-109.1)

14 Sec. 13-109.1. Annual emission inspection tests;
15 standards; penalties; funds.

16 (a) For each diesel powered vehicle that (i) is registered
17 for a gross weight of more than 16,000 pounds, (ii) is
18 registered within an affected area, and (iii) is a 2 year or
19 older model year, an annual emission inspection test shall be
20 conducted at an official testing station certified by the
21 Illinois Department of Transportation to perform diesel
22 emission inspections pursuant to the standards set forth in
23 subsection (b) of this Section. This annual emission inspection
24 test may be conducted in conjunction with a semi-annual safety
25 test.

1 (a-5) (Blank).

2 (b) Diesel emission inspections conducted under this
3 Chapter 13 shall be conducted in accordance with the Society of
4 Automotive Engineers Recommended Practice J1667
5 "Snap-Acceleration Smoke Test Procedure for Heavy-Duty Diesel
6 Powered Vehicles" and the cutpoint standards set forth in the
7 United States Environmental Protection Agency guidance
8 document "Guidance to States on Smoke Opacity Cutpoints to be
9 used with the SAE J1667 In-Use Smoke Test Procedure". Those
10 procedures and standards, as now in effect, are made a part of
11 this Code, in the same manner as though they were set out in
12 full in this Code.

13 Notwithstanding the above cutpoint standards, for motor
14 vehicles that are model years 1973 and older, until December
15 31, 2002, the level of peak smoke opacity shall not exceed 70
16 percent. Beginning January 1, 2003, for motor vehicles that are
17 model years 1973 and older, the level of peak smoke opacity
18 shall not exceed 55 percent.

19 (c) If the annual emission inspection under subsection (a)
20 reveals that the vehicle is not in compliance with the diesel
21 emission standards set forth in subsection (b) of this Section,
22 the operator of the official testing station shall issue a
23 warning notice requiring correction of the violation. The
24 correction shall be made and the vehicle submitted to an
25 emissions retest at an official testing station certified by
26 the Department to perform diesel emission inspections within 30

1 days from the issuance of the warning notice requiring
2 correction of the violation.

3 If, within 30 days from the issuance of the warning notice,
4 the vehicle is not in compliance with the diesel emission
5 standards set forth in subsection (b) as determined by an
6 emissions retest at an official testing station, the operator
7 of the official testing station or the Department shall place
8 the vehicle out-of-service in accordance with the rules
9 promulgated by the Department. Operating a vehicle that has
10 been placed out-of-service under this subsection (c) is a petty
11 offense punishable by a \$1,000 fine. The vehicle must pass a
12 diesel emission inspection at an official testing station
13 before it is again placed in service. The Secretary of State,
14 Illinois Department of State Police, and other law enforcement
15 officers shall enforce this Section. No emergency vehicle, as
16 defined in Section 1-105, may be placed out-of-service pursuant
17 to this Section.

18 The Department or an official testing station may issue a
19 certificate of waiver subsequent to a reinspection of a vehicle
20 that failed the emissions inspection. Certificate of waiver
21 shall be issued upon determination that documented proof
22 demonstrates that emissions repair costs for the noncompliant
23 vehicle of at least \$3,000 have been spent in an effort to
24 achieve compliance with the emission standards set forth in
25 subsection (b). The Department of Transportation shall adopt
26 rules for the implementation of this subsection including

1 standards of documented proof as well as the criteria by which
2 a waiver shall be granted.

3 (c-5) (Blank).

4 (d) (Blank).

5 (Source: P.A. 100-700, eff. 8-3-18.)

6 (625 ILCS 5/15-102) (from Ch. 95 1/2, par. 15-102)

7 Sec. 15-102. Width of vehicles.

8 (a) On Class III and non-designated State and local
9 highways, the total outside width of any vehicle or load
10 thereon shall not exceed 8 feet 6 inches.

11 (b) Except during those times when, due to insufficient
12 light or unfavorable atmospheric conditions, persons and
13 vehicles on the highway are not clearly discernible at a
14 distance of 1000 feet, the following vehicles may exceed the 8
15 feet 6 inch limitation during the period from a half hour
16 before sunrise to a half hour after sunset:

17 (1) Loads of hay, straw or other similar farm products
18 provided that the load is not more than 12 feet wide.

19 (2) Implements of husbandry being transported on
20 another vehicle and the transporting vehicle while loaded.

21 The following requirements apply to the transportation
22 on another vehicle of an implement of husbandry wider than
23 8 feet 6 inches on the National System of Interstate and
24 Defense Highways or other highways in the system of State
25 highways:

1 (A) The driver of a vehicle transporting an
2 implement of husbandry that exceeds 8 feet 6 inches in
3 width shall obey all traffic laws and shall check the
4 roadways prior to making a movement in order to ensure
5 that adequate clearance is available for the movement.
6 It is prima facie evidence that the driver of a vehicle
7 transporting an implement of husbandry has failed to
8 check the roadway prior to making a movement if the
9 vehicle is involved in a collision with a bridge,
10 overpass, fixed structure, or properly placed traffic
11 control device or if the vehicle blocks traffic due to
12 its inability to proceed because of a bridge, overpass,
13 fixed structure, or properly placed traffic control
14 device.

15 (B) Flags shall be displayed so as to wave freely
16 at the extremities of overwidth objects and at the
17 extreme ends of all protrusions, projections, and
18 overhangs. All flags shall be clean, bright red flags
19 with no advertising, wording, emblem, or insignia
20 inscribed upon them and at least 18 inches square.

21 (C) "OVERSIZE LOAD" signs are mandatory on the
22 front and rear of all vehicles with loads over 10 feet
23 wide. These signs must have 12-inch high black letters
24 with a 2-inch stroke on a yellow sign that is 7 feet
25 wide by 18 inches high.

26 (D) One civilian escort vehicle is required for a

1 load that exceeds 14 feet 6 inches in width and 2
2 civilian escort vehicles are required for a load that
3 exceeds 16 feet in width on the National System of
4 Interstate and Defense Highways or other highways in
5 the system of State highways.

6 (E) The requirements for a civilian escort vehicle
7 and driver are as follows:

8 (1) The civilian escort vehicle shall be a
9 vehicle not exceeding a gross vehicle weight
10 rating of 26,000 pounds that is designed to afford
11 clear and unobstructed vision to both front and
12 rear.

13 (2) The escort vehicle driver must be properly
14 licensed to operate the vehicle.

15 (3) While in use, the escort vehicle must be
16 equipped with illuminated rotating, oscillating,
17 or flashing amber lights or flashing amber strobe
18 lights mounted on top that are of sufficient
19 intensity to be visible at 500 feet in normal
20 sunlight.

21 (4) "OVERSIZE LOAD" signs are mandatory on all
22 escort vehicles. The sign on an escort vehicle
23 shall have 8-inch high black letters on a yellow
24 sign that is 5 feet wide by 12 inches high.

25 (5) When only one escort vehicle is required
26 and it is operating on a two-lane highway, the

1 escort vehicle shall travel approximately 300 feet
2 ahead of the load. The rotating, oscillating, or
3 flashing lights or flashing amber strobe lights
4 and an "OVERSIZE LOAD" sign shall be displayed on
5 the escort vehicle and shall be visible from the
6 front. When only one escort vehicle is required and
7 it is operating on a multilane divided highway, the
8 escort vehicle shall travel approximately 300 feet
9 behind the load and the sign and lights shall be
10 visible from the rear.

11 (6) When 2 escort vehicles are required, one
12 escort shall travel approximately 300 feet ahead
13 of the load and the second escort shall travel
14 approximately 300 feet behind the load. The
15 rotating, oscillating, or flashing lights or
16 flashing amber strobe lights and an "OVERSIZE
17 LOAD" sign shall be displayed on the escort
18 vehicles and shall be visible from the front on the
19 lead escort and from the rear on the trailing
20 escort.

21 (7) When traveling within the corporate limits
22 of a municipality, the escort vehicle shall
23 maintain a reasonable and proper distance from the
24 oversize load, consistent with existing traffic
25 conditions.

26 (8) A separate escort shall be provided for

1 each load hauled.

2 (9) The driver of an escort vehicle shall obey
3 all traffic laws.

4 (10) The escort vehicle must be in safe
5 operational condition.

6 (11) The driver of the escort vehicle must be
7 in radio contact with the driver of the vehicle
8 carrying the oversize load.

9 (F) A transport vehicle while under load of more
10 than 8 feet 6 inches in width must be equipped with an
11 illuminated rotating, oscillating, or flashing amber
12 light or lights or a flashing amber strobe light or
13 lights mounted on the top of the cab that are of
14 sufficient intensity to be visible at 500 feet in
15 normal sunlight. If the load on the transport vehicle
16 blocks the visibility of the amber lighting from the
17 rear of the vehicle, the vehicle must also be equipped
18 with an illuminated rotating, oscillating, or flashing
19 amber light or lights or a flashing amber strobe light
20 or lights mounted on the rear of the load that are of
21 sufficient intensity to be visible at 500 feet in
22 normal sunlight.

23 (G) When a flashing amber light is required on the
24 transport vehicle under load and it is operating on a
25 two-lane highway, the transport vehicle shall display
26 to the rear at least one rotating, oscillating, or

1 flashing light or a flashing amber strobe light and an
2 "OVERSIZE LOAD" sign. When a flashing amber light is
3 required on the transport vehicle under load and it is
4 operating on a multilane divided highway, the sign and
5 light shall be visible from the rear.

6 (H) Maximum speed shall be 45 miles per hour on all
7 such moves or 5 miles per hour above the posted minimum
8 speed limit, whichever is greater, but the vehicle
9 shall not at any time exceed the posted maximum speed
10 limit.

11 (3) Portable buildings designed and used for
12 agricultural and livestock raising operations that are not
13 more than 14 feet wide and with not more than a 1 foot
14 overhang along the left side of the hauling vehicle.
15 However, the buildings shall not be transported more than
16 10 miles and not on any route that is part of the National
17 System of Interstate and Defense Highways.

18 All buildings when being transported shall display at least
19 2 red cloth flags, not less than 12 inches square, mounted as
20 high as practicable on the left and right side of the building.

21 An Illinois A State Police escort shall be required if it
22 is necessary for this load to use part of the left lane when
23 crossing any 2 laned State highway bridge.

24 (c) Vehicles propelled by electric power obtained from
25 overhead trolley wires operated wholly within the corporate
26 limits of a municipality are also exempt from the width

1 limitation.

2 (d) (Blank).

3 (d-1) A recreational vehicle, as defined in Section 1-169,
4 may exceed 8 feet 6 inches in width if:

5 (1) the excess width is attributable to appurtenances
6 that extend 6 inches or less beyond either side of the body
7 of the vehicle; and

8 (2) the roadway on which the vehicle is traveling has
9 marked lanes for vehicular traffic that are at least 11
10 feet in width.

11 As used in this subsection (d-1) and in subsection (d-2),
12 the term appurtenance includes (i) a retracted awning and its
13 support hardware and (ii) any appendage that is intended to be
14 an integral part of a recreational ~~recreation~~ vehicle.

15 (d-2) A recreational vehicle that exceeds 8 feet 6 inches
16 in width as provided in subsection (d-1) may travel any roadway
17 of the State if the vehicle is being operated between a roadway
18 permitted under subsection (d-1) and:

19 (1) the location where the recreational ~~recreation~~
20 vehicle is garaged;

21 (2) the destination of the recreational ~~recreation~~
22 vehicle; or

23 (3) a facility for food, fuel, repair, services, or
24 rest.

25 (e) A vehicle and load traveling upon the National System
26 of Interstate and Defense Highways or any other highway in the

1 system of State highways that has been designated as a Class I
2 or Class II highway by the Department, or any street or highway
3 designated by local authorities, may have a total outside width
4 of 8 feet 6 inches, provided that certain safety devices that
5 the Department determines as necessary for the safe and
6 efficient operation of motor vehicles shall not be included in
7 the calculation of width.

8 Section 5-35 of the Illinois Administrative Procedure Act
9 relating to procedures for rulemaking shall not apply to the
10 designation of highways under this paragraph (e).

11 (f) Mirrors required by Section 12-502 of this Code and
12 other safety devices identified by the Department may project
13 up to 14 inches beyond each side of a bus and up to 6 inches
14 beyond each side of any other vehicle, and that projection
15 shall not be deemed a violation of the width restrictions of
16 this Section.

17 (g) Any person who is convicted of violating this Section
18 is subject to the penalty as provided in paragraph (b) of
19 Section 15-113.

20 (Source: P.A. 100-830, eff. 1-1-19.)

21 (625 ILCS 5/15-112) (from Ch. 95 1/2, par. 15-112)

22 Sec. 15-112. Officers to weigh vehicles and require removal
23 of excess loads.

24 (a) Any police officer having reason to believe that the
25 weight of a vehicle and load is unlawful shall require the

1 driver to stop and submit to a weighing of the same either by
2 means of a portable or stationary scales that have been tested
3 and approved at a frequency prescribed by the Illinois
4 Department of Agriculture, or for those scales operated by the
5 State, when such tests are requested by the Illinois Department
6 ~~of~~ State Police, whichever is more frequent. If such scales are
7 not available at the place where such vehicle is stopped, the
8 police officer shall require that such vehicle be driven to the
9 nearest available scale that has been tested and approved
10 pursuant to this Section by the Illinois Department of
11 Agriculture. Notwithstanding any provisions of the Weights and
12 Measures Act or the United States Department of Commerce NIST
13 handbook 44, multi or single draft weighing is an acceptable
14 method of weighing by law enforcement for determining a
15 violation of Chapter 3 or 15 of this Code. Law enforcement is
16 exempt from the requirements of commercial weighing
17 established in NIST handbook 44.

18 Within 18 months after the effective date of this
19 amendatory Act of the 91st General Assembly, all municipal and
20 county officers, technicians, and employees who set up and
21 operate portable scales for wheel load or axle load or both and
22 issue citations based on the use of portable scales for wheel
23 load or axle load or both and who have not successfully
24 completed initial classroom and field training regarding the
25 set up and operation of portable scales, shall attend and
26 successfully complete initial classroom and field training

1 administered by the Illinois Law Enforcement Training
2 Standards Board.

3 (b) Whenever an officer, upon weighing a vehicle and the
4 load, determines that the weight is unlawful, such officer
5 shall require the driver to stop the vehicle in a suitable
6 place and remain standing until such portion of the load is
7 removed as may be necessary to reduce the weight of the vehicle
8 to the limit permitted under this Chapter, or to the limit
9 permitted under the terms of a permit issued pursuant to
10 Sections 15-301 through 15-318 and shall forthwith arrest the
11 driver or owner. All material so unloaded shall be cared for by
12 the owner or operator of the vehicle at the risk of such owner
13 or operator; however, whenever a 3 or 4 axle vehicle with a
14 tandem axle dimension greater than 72 inches, but less than 96
15 inches and registered as a Special Hauling Vehicle is
16 transporting asphalt or concrete in the plastic state that
17 exceeds axle weight or gross weight limits by less than 4,000
18 pounds, the owner or operator of the vehicle shall accept the
19 arrest ticket or tickets for the alleged violations under this
20 Section and proceed without shifting or reducing the load being
21 transported or may shift or reduce the load under the
22 provisions of subsection (d) or (e) of this Section, when
23 applicable. Any fine imposed following an overweight violation
24 by a vehicle registered as a Special Hauling Vehicle
25 transporting asphalt or concrete in the plastic state shall be
26 paid as provided in subsection 4 of paragraph (a) of Section

1 16-105 of this Code.

2 (c) The Department of Transportation may, at the request of
3 the Illinois ~~Department of~~ State Police, erect appropriate
4 regulatory signs on any State highway directing second division
5 vehicles to a scale. The Department of Transportation may also,
6 at the direction of any State Police officer, erect portable
7 regulating signs on any highway directing second division
8 vehicles to a portable scale. Every such vehicle, pursuant to
9 such sign, shall stop and be weighed.

10 (d) Whenever any axle load of a vehicle exceeds the axle or
11 tandem axle weight limits permitted by paragraph (a) of Section
12 15-111 by 2000 pounds or less, the owner or operator of the
13 vehicle must shift or remove the excess so as to comply with
14 paragraph (a) of Section 15-111. No overweight arrest ticket
15 shall be issued to the owner or operator of the vehicle by any
16 officer if the excess weight is shifted or removed as required
17 by this paragraph.

18 (e) Whenever the gross weight of a vehicle with a
19 registered gross weight of 77,000 pounds or less exceeds the
20 weight limits of paragraph (a) of Section 15-111 of this
21 Chapter by 2000 pounds or less, the owner or operator of the
22 vehicle must remove the excess. Whenever the gross weight of a
23 vehicle with a registered gross weight over 77,000 pounds or
24 more exceeds the weight limits of paragraph (a) of Section
25 15-111 by 1,000 pounds or less or 2,000 pounds or less if
26 weighed on wheel load weighers, the owner or operator of the

1 vehicle must remove the excess. In either case no arrest ticket
2 for any overweight violation of this Code shall be issued to
3 the owner or operator of the vehicle by any officer if the
4 excess weight is removed as required by this paragraph. A
5 person who has been granted a special permit under Section
6 15-301 of this Code shall not be granted a tolerance on wheel
7 load weighers.

8 (e-5) Auxiliary power or idle reduction unit (APU) weight.

9 (1) A vehicle with a fully functional APU shall be
10 allowed an additional 550 pounds or the certified unit
11 weight, whichever is less. The additional pounds may be
12 allowed in gross, axles, or bridge formula weight limits
13 above the legal weight limits except when overweight on an
14 axle or axles of the towed unit or units in combination.
15 This tolerance shall be given in addition to the limits in
16 subsection (d) of this Section.

17 (2) An operator of a vehicle equipped with an APU shall
18 carry written certification showing the weight of the APU,
19 which shall be displayed upon the request of any law
20 enforcement officer.

21 (3) The operator may be required to demonstrate or
22 certify that the APU is fully functional at all times.

23 (4) This allowance may not be granted above the weight
24 limits specified on any loads permitted under Section
25 15-301 of this Code.

26 (f) Whenever an axle load of a vehicle exceeds axle weight

1 limits allowed by the provisions of a permit an arrest ticket
2 shall be issued, but the owner or operator of the vehicle may
3 shift the load so as to comply with the provisions of the
4 permit. Where such shifting of a load to comply with the permit
5 is accomplished, the owner or operator of the vehicle may then
6 proceed.

7 (g) Any driver of a vehicle who refuses to stop and submit
8 his vehicle and load to weighing after being directed to do so
9 by an officer or removes or causes the removal of the load or
10 part of it prior to weighing is guilty of a business offense
11 and shall be fined not less than \$500 nor more than \$2,000.

12 (Source: P.A. 99-717, eff. 8-5-16.)

13 (625 ILCS 5/15-201) (from Ch. 95 1/2, par. 15-201)

14 Sec. 15-201. Vehicles exceeding prescribed weight limits -
15 Preventing use of highway by. The Illinois ~~Department of State~~
16 Police is directed to institute and maintain a program designed
17 to prevent the use of public highways by vehicles which exceed
18 the maximum weights allowed by Section 15-111 of this Act or
19 which exceeds the maximum weights allowed as evidenced by the
20 license plates attached to such vehicle and which license is
21 required by this Act.

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

23 (625 ILCS 5/15-202) (from Ch. 95 1/2, par. 15-202)

24 Sec. 15-202. Enforcement.

1 Such program shall make provision for an intensive campaign
2 by the Illinois State Police to apprehend any violators of the
3 acts above mentioned, and at all times to maintain a vigilant
4 watch for possible violators of such acts.

5 (Source: P.A. 77-506.)

6 (625 ILCS 5/15-203) (from Ch. 95 1/2, par. 15-203)

7 Sec. 15-203. Records of violations. The Illinois
8 ~~Department of~~ State Police shall maintain records of the number
9 of violators of such acts apprehended and the number of
10 convictions obtained. A resume of such records shall be
11 included in the Department's annual report to the Governor; and
12 the Department shall also present such resume to each regular
13 session of the General Assembly.

14 The requirement for reporting to the General Assembly shall
15 be satisfied by filing copies of the report as required by
16 Section 3.1 of the General Assembly Organization Act, and
17 filing such additional copies with the State Government Report
18 Distribution Center for the General Assembly as is required
19 under paragraph (t) of Section 7 of the State Library Act.

20 (Source: P.A. 100-1148, eff. 12-10-18.)

21 (625 ILCS 5/15-305) (from Ch. 95 1/2, par. 15-305)

22 Sec. 15-305. Fees for legal weight but overdimension
23 Vehicles, Combinations, and Loads, other than House Trailer
24 Combinations. Fees for special permits to move overdimension

1 vehicles, combinations, and loads, other than house trailer
 2 combinations, shall be paid by the applicant to the Department
 3 at the following rates:

	90 Day	Annual
	Limited	Limited
	Single	Continuous
	Trip	Operation

8 (a) Overall width of 10 feet
 9 or less, overall height of 14
 10 feet 6 inches or less, and
 11 overall length of 70
 12 feet or less \$100.00 \$400.00

13 For the first 90 miles	\$12.00
14 From 90 miles to 180 miles	15.00
15 From 180 miles to 270 miles	18.00
16 For more than 270 miles	\$21.00

17 (b) Overall width of 12 feet
 18 or less, overall height of 14
 19 feet 6 inches or less, and
 20 overall length
 21 of 85 feet or less \$150.00 \$600.00

22 For the first 90 miles	\$15.00
23 From 90 miles to 180 miles	\$20.00
24 From 180 miles to 270 miles	\$25.00
25 For more than 270 miles	\$30.00

1 (c) Overall width of 14 feet
2 or less, overall height of 15
3 feet or less, and overall
4 length of 100 feet or less

5

6 Single Trip
7 Only

8 For the first 90 miles \$25.00

9 From 90 miles to 180 miles \$30.00

10 From 180 miles to 270 miles \$35.00

11 For more than 270 miles \$40.00

12 (d) Overall width of 18 feet
13 or less (authorized only
14 under special conditions and
15 for limited distances),
16 overall height of 16 feet or
17 less, and overall length of
18 120 feet or less

19

20 Single Trip
21 Only

22 For the first 90 miles \$30.00

23 From 90 miles to 180 miles \$40.00

24 From 180 miles to 270 miles \$50.00

25 For more than 270 miles \$60.00

1 (e) Overall width of more
2 than 18 feet (authorized only
3 under special conditions and
4 for limited distances),
5 overall height more than 16
6 feet, and overall length more
7 than 120 feet

8

9

Single Trip

10

Only

11

For the first 90 miles \$50.00

12

From 90 miles to 180 miles \$75.00

13

From 180 miles to 270 miles \$100.00

14

For more than 270 miles \$125.00

15

16

17

18

Permits issued under this Section shall be for a vehicle,
or vehicle combination and load not exceeding legal weights;
and, in the case of the limited continuous operation, shall be
for the same vehicle, vehicle combination or like load.

19

20

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22

Escort requirements shall be as prescribed in the
Department's Rules and Regulations. Fees for the Illinois State
Police vehicle escort, when required, shall be in addition to
the permit fees.

23

(Source: P.A. 89-219, eff. 1-1-96.)

24

(625 ILCS 5/16-102) (from Ch. 95 1/2, par. 16-102)

25

Sec. 16-102. Arrests - Investigations - Prosecutions.

1 (a) The Illinois State Police shall patrol the public
2 highways and make arrests for violation of the provisions of
3 this Act.

4 (b) The Secretary of State, through the investigators
5 provided for in this Act shall investigate and report
6 violations of the provisions of this Act in relation to the
7 equipment and operation of vehicles as provided for in Section
8 2-115 and for such purposes these investigators have and may
9 exercise throughout the State all of the powers of police
10 officers.

11 (c) The State's Attorney of the county in which the
12 violation occurs shall prosecute all violations except when the
13 violation occurs within the corporate limits of a municipality,
14 the municipal attorney may prosecute if written permission to
15 do so is obtained from the State's Attorney.

16 (d) The State's Attorney of the county in which the
17 violation occurs may not grant to the municipal attorney
18 permission to prosecute if the offense charged is a felony
19 under Section 11-501 of this Code. The municipality may,
20 however, charge an offender with a municipal misdemeanor
21 offense if the State's Attorney rejects or denies felony
22 charges for the conduct that comprises the charge.

23 (Source: P.A. 94-111, eff. 1-1-06; 94-740, eff. 5-8-06.)

24 (625 ILCS 5/16-105) (from Ch. 95 1/2, par. 16-105)

25 Sec. 16-105. Disposition of fines and forfeitures.

1 (a) Except as provided in Section 15-113 of this Act and
2 except those amounts subject to disbursement by the circuit
3 clerk under the Criminal and Traffic Assessment Act, fines and
4 penalties recovered under the provisions of Chapters 3 through
5 17 and 18b inclusive of this Code shall be paid and used as
6 follows:

7 1. For offenses committed upon a highway within the
8 limits of a city, village, or incorporated town or under
9 the jurisdiction of any park district, to the treasurer of
10 the particular city, village, incorporated town or park
11 district, if the violator was arrested by the authorities
12 of the city, village, incorporated town or park district,
13 provided the police officers and officials of cities,
14 villages, incorporated towns and park districts shall
15 seasonably prosecute for all fines and penalties under this
16 Code. If the violation is prosecuted by the authorities of
17 the county, any fines or penalties recovered shall be paid
18 to the county treasurer, except that fines and penalties
19 recovered from violations arrested by the Illinois State
20 Police shall be remitted to the State Police Law
21 Enforcement Administration Fund. Provided further that if
22 the violator was arrested by the Illinois State Police,
23 fines and penalties recovered under the provisions of
24 paragraph (a) of Section 15-113 of this Code or paragraph
25 (e) of Section 15-316 of this Code shall be paid over to
26 the Illinois ~~Department~~ of State Police which shall

1 thereupon remit the amount of the fines and penalties so
2 received to the State Treasurer who shall deposit the
3 amount so remitted in the special fund in the State
4 treasury known as the Road Fund except that if the
5 violation is prosecuted by the State's Attorney, 10% of the
6 fine or penalty recovered shall be paid to the State's
7 Attorney as a fee of his office and the balance shall be
8 paid over to the Illinois ~~Department of~~ State Police for
9 remittance to and deposit by the State Treasurer as
10 hereinabove provided.

11 2. Except as provided in paragraph 4, for offenses
12 committed upon any highway outside the limits of a city,
13 village, incorporated town or park district, to the county
14 treasurer of the county where the offense was committed
15 except if such offense was committed on a highway
16 maintained by or under the supervision of a township,
17 township district, or a road district to the Treasurer
18 thereof for deposit in the road and bridge fund of such
19 township or other district, except that fines and penalties
20 recovered from violations arrested by the Illinois State
21 Police shall be remitted to the State Police Law
22 Enforcement Administration Fund; provided, that fines and
23 penalties recovered under the provisions of paragraph (a)
24 of Section 15-113, paragraph (d) of Section 3-401, or
25 paragraph (e) of Section 15-316 of this Code shall be paid
26 over to the Illinois ~~Department of~~ State Police which shall

1 thereupon remit the amount of the fines and penalties so
2 received to the State Treasurer who shall deposit the
3 amount so remitted in the special fund in the State
4 treasury known as the Road Fund except that if the
5 violation is prosecuted by the State's Attorney, 10% of the
6 fine or penalty recovered shall be paid to the State's
7 Attorney as a fee of his office and the balance shall be
8 paid over to the Illinois ~~Department of~~ State Police for
9 remittance to and deposit by the State Treasurer as
10 hereinabove provided.

11 3. Notwithstanding subsections 1 and 2 of this
12 paragraph, for violations of overweight and overload
13 limits found in Sections 15-101 through 15-203 of this
14 Code, which are committed upon the highways belonging to
15 the Illinois State Toll Highway Authority, fines and
16 penalties shall be paid over to the Illinois State Toll
17 Highway Authority for deposit with the State Treasurer into
18 that special fund known as the Illinois State Toll Highway
19 Authority Fund, except that if the violation is prosecuted
20 by the State's Attorney, 10% of the fine or penalty
21 recovered shall be paid to the State's Attorney as a fee of
22 his office and the balance shall be paid over to the
23 Illinois State Toll Highway Authority for remittance to and
24 deposit by the State Treasurer as hereinabove provided.

25 4. With regard to violations of overweight and overload
26 limits found in Sections 15-101 through 15-203 of this Code

1 committed by operators of vehicles registered as Special
2 Hauling Vehicles, for offenses committed upon a highway
3 within the limits of a city, village, or incorporated town
4 or under the jurisdiction of any park district, all fines
5 and penalties shall be paid over or retained as required in
6 paragraph 1. However, with regard to the above offenses
7 committed by operators of vehicles registered as Special
8 Hauling Vehicles upon any highway outside the limits of a
9 city, village, incorporated town or park district, fines
10 and penalties shall be paid over or retained by the entity
11 having jurisdiction over the road or highway upon which the
12 offense occurred, except that if the violation is
13 prosecuted by the State's Attorney, 10% of the fine or
14 penalty recovered shall be paid to the State's Attorney as
15 a fee of his office.

16 (b) Failure, refusal or neglect on the part of any judicial
17 or other officer or employee receiving or having custody of any
18 such fine or forfeiture either before or after a deposit with
19 the proper official as defined in paragraph (a) of this
20 Section, shall constitute misconduct in office and shall be
21 grounds for removal therefrom.

22 (Source: P.A. 100-987, eff. 7-1-19.)

23 (625 ILCS 5/18a-200) (from Ch. 95 1/2, par. 18a-200)

24 Sec. 18a-200. General powers and duties of Commission. The
25 Commission shall:

1 (1) Regulate commercial vehicle relocators and their
2 employees or agents in accordance with this Chapter and to that
3 end may establish reasonable requirements with respect to
4 proper service and practices relating thereto;

5 (2) Require the maintenance of uniform systems of accounts,
6 records and the preservation thereof;

7 (3) Require that all drivers and other personnel used in
8 relocation be employees of a licensed relocator;

9 (4) Regulate equipment leasing to and by relocators;

10 (5) Adopt reasonable and proper rules covering the exercise
11 of powers conferred upon it by this Chapter, and reasonable
12 rules governing investigations, hearings and proceedings under
13 this Chapter;

14 (6) Set reasonable rates for the commercial towing or
15 removal of trespassing vehicles from private property. The
16 rates shall not exceed the mean average of the 5 highest rates
17 for police tows within the territory to which this Chapter
18 applies that are performed under Sections 4-201 and 4-214 of
19 this Code and that are of record at hearing; provided that the
20 Commission shall not re-calculate the maximum specified herein
21 if the order containing the previous calculation was entered
22 within one calendar year of the date on which the new order is
23 entered. Set reasonable rates for the storage, for periods in
24 excess of 24 hours, of the vehicles in connection with the
25 towing or removal; however, no relocator shall impose charges
26 for storage for the first 24 hours after towing or removal. Set

1 reasonable rates for other services provided by relocators,
2 provided that the rates shall not be charged to the owner or
3 operator of a relocated vehicle. Any fee charged by a relocater
4 for the use of a credit card that is used to pay for any service
5 rendered by the relocater shall be included in the total amount
6 that shall not exceed the maximum reasonable rate established
7 by the Commission. The Commission shall require a relocater to
8 refund any amount charged in excess of the reasonable rate
9 established by the Commission, including any fee for the use of
10 a credit card;

11 (7) Investigate and maintain current files of the criminal
12 records, if any, of all relocators and their employees and of
13 all applicants for relocater's license, operator's licenses
14 and dispatcher's licenses. If the Commission determines that an
15 applicant for a license issued under this Chapter will be
16 subjected to a criminal history records check, the applicant
17 shall submit his or her fingerprints to the Illinois ~~Department~~
18 ~~of~~ State Police in the form and manner prescribed by the
19 Illinois ~~Department of~~ State Police. These fingerprints shall
20 be checked against the Illinois ~~Department of~~ State Police and
21 Federal Bureau of Investigation criminal history record
22 information databases now and hereafter filed. The Illinois
23 ~~Department of~~ State Police shall charge the applicant a fee for
24 conducting the criminal history records check, which shall be
25 deposited in the State Police Services Fund and shall not
26 exceed the actual cost of the records check. The Illinois

1 ~~Department of~~ State Police shall furnish pursuant to positive
2 identification, records of conviction to the Commission;

3 (8) Issue relocator's licenses, dispatcher's employment
4 permits, and operator's employment permits in accordance with
5 Article IV of this Chapter;

6 (9) Establish fitness standards for applicants seeking
7 relocator licensees and holders of relocator licenses;

8 (10) Upon verified complaint in writing by any person,
9 organization or body politic, or upon its own initiative may,
10 investigate whether any commercial vehicle relocator,
11 operator, dispatcher, or person otherwise required to comply
12 with any provision of this Chapter or any rule promulgated
13 hereunder, has failed to comply with any provision or rule;

14 (11) Whenever the Commission receives notice from the
15 Secretary of State that any domestic or foreign corporation
16 regulated under this Chapter has not paid a franchise tax,
17 license fee or penalty required under the Business Corporation
18 Act of 1983, institute proceedings for the revocation of the
19 license or right to engage in any business required under this
20 Chapter or the suspension thereof until such time as the
21 delinquent franchise tax, license fee or penalty is paid.

22 (Source: P.A. 93-418, eff. 1-1-04.)

23 (625 ILCS 5/18b-112)

24 Sec. 18b-112. Intermodal trailer, chassis, and safety.

25 (a) Definitions. For purposes of this Section:

1 ~~"Department" means the Department of State Police.~~

2 "Equipment interchange agreement" means a written document
3 executed by the intermodal equipment provider and operator at
4 the time the equipment is interchanged by the provider to the
5 operator.

6 "Equipment provider" is the owner of an intermodal trailer,
7 chassis, or container. This includes any forwarding company,
8 water carrier, steamship line, railroad, vehicle equipment
9 leasing company, and their subsidiary or affiliated companies
10 owning the equipment.

11 "Federal motor carrier safety regulations" means
12 regulations promulgated by the United States Department of
13 Transportation governing the condition and maintenance of
14 commercial motor vehicles contained in Title 49 of the United
15 States Code of Federal Regulations on the day of enactment of
16 this Act or as amended or revised by the United States
17 Department of Transportation thereafter.

18 "Interchange" means the act of providing a vehicle to a
19 motor carrier by an equipment provider for the purpose of
20 transporting the vehicle for loading or unloading by another
21 party or the repositioning of the vehicle for the benefit of
22 the equipment provider. "Interchange" does not include the
23 leasing of the vehicle by a motor carrier from an
24 owner-operator pursuant to subpart B of Part 376 of Title 49 of
25 the Code of Federal Regulations or the leasing of a vehicle to
26 a motor carrier for use in the motor carrier's over-the-road

1 freight hauling operations.

2 "Operator" means a motor carrier or driver of a commercial
3 motor vehicle.

4 "Vehicle" means an intermodal trailer, chassis, or
5 container.

6 (b) Responsibility of equipment provider. An equipment
7 provider shall not interchange or offer for interchange a
8 vehicle with an operator for use on a highway which vehicle is
9 in violation of the requirements contained in the federal motor
10 carrier safety regulations. It is the responsibility of the
11 equipment provider to inspect and, if a vehicle at the time of
12 inspection does not comply with all federal motor carrier
13 safety regulation requirements, perform the necessary repairs
14 on, all vehicles prior to interchange or offering for
15 interchange.

16 (c) Duty of inspection by the operator. Before
17 interchanging a vehicle with an operator, an equipment provider
18 must provide the operator the opportunity and facilities to
19 perform a visual inspection of the equipment. The operator must
20 determine if it complies with the provisions of the federal
21 motor carrier safety regulation capable of being determined
22 from an inspection. If the operator determines that the vehicle
23 does not comply with the provisions of the federal motor
24 carrier safety regulations, the equipment provider shall
25 immediately perform the necessary repairs to the vehicle so
26 that it complies with the federal motor carrier safety

1 regulations or shall immediately provide the operator with
2 another vehicle.

3 (d) Presumption of defect prior to interchange.

4 (1) If as a result of a roadside inspection by the
5 Illinois State Police Department, any of the defects listed
6 in paragraph (2) are discovered, a rebuttable presumption
7 existed at the time of the interchange. If a summons or
8 complaint is issued to the operator, the operator may seek
9 relief pursuant to paragraph (3).

10 (2) A rebuttable presumption exists that the following
11 defects were present at the time of the interchange:

12 (A) There is a defect with the brake drum when:

13 (I) the drum cracks;

14 (II) the lining is loose or missing; or

15 (III) the lining is saturated with oil.

16 (B) There is a defect of inoperative brakes when:

17 (I) there is no movement of any components;

18 (II) there are missing, broken, or loose
19 components; or

20 (III) there are mismatched components.

21 (C) There is a defect with the air lines and tubing
22 when:

23 (I) there is a bulge and swelling;

24 (II) there is an audible air leak; or

25 (III) there are air lines broken, cracked, or
26 crimped.

1 (D) There is a defect with the reservoir tank when
2 there is any separation of original attachment points.

3 (E) There is a defect with the frames when:

4 (I) there is any cracked, loose, sagging, or
5 broken frame members which measure one and
6 one-half inch in web or one inch or longer in
7 bottom flange or any crack extending from web
8 radius into bottom flange; or

9 (II) there is any condition which causes
10 moving parts to come in contact with the frame.

11 (F) There is an electrical defect when wires are
12 chaffed.

13 (G) There is a defect with the wheel assembly when:

14 (I) there is low or no oil;

15 (II) there is oil leakage on brake components;

16 (III) there are lug nuts that are loose or
17 missing; or

18 (IV) the wheel bearings are not properly
19 maintained.

20 (H) There is a defect with the tires when:

21 (I) there is improper inflation;

22 (II) there is tire separation from the casing;

23 or

24 (III) there are exposed plys or belting
25 material.

26 (I) There is defect with rim cracks when:

1 (I) there is any circumferential crack, except
2 a manufactured crack; or

3 (II) there is a lock or side ring cracked,
4 bent, broken, sprung, improperly seated, or
5 mismatched.

6 (J) There is a defect with the suspension when:

7 (I) there are spring assembly leaves broken,
8 missing, or separated; or

9 (II) there are spring hanger, u-bolts, or axle
10 positioning components cracked, broken loose, or
11 missing.

12 (K) There is a defect with the chassis locking pins
13 when there is any twist lock or fitting for securement
14 that is sprung, broken, or improperly latched.

15 (3) If an operator receives a citation for a violation
16 due to a defect in any equipment specified in subsection
17 (d)(2), the equipment provider shall reimburse the
18 operator for any:

19 (A) fines and costs, including court costs and
20 reasonable attorneys fees, incurred as a result of the
21 citation; and

22 (B) costs incurred by the operator to repair the
23 defects specified in the citation, including any
24 towing costs incurred.

25 The equipment provider shall reimburse the operator
26 within 30 days of the final court action. If the equipment

1 provider fails to reimburse the operator within 30 days,
2 the operator has a civil cause of action against the
3 equipment provider.

4 (e) Fines and penalties. Any person violating the
5 provisions of this Section shall be fined no less than \$50 and
6 no more than \$500 for each violation.

7 (f) Obligation of motor carrier. Nothing in this Section is
8 intended to eliminate the responsibility and obligation of a
9 motor carrier and operator to maintain and operate vehicles in
10 accordance with the federal motor carrier safety regulations
11 and applicable State and local laws and regulations.

12 (g) This Section shall not be applied, construed, or
13 implemented in any manner inconsistent with, or in conflict
14 with, any provision of the federal motor carrier safety
15 regulations.

16 (Source: P.A. 91-662, eff. 7-1-00.)

17 (625 ILCS 5/18c-1702) (from Ch. 95 1/2, par. 18c-1702)

18 Sec. 18c-1702. Responsibility for Enforcement. It shall be
19 the duty of the Commission and of the Illinois State Police and
20 the Secretary of State to conduct investigations, make arrests,
21 and take any other action necessary for the enforcement of this
22 Chapter.

23 (Source: P.A. 84-796.)

24 (625 ILCS 5/18c-4601) (from Ch. 95 1/2, par. 18c-4601)

1 Sec. 18c-4601. Cab Card and Identifier to be Carried and
2 Displayed in Each Vehicle.

3 (1) General Provisions.

4 (a) Carrying Requirement. Each motor vehicle used in
5 for-hire transportation upon the public roads of this State
6 shall carry a current cab card together with an identifier
7 issued by or under authority of the Commission. If the carrier
8 is an intrastate motor carrier of property, the prescribed
9 intrastate cab card and identifier shall be required; if the
10 carrier is an interstate motor carrier of property, the
11 prescribed interstate cab card and identifier shall be
12 required.

13 (b) Execution and Presentation Requirement. Such cab card
14 shall be properly executed by the carrier. The cab card, with
15 an identifier affixed or printed thereon, shall be carried in
16 the vehicle for which it was executed. The cab card and
17 identifier shall be presented upon request to any authorized
18 employee of the Commission or the Illinois State Police or
19 Secretary of State.

20 (c) Deadlines for Execution, Carrying, and Presentation.
21 Cab cards and identifiers shall be executed, carried, and
22 presented no earlier than December 1 of the calendar year
23 preceding the calendar year for which fees are owing, and no
24 later than February 1 of the calendar year for which fees are
25 owing, unless otherwise provided in Commission regulations and
26 orders.

1 (2) Interstate Compensated Intercorporate Hauling and
2 Single-Source Leasing. The provisions of subsection (1) of this
3 Section apply to motor vehicles used in interstate compensated
4 intercorporate hauling or which are leased, with drivers, to
5 private carriers for use in interstate commerce, as well as to
6 other motor vehicles used in for-hire transportation upon the
7 public roads of this State. However, the Commission may:

8 (a) Exempt such carriers from the requirements of this
9 Article;

10 (b) Subject any exemption to such reasonable terms and
11 conditions as the Commission deems necessary to effectuate the
12 purposes of this Chapter; and

13 (c) Revoke any exemption granted hereunder if it deems
14 revocation necessary to effectuate the purposes of this
15 Chapter.

16 (Source: P.A. 85-553.)

17 Section 940. The Automated Traffic Control Systems in
18 Highway Construction or Maintenance Zones Act is amended by
19 changing Sections 10 and 25 as follows:

20 (625 ILCS 7/10)

21 Sec. 10. Establishment of automated control systems. The
22 Illinois ~~Department of State Police~~ may establish an automated
23 traffic control system in any construction or maintenance zone
24 established by the Department of Transportation or the Illinois

1 State Toll Highway Authority. An automated traffic control
2 system may operate only during those periods when workers are
3 present in the construction or maintenance zone. In any
4 prosecution based upon evidence obtained through an automated
5 traffic control system established under this Act, the State
6 must prove that one or more workers were present in the
7 construction or maintenance zone when the violation occurred.

8 (Source: P.A. 93-947, eff. 8-19-04; 94-757, eff. 5-12-06;
9 94-814, eff. 1-1-07.)

10 (625 ILCS 7/25)

11 Sec. 25. Limitations on the use of automated traffic
12 enforcement systems.

13 (a) The Illinois ~~Department of~~ State Police must conduct a
14 public information campaign to inform drivers about the use of
15 automated traffic control systems in highway construction or
16 maintenance zones before establishing any of those systems. The
17 Illinois ~~Department of~~ State Police shall adopt rules for
18 implementing this subsection (a).

19 (b) Signs indicating that speeds are enforced by automated
20 traffic control systems must be clearly posted in the areas
21 where the systems are in use.

22 (c) Operation of automated traffic control systems is
23 limited to areas where road construction or maintenance is
24 occurring.

25 (d) Photographs obtained in this manner may only be used as

1 evidence in relation to a violation of Section 11-605.1 of the
2 Illinois Vehicle Code for which the photograph is taken. The
3 photographs are available only to the owner of the vehicle, the
4 offender and the offender's attorney, the judiciary, the local
5 State's Attorney, and law enforcement officials.

6 (e) If the driver of the vehicle cannot be identified
7 through the photograph, the owner is not liable for the fine,
8 and the citation may not be counted against the driving record
9 of the owner. If the driver can be identified, the driver is
10 liable for the fine, and the violation is counted against his
11 or her driving record.

12 (Source: P.A. 93-947, eff. 8-19-04.)

13 Section 945. The Child Passenger Protection Act is amended
14 by changing Section 7 as follows:

15 (625 ILCS 25/7) (from Ch. 95 1/2, par. 1107)

16 Sec. 7. Arrests - Prosecutions. The Illinois State Police
17 shall patrol the public highways and make arrests for a
18 violation of this Act. Police officers shall make arrests for
19 violations of this Act occurring upon the highway within the
20 limits of a county, city, village, or unincorporated town or
21 park district.

22 The State's Attorney of the county in which the violation
23 of this Act occurs shall prosecute all violations except when
24 the violation occurs within the corporate limits of a

1 municipality, the municipal attorney may prosecute if written
2 permission to do so is obtained from the State's Attorney.

3 The provisions of this Act shall not apply to a child
4 passenger with a physical disability of such a nature as to
5 prevent appropriate restraint in a seat, provided that the
6 disability is duly certified by a physician who shall state the
7 nature of the disability, as well as the reason the restraint
8 is inappropriate. No physician shall be liable, and no cause of
9 action may be brought for personal injuries resulting from the
10 exercise of good faith judgment in making certifications under
11 this provision.

12 (Source: P.A. 88-685, eff. 1-24-95.)

13 Section 950. The Boat Registration and Safety Act is
14 amended by changing Sections 3A-6, 3C-2, 3C-5, 3C-9, 5-16b,
15 5-16c, 5-22, and 6-1 as follows:

16 (625 ILCS 45/3A-6) (from Ch. 95 1/2, par. 313A-6)

17 Sec. 3A-6. Stolen and recovered watercraft.

18 (a) Every sheriff, superintendent of police, chief of
19 police or other police officer in command of any police
20 department in any city, village or town of the State shall, by
21 the fastest means of communications available to his or her law
22 enforcement agency, immediately report to the Illinois
23 ~~Department of~~ State Police the theft or recovery of any stolen
24 or converted watercraft within his or her district or

1 jurisdiction. The report shall give the date of theft,
2 description of the watercraft including color, manufacturer's
3 trade name, manufacturer's series name, identification number
4 and registration number, including the state in which the
5 registration number was issued, together with the name,
6 residence address, business address, and telephone number of
7 the owner. The report shall be routed by the originating law
8 enforcement agency through the Illinois State Police in a form
9 and manner prescribed by the Illinois ~~Department of~~ State
10 Police.

11 (b) A registered owner or a lienholder may report the theft
12 by conversion of a watercraft to the Illinois ~~Department of~~
13 State Police or any other police department or sheriff's
14 office. The report will be accepted as a report of theft and
15 processed only if a formal complaint is on file and a warrant
16 issued.

17 (c) The Illinois ~~Department of~~ State Police shall keep a
18 complete record of all reports filed under this Section. Upon
19 receipt of the report, a careful search shall be made of the
20 records of the Illinois ~~Department of~~ State Police, and where
21 it is found that a watercraft reported recovered was stolen in
22 a county, city, village or town other than the county, city,
23 village or town in which it is recovered, the recovering agency
24 shall notify the reporting agency of the recovery in a form and
25 manner prescribed by the Illinois ~~Department of~~ State Police.

26 (d) Notification of the theft of a watercraft will be

1 furnished to the Department of Natural Resources by the
2 Illinois ~~Department of~~ State Police. The Department of Natural
3 Resources shall place the proper information in the title
4 registration files and in the certificate of number files to
5 indicate the theft of a watercraft. Notification of the
6 recovery of a watercraft previously reported as a theft or a
7 conversion will be furnished to the Department of Natural
8 Resources by the Illinois ~~Department of~~ State Police. The
9 Department of Natural Resources shall remove the proper
10 information from the certificate of number and title
11 registration files that has previously indicated the theft of a
12 watercraft. The Department of Natural Resources shall suspend
13 the certificate of number of a watercraft upon receipt of a
14 report that the watercraft was stolen.

15 (e) When the Department of Natural Resources receives an
16 application for a certificate of title or an application for a
17 certificate of number of a watercraft and it is determined from
18 the records that the watercraft has been reported stolen, the
19 Department of Natural Resources, Division of Law Enforcement,
20 shall immediately notify the Illinois State Police and shall
21 give the Illinois State Police the name and address of the
22 person or firm titling or registering the watercraft, together
23 with all other information contained in the application
24 submitted by the person or firm.

25 (Source: P.A. 89-445, eff. 2-7-96.)

1 (625 ILCS 45/3C-2) (from Ch. 95 1/2, par. 313C-2)

2 Sec. 3C-2. Notification to law enforcement agencies. When
3 an abandoned, lost, stolen or unclaimed watercraft comes into
4 the temporary possession or custody of a person in this State,
5 not the owner of the watercraft, such person shall immediately
6 notify the municipal police when the watercraft is within the
7 corporate limits of any city, village or town having a duly
8 authorized police department, or the Illinois State Police,
9 Conservation Police or the county sheriff when the watercraft
10 is outside the corporate limits of a city, village or town.
11 Upon receipt of such notification, the municipal police, State
12 Police, Conservation Police, or county sheriff will authorize a
13 towing service to remove and take possession of the abandoned,
14 lost, stolen or unclaimed watercraft. The towing service will
15 safely keep the towed watercraft and its contents, and maintain
16 a record of the tow as set forth in Section 3C-4 for law
17 enforcement agencies, until the watercraft is claimed by the
18 owner or any other person legally entitled to possession
19 thereof or until it is disposed of as provided in this Article.

20 (Source: P.A. 84-646.)

21 (625 ILCS 45/3C-5) (from Ch. 95 1/2, par. 313C-5)

22 Sec. 3C-5. Record searches. When a law enforcement agency
23 authorizing the impounding of a watercraft does not know the
24 identity of the registered owner, lienholder or other legally
25 entitled person, that law enforcement agency will cause the

1 watercraft registration records of the State of Illinois to be
2 searched by the Department of Natural Resources for the purpose
3 of obtaining the required ownership information. The law
4 enforcement agency authorizing the impounding of a watercraft
5 will cause the stolen watercraft files of the Illinois State
6 Police to be searched by a directed communication to the
7 Illinois State Police for stolen or wanted information on the
8 watercraft. When the Illinois State Police files are searched
9 with negative results, the information contained in the
10 National Crime Information Center (NCIC) files will be searched
11 by the Illinois State Police. The information determined from
12 these record searches will be returned to the requesting law
13 enforcement agency for that agency's use in sending a
14 notification by certified mail to the registered owner,
15 lienholder and other legally entitled persons advising where
16 the watercraft is held, requesting that a disposition be made
17 and setting forth public sale information. Notification shall
18 be sent no later than 10 days after the date the law
19 enforcement agency impounds or authorizes the impounding of a
20 watercraft, provided that if the law enforcement agency is
21 unable to determine the identity of the registered owner,
22 lienholder or other person legally entitled to ownership of the
23 impounded watercraft within a 10 day period after impoundment,
24 then notification shall be sent no later than 2 days after the
25 date the identity of the registered owner, lienholder or other
26 person legally entitled to ownership of the impounded

1 watercraft is determined. Exceptions to a notification by
2 certified mail to the registered owner, lienholder and other
3 legally entitled persons are set forth in Section 3C-9.

4 (Source: P.A. 89-445, eff. 2-7-96.)

5 (625 ILCS 45/3C-9) (from Ch. 95 1/2, par. 313C-9)

6 Sec. 3C-9. Disposal of unclaimed watercraft without
7 notice.

8 (a) When the identity of the registered owner, lienholder
9 and other person legally entitled to the possession of an
10 abandoned, lost or unclaimed watercraft of 7 years of age or
11 newer cannot be determined by any means provided for in this
12 Article, the watercraft may be sold as provided in Section 3C-8
13 without notice to any person whose identity cannot be
14 determined.

15 (b) When an abandoned watercraft of more than 7 years of
16 age is impounded as specified by this Article, it will be kept
17 in custody for a minimum of 10 days for the purpose of
18 determining the identity of the registered owner and
19 lienholder, contacting the registered owner and lienholder for
20 a determination of disposition, and an examination of the
21 Illinois State Police stolen watercraft files for the theft and
22 wanted information. At the expiration of the 10 day period, if
23 disposition information has not been received from the
24 registered owner or the lienholder, the law enforcement agency
25 having jurisdiction will authorize the disposal of the

1 watercraft as junk.

2 However, if, in the opinion of the police officer
3 processing the watercraft, it has a value of \$200 or more and
4 can be restored to safe operating condition, the law
5 enforcement agency may authorize its purchase for salvage and
6 the Department of Natural Resources may issue a certificate of
7 title. A watercraft classified as a historical watercraft may
8 be sold to a person desiring to restore it.

9 (Source: P.A. 89-445, eff. 2-7-96.)

10 (625 ILCS 45/5-16b) (from Ch. 95 1/2, par. 315-11b)

11 Sec. 5-16b. Preliminary breath screening test. If a law
12 enforcement officer has reasonable suspicion to believe that a
13 person is violating or has violated Section 5-16 or a similar
14 provision of a local ordinance, the officer, prior to an
15 arrest, may request the person to provide a sample of his or
16 her breath for a preliminary breath screening test using a
17 portable device approved by the Illinois ~~Department of State~~
18 Police. The results of this preliminary breath screening test
19 may be used by the law enforcement officer for the purpose of
20 assisting with the determination of whether to require a
21 chemical test as authorized under Section 5-16 and the
22 appropriate type of test to request. Any chemical test
23 authorized under Section 5-16 may be requested by the officer
24 regardless of the result of the preliminary breath screening
25 test if probable cause for an arrest exists. The result of a

1 preliminary breath screening test may be used by the defendant
2 as evidence in any administrative or court proceeding involving
3 a violation of Section 5-16.

4 (Source: P.A. 90-215, eff. 1-1-98; 91-828, eff. 1-1-01.)

5 (625 ILCS 45/5-16c)

6 Sec. 5-16c. Operator involvement in personal injury or
7 fatal boating accident; chemical tests.

8 (a) Any person who operates or is in actual physical
9 control of a motorboat within this State and who has been
10 involved in a personal injury or fatal boating accident shall
11 be deemed to have given consent to a breath test using a
12 portable device as approved by the Illinois ~~Department of~~ State
13 Police or to a chemical test or tests of blood, breath, other
14 bodily substance, or urine for the purpose of determining the
15 content of alcohol, other drug or drugs, or intoxicating
16 compound or compounds of the person's blood if arrested as
17 evidenced by the issuance of a uniform citation for a violation
18 of the Boat Registration and Safety Act or a similar provision
19 of a local ordinance, with the exception of equipment
20 violations contained in Article IV of this Act or similar
21 provisions of local ordinances. The test or tests shall be
22 administered at the direction of the arresting officer. The law
23 enforcement agency employing the officer shall designate which
24 of the aforesaid tests shall be administered. Up to 2
25 additional tests of urine or other bodily substance may be

1 administered even after a blood or breath test or both has been
2 administered. Compliance with this Section does not relieve the
3 person from the requirements of any other Section of this Act.

4 (b) Any person who is dead, unconscious, or who is
5 otherwise in a condition rendering that person incapable of
6 refusal shall be deemed not to have withdrawn the consent
7 provided by subsection (a) of this Section. In addition, if an
8 operator of a motorboat is receiving medical treatment as a
9 result of a boating accident, any physician licensed to
10 practice medicine, licensed physician assistant, licensed
11 advanced practice registered nurse, registered nurse, or a
12 phlebotomist acting under the direction of a licensed physician
13 shall withdraw blood for testing purposes to ascertain the
14 presence of alcohol, other drug or drugs, or intoxicating
15 compound or compounds, upon the specific request of a law
16 enforcement officer. However, this testing shall not be
17 performed until, in the opinion of the medical personnel on
18 scene, the withdrawal can be made without interfering with or
19 endangering the well-being of the patient.

20 (c) A person who is a CDL holder requested to submit to a
21 test under subsection (a) of this Section shall be warned by
22 the law enforcement officer requesting the test that a refusal
23 to submit to the test, or submission to the test resulting in
24 an alcohol concentration of 0.08 or more, or any amount of a
25 drug, substance, or intoxicating compound resulting from the
26 unlawful use or consumption of cannabis listed in the Cannabis

1 Control Act, a controlled substance listed in the Illinois
2 Controlled Substances Act, an intoxicating compound listed in
3 the Use of Intoxicating Compounds Act, or methamphetamine as
4 listed in the Methamphetamine Control and Community Protection
5 Act as detected in the person's blood, other bodily substance,
6 or urine, may result in the suspension of the person's
7 privilege to operate a motor vehicle and may result in the
8 disqualification of the person's privilege to operate a
9 commercial motor vehicle, as provided in Section 6-514 of the
10 Illinois Vehicle Code. A person who is not a CDL holder
11 requested to submit to a test under subsection (a) of this
12 Section shall be warned by the law enforcement officer
13 requesting the test that a refusal to submit to the test, or
14 submission to the test resulting in an alcohol concentration of
15 0.08 or more, a tetrahydrocannabinol concentration in the
16 person's whole blood or other bodily substance as defined in
17 paragraph 6 of subsection (a) of Section 11-501.2 of the
18 Illinois Vehicle Code, or any amount of a drug, substance, or
19 intoxicating compound resulting from the unlawful use or
20 consumption of a controlled substance listed in the Illinois
21 Controlled Substances Act, an intoxicating compound listed in
22 the Use of Intoxicating Compounds Act, or methamphetamine as
23 listed in the Methamphetamine Control and Community Protection
24 Act as detected in the person's blood, other bodily substance,
25 or urine, may result in the suspension of the person's
26 privilege to operate a motor vehicle. The length of the

1 suspension shall be the same as outlined in Section 6-208.1 of
2 the Illinois Vehicle Code regarding statutory summary
3 suspensions.

4 (d) If the person is a CDL holder and refuses testing or
5 submits to a test which discloses an alcohol concentration of
6 0.08 or more, or any amount of a drug, substance, or
7 intoxicating compound in the person's blood, other bodily
8 substance, or urine resulting from the unlawful use or
9 consumption of cannabis listed in the Cannabis Control Act, a
10 controlled substance listed in the Illinois Controlled
11 Substances Act, an intoxicating compound listed in the Use of
12 Intoxicating Compounds Act, or methamphetamine as listed in the
13 Methamphetamine Control and Community Protection Act, the law
14 enforcement officer shall immediately submit a sworn report to
15 the Secretary of State on a form prescribed by the Secretary of
16 State, certifying that the test or tests were requested under
17 subsection (a) of this Section and the person refused to submit
18 to a test or tests or submitted to testing which disclosed an
19 alcohol concentration of 0.08 or more, or any amount of a drug,
20 substance, or intoxicating compound in the person's blood,
21 other bodily substance, or urine, resulting from the unlawful
22 use or consumption of cannabis listed in the Cannabis Control
23 Act, a controlled substance listed in the Illinois Controlled
24 Substances Act, an intoxicating compound listed in the Use of
25 Intoxicating Compounds Act, or methamphetamine as listed in the
26 Methamphetamine Control and Community Protection Act. If the

1 person is not a CDL holder and refuses testing or submits to a
2 test which discloses an alcohol concentration of 0.08 or more,
3 a tetrahydrocannabinol concentration in the person's whole
4 blood or other bodily substance as defined in paragraph 6 of
5 subsection (a) of Section 11-501.2 of the Illinois Vehicle
6 Code, or any amount of a drug, substance, or intoxicating
7 compound in the person's blood, other bodily substance, or
8 urine resulting from the unlawful use or consumption of a
9 controlled substance listed in the Illinois Controlled
10 Substances Act, an intoxicating compound listed in the Use of
11 Intoxicating Compounds Act, or methamphetamine as listed in the
12 Methamphetamine Control and Community Protection Act, the law
13 enforcement officer shall immediately submit a sworn report to
14 the Secretary of State on a form prescribed by the Secretary of
15 State, certifying that the test or tests were requested under
16 subsection (a) of this Section and the person refused to submit
17 to a test or tests or submitted to testing which disclosed an
18 alcohol concentration of 0.08 or more, a tetrahydrocannabinol
19 concentration in the person's whole blood or other bodily
20 substance as defined in paragraph 6 of subsection (a) of
21 Section 11-501.2 of the Illinois Vehicle Code, or any amount of
22 a drug, substance, or intoxicating compound in the person's
23 blood or urine, resulting from the unlawful use or consumption
24 of a controlled substance listed in the Illinois Controlled
25 Substances Act, an intoxicating compound listed in the Use of
26 Intoxicating Compounds Act, or methamphetamine as listed in the

1 Methamphetamine Control and Community Protection Act.

2 Upon receipt of the sworn report of a law enforcement
3 officer, the Secretary of State shall enter the suspension and
4 disqualification to the person's driving record and the
5 suspension and disqualification shall be effective on the 46th
6 day following the date notice of the suspension was given to
7 the person.

8 The law enforcement officer submitting the sworn report
9 shall serve immediate notice of this suspension on the person
10 and this suspension and disqualification shall be effective on
11 the 46th day following the date notice was given.

12 In cases involving a person who is a CDL holder where the
13 blood alcohol concentration of 0.08 or more, or any amount of a
14 drug, substance, or intoxicating compound resulting from the
15 unlawful use or consumption of cannabis listed in the Cannabis
16 Control Act, a controlled substance listed in the Illinois
17 Controlled Substances Act, an intoxicating compound listed in
18 the Use of Intoxicating Compounds Act, or methamphetamine as
19 listed in the Methamphetamine Control and Community Protection
20 Act, is established by a subsequent analysis of blood, other
21 bodily substance, or urine collected at the time of arrest, the
22 arresting officer shall give notice as provided in this Section
23 or by deposit in the United States mail of this notice in an
24 envelope with postage prepaid and addressed to the person at
25 his or her address as shown on the uniform citation and the
26 suspension and disqualification shall be effective on the 46th

1 day following the date notice was given. In cases involving a
2 person who is not a CDL holder where the blood alcohol
3 concentration of 0.08 or more, a tetrahydrocannabinol
4 concentration in the person's whole blood or other bodily
5 substance as defined in paragraph 6 of subsection (a) of
6 Section 11-501.2 of the Illinois Vehicle Code, or any amount of
7 a drug, substance, or intoxicating compound resulting from the
8 unlawful use or consumption of a controlled substance listed in
9 the Illinois Controlled Substances Act, an intoxicating
10 compound listed in the Use of Intoxicating Compounds Act, or
11 methamphetamine as listed in the Methamphetamine Control and
12 Community Protection Act, is established by a subsequent
13 analysis of blood, other bodily substance, or urine collected
14 at the time of arrest, the arresting officer shall give notice
15 as provided in this Section or by deposit in the United States
16 mail of this notice in an envelope with postage prepaid and
17 addressed to the person at his or her address as shown on the
18 uniform citation and the suspension shall be effective on the
19 46th day following the date notice was given.

20 Upon receipt of the sworn report of a law enforcement
21 officer, the Secretary of State shall also give notice of the
22 suspension and disqualification to the person by mailing a
23 notice of the effective date of the suspension and
24 disqualification to the person. However, should the sworn
25 report be defective by not containing sufficient information or
26 be completed in error, the notice of the suspension and

1 disqualification shall not be mailed to the person or entered
2 to the driving record, but rather the sworn report shall be
3 returned to the issuing law enforcement agency.

4 (e) A person may contest this suspension of his or her
5 driving privileges and disqualification of his or her CDL
6 privileges by requesting an administrative hearing with the
7 Secretary of State in accordance with Section 2-118 of the
8 Illinois Vehicle Code. At the conclusion of a hearing held
9 under Section 2-118 of the Illinois Vehicle Code, the Secretary
10 of State may rescind, continue, or modify the orders of
11 suspension and disqualification. If the Secretary of State does
12 not rescind the orders of suspension and disqualification, a
13 restricted driving permit may be granted by the Secretary of
14 State upon application being made and good cause shown. A
15 restricted driving permit may be granted to relieve undue
16 hardship to allow driving for employment, educational, and
17 medical purposes as outlined in Section 6-206 of the Illinois
18 Vehicle Code. The provisions of Section 6-206 of the Illinois
19 Vehicle Code shall apply. In accordance with 49 C.F.R. 384, the
20 Secretary of State may not issue a restricted driving permit
21 for the operation of a commercial motor vehicle to a person
22 holding a CDL whose driving privileges have been suspended,
23 revoked, cancelled, or disqualified.

24 (f) For the purposes of this Section, a personal injury
25 shall include any type A injury as indicated on the accident
26 report completed by a law enforcement officer that requires

1 immediate professional attention in a doctor's office or a
2 medical facility. A type A injury shall include severely
3 bleeding wounds, distorted extremities, and injuries that
4 require the injured party to be carried from the scene.

5 (Source: P.A. 99-697, eff. 7-29-16; 100-513, eff. 1-1-18.)

6 (625 ILCS 45/5-22)

7 Sec. 5-22. Operation of watercraft upon the approach of an
8 authorized emergency watercraft.

9 (a) As used in this Section, "authorized emergency
10 watercraft" includes any watercraft operated by the Illinois
11 Department of Natural Resources Police, the Illinois
12 ~~Department of~~ State Police, a county sheriff, a local law
13 enforcement agency, a fire department, a provider of emergency
14 medical services, or the United States Coast Guard, equipped
15 with alternately flashing red, blue, red and white, red and
16 blue, or red in combination with white or blue lights, while
17 engaged in official duties. Any authorized emergency
18 watercraft must be clearly emblazoned with markings
19 identifying it as a watercraft operated by the qualifying
20 agency.

21 (b) Upon the immediate approach of an authorized emergency
22 watercraft making use of rotating or flashing visual signals
23 and lawfully making use of a visual signal, the operator of
24 every other watercraft shall yield the right-of-way and shall
25 immediately reduce the speed of the watercraft, so as not to

1 create a wake, and shall yield way to the emergency watercraft,
2 moving to the right to permit the safe passage of the emergency
3 watercraft, and shall stop and remain in that position until
4 the authorized emergency watercraft has passed, unless
5 otherwise directed by a police officer.

6 (c) Upon approaching a stationary authorized emergency
7 watercraft, when the authorized emergency watercraft is giving
8 a signal by displaying rotating or alternately flashing red,
9 blue, red and white, red and blue, or red in combination with
10 white or blue lights, a person operating an approaching
11 watercraft shall proceed with due caution at no-wake speed and
12 yield the right-of-way by moving safely away from that
13 authorized emergency watercraft, proceeding with due caution
14 at a no-wake speed with due regard to safety and water
15 conditions, maintaining no-wake speed until sufficiently away
16 from the emergency watercraft so as not to create a wake that
17 would otherwise rock or otherwise disturb the authorized
18 emergency watercraft.

19 (d) This Section shall not operate to relieve the operator
20 of an authorized emergency watercraft from the duty to operate
21 that watercraft with due regard for the safety of all persons
22 using the waterway.

23 (e) A person who violates this Section commits a business
24 offense punishable by a fine of not less than \$100 or more than
25 \$10,000. It is a factor in aggravation if the person committed
26 the offense while in violation of Section 5-16 of this Act.

1 (f) If a violation of this Section results in damage to the
2 property of another person, in addition to any other penalty
3 imposed, the person's watercraft operating privileges shall be
4 suspended for a fixed period of not less than 90 days and not
5 more than one year.

6 (g) If a violation of this Section results in injury to
7 another person, in addition to any other penalty imposed, the
8 person's watercraft operating privileges shall be suspended
9 for a fixed period of not less than 180 days and not more than 2
10 years.

11 (h) If a violation of subsection (c) of this Section
12 results in great bodily harm or permanent disability or
13 disfigurement to, or the death of, another person, in addition
14 to any other penalty imposed, the person's watercraft operating
15 privileges shall be suspended for 2 years.

16 (i) The Department of Natural Resources shall, upon
17 receiving a record of a judgment entered against a person under
18 this Section:

19 (1) suspend the person's watercraft operating
20 privileges for the mandatory period; or

21 (2) extend the period of an existing suspension by the
22 appropriate mandatory period.

23 (Source: P.A. 98-102, eff. 7-22-13.)

24 (625 ILCS 45/6-1) (from Ch. 95 1/2, par. 316-1)

25 Sec. 6-1. Collisions, accidents, and casualties; reports.

1 A. The operator of a vessel involved in a collision,
2 accident, or other casualty, so far as he can without serious
3 danger to his own vessel, crew, passengers and guests, if any,
4 shall render to other persons affected by the collision,
5 accident, or other casualty assistance as may be practicable
6 and as may be necessary in order to save them from or minimize
7 any danger caused by the collision, accident, or other
8 casualty, and also shall give his name, address, and
9 identification of his vessel to any person injured and to the
10 owner of any property damaged in the collision, accident, or
11 other casualty.

12 If the collision, accident, or other casualty has resulted
13 in the death of or personal injury to any person, failure to
14 comply with this subsection A is a Class A misdemeanor.

15 A-1. Any person who has failed to stop or to comply with
16 the requirements of subsection A must, as soon as possible but
17 in no case later than one hour after the collision, accident,
18 or other casualty, or, if hospitalized and incapacitated from
19 reporting at any time during that period, as soon as possible
20 but in no case later than one hour after being discharged from
21 the hospital, report the date, place, and approximate time of
22 the collision, accident, or other casualty, the watercraft
23 operator's name and address, the identification number of the
24 watercraft, if any, and the names of all other occupants of the
25 watercraft, at a police station or sheriff's office near the
26 location where the collision, accident, or other casualty

1 occurred. A report made as required under this subsection A-1
2 may not be used, directly or indirectly, as a basis for the
3 prosecution of any violation of subsection A.

4 As used in this Section, personal injury means any injury
5 requiring treatment beyond first aid.

6 Any person failing to comply with this subsection A-1 is
7 guilty of a Class 4 felony if the collision, accident, or other
8 casualty does not result in the death of any person. Any person
9 failing to comply with this subsection A-1 when the collision,
10 accident, or other casualty results in the death of any person
11 is guilty of a Class 2 felony, for which the person, if
12 sentenced to a term of imprisonment, shall be sentenced to a
13 term of not less than 3 years and not more than 14 years.

14 B. In the case of collision, accident, or other casualty
15 involving a vessel, the operator, if the collision, accident,
16 or other casualty results in death or injury to a person or
17 damage to property in excess of \$2000, or there is a complete
18 loss of the vessel, shall file with the Department a full
19 description of the collision, accident, or other casualty,
20 including information as the Department may by regulation
21 require. Reports of the accidents must be filed with the
22 Department on a Department Accident Report form within 5 days.

23 C. Reports of accidents resulting in personal injury, where
24 a person sustains an injury requiring medical attention beyond
25 first aid, must be filed with the Department on a Department
26 Accident Report form within 5 days. Accidents that result in

1 loss of life shall be reported to the Department on a
2 Department form within 48 hours.

3 D. All required accident reports and supplemental reports
4 are without prejudice to the individual reporting, and are for
5 the confidential use of the Department, except that the
6 Department may disclose the identity of a person involved in an
7 accident when the identity is not otherwise known or when the
8 person denies his presence at the accident. No report to the
9 Department may be used as evidence in any trial, civil or
10 criminal, arising out of an accident, except that the
11 Department must furnish upon demand of any person who has or
12 claims to have made a report or upon demand of any court a
13 certificate showing that a specified accident report has or has
14 not been made to the Department solely to prove a compliance or
15 a failure to comply with the requirements that a report be made
16 to the Department.

17 E. (1) Every coroner or medical examiner shall on or before
18 the 10th day of each month report in writing to the
19 Department the circumstances surrounding the death of any
20 person that has occurred as the result of a boating
21 accident within the examiner's jurisdiction during the
22 preceding calendar month.

23 (2) Within 6 hours after a death resulting from a
24 boating accident, but in any case not more than 12 hours
25 after the occurrence of the boating accident, a blood
26 specimen of at least 10 cc shall be withdrawn from the body

1 of the decedent by the coroner or medical examiner or by a
2 qualified person at the direction of the physician. All
3 morticians shall obtain a release from the coroner or
4 medical examiner prior to proceeding with embalming any
5 body coming under the scope of this Section. The blood so
6 drawn shall be forwarded to a laboratory approved by the
7 Illinois Department ~~Department~~ of State Police for analysis of the
8 alcoholic content of the blood specimen. The coroner or
9 medical examiner causing the blood to be withdrawn shall be
10 notified of the results of each analysis made and shall
11 forward the results of each analysis to the Department. The
12 Department shall keep a record of all examinations to be
13 used for statistical purposes only. The cumulative results
14 of the examinations, without identifying the individuals
15 involved, shall be disseminated and made public by the
16 Department.

17 (Source: P.A. 93-782, eff. 1-1-05; 94-214, eff. 1-1-06.)

18 Section 955. The Public-Private Partnerships for
19 Transportation Act is amended by changing Section 70 as
20 follows:

21 (630 ILCS 5/70)

22 Sec. 70. Additional powers of transportation agencies with
23 respect to transportation projects.

24 (a) Each transportation agency may exercise any powers

1 provided under this Act in participation or cooperation with
2 any governmental entity and enter into any contracts to
3 facilitate that participation or cooperation without
4 compliance with any other statute. Each transportation agency
5 shall cooperate with each other and with other governmental
6 entities in carrying out transportation projects under this
7 Act.

8 (b) Each transportation agency may make and enter into all
9 contracts and agreements necessary or incidental to the
10 performance of the transportation agency's duties and the
11 execution of the transportation agency's powers under this Act.
12 Except as otherwise required by law, these contracts or
13 agreements are not subject to any approvals other than the
14 approval of the transportation agency and may be for any term
15 of years and contain any terms that are considered reasonable
16 by the transportation agency.

17 (c) Each transportation agency may pay the costs incurred
18 under a public-private agreement entered into under this Act
19 from any funds available to the transportation agency under
20 this Act or any other statute.

21 (d) A transportation agency or other State agency may not
22 take any action that would impair a public-private agreement
23 entered into under this Act.

24 (e) Each transportation agency may enter into an agreement
25 between and among the contractor, the transportation agency,
26 and the Illinois ~~Department of~~ State Police concerning the

1 provision of law enforcement assistance with respect to a
2 transportation project that is the subject of a public-private
3 agreement under this Act.

4 (f) Each transportation agency is authorized to enter into
5 arrangements with the Illinois ~~Department of~~ State Police
6 related to costs incurred in providing law enforcement
7 assistance under this Act.

8 (Source: P.A. 97-502, eff. 8-23-11.)

9 Section 965. The Clerks of Courts Act is amended by
10 changing Section 27.3b-1 as follows:

11 (705 ILCS 105/27.3b-1)

12 Sec. 27.3b-1. Minimum fines; disbursement of fines.

13 (a) Unless otherwise specified by law, the minimum fine for
14 a conviction or supervision disposition on a minor traffic
15 offense is \$25 and the minimum fine for a conviction,
16 supervision disposition, or violation based upon a plea of
17 guilty or finding of guilt for any other offense is \$75. If the
18 court finds that the fine would impose an undue burden on the
19 victim, the court may reduce or waive the fine. In this
20 subsection (a), "victim" shall not be construed to include the
21 defendant.

22 (b) Unless otherwise specified by law, all fines imposed on
23 a misdemeanor offense, other than a traffic, conservation, or
24 driving under the influence offense, or on a felony offense

1 shall be disbursed within 60 days after receipt by the circuit
2 clerk to the county treasurer for deposit into the county's
3 General Fund. Unless otherwise specified by law, all fines
4 imposed on an ordinance offense or a misdemeanor traffic,
5 misdemeanor conservation, or misdemeanor driving under the
6 influence offense shall be disbursed within 60 days after
7 receipt by the circuit clerk to the treasurer of the unit of
8 government of the arresting agency. If the arresting agency is
9 the office of the sheriff, the county treasurer shall deposit
10 the portion into a fund to support the law enforcement
11 operations of the office of the sheriff. If the arresting
12 agency is a State agency, the State Treasurer shall deposit the
13 portion as follows:

14 (1) if the arresting agency is the Illinois Department
15 ~~of~~ State Police, into the State Police Law Enforcement
16 Administration Fund;

17 (2) if the arresting agency is the Department of
18 Natural Resources, into the Conservation Police Operations
19 Assistance Fund;

20 (3) if the arresting agency is the Secretary of State,
21 into the Secretary of State Police Services Fund; and

22 (4) if the arresting agency is the Illinois Commerce
23 Commission, into the Public Utility Fund.

24 (Source: P.A. 100-987, eff. 7-1-19.)

25 Section 970. The Criminal and Traffic Assessment Act is

1 amended by changing Sections 10-5 and 15-70 as follows:

2 (705 ILCS 135/10-5)

3 (Section scheduled to be repealed on January 1, 2021)

4 Sec. 10-5. Funds.

5 (a) All money collected by the Clerk of the Circuit Court
6 under Article 15 of this Act shall be remitted as directed in
7 Article 15 of this Act to the county treasurer, to the State
8 Treasurer, and to the treasurers of the units of local
9 government. If an amount payable to any of the treasurers is
10 less than \$10, the clerk may postpone remitting the money until
11 \$10 has accrued or by the end of fiscal year. The treasurers
12 shall deposit the money as indicated in the schedules, except,
13 in a county with a population of over 3,000,000, money remitted
14 to the county treasurer shall be subject to appropriation by
15 the county board. Any amount retained by the Clerk of the
16 Circuit Court in a county with a population of over 3,000,000
17 shall be subject to appropriation by the county board.

18 (b) The county treasurer or the treasurer of the unit of
19 local government may create the funds indicated in paragraphs
20 (1) through (5), (9), and (16) of subsection (d) of this
21 Section, if not already in existence. If a county or unit of
22 local government has not instituted, and does not plan to
23 institute a program that uses a particular fund, the treasurer
24 need not create the fund and may instead deposit the money
25 intended for the fund into the general fund of the county or

1 unit of local government for use in financing the court system.

2 (c) If the arresting agency is a State agency, the
3 arresting agency portion shall be remitted by the clerk of
4 court to the State Treasurer who shall deposit the portion as
5 follows:

6 (1) if the arresting agency is the Illinois Department
7 ~~of~~ State Police, into the State Police Law Enforcement
8 Administration Fund;

9 (2) if the arresting agency is the Department of
10 Natural Resources, into the Conservation Police Operations
11 Assistance Fund;

12 (3) if the arresting agency is the Secretary of State,
13 into the Secretary of State Police Services Fund; and

14 (4) if the arresting agency is the Illinois Commerce
15 Commission, into the Public Utility Fund.

16 (d) Fund descriptions and provisions:

17 (1) The Court Automation Fund is to defray the expense,
18 borne by the county, of establishing and maintaining
19 automated record keeping systems in the Office of the Clerk
20 of the Circuit Court. The money shall be remitted monthly
21 by the clerk to the county treasurer and identified as
22 funds for the Circuit Court Clerk. The fund shall be
23 audited by the county auditor, and the board shall make
24 expenditures from the fund in payment of any costs related
25 to the automation of court records including hardware,
26 software, research and development costs, and personnel

1 costs related to the foregoing, provided that the
2 expenditure is approved by the clerk of the court and by
3 the chief judge of the circuit court or his or her
4 designee.

5 (2) The Document Storage Fund is to defray the expense,
6 borne by the county, of establishing and maintaining a
7 document storage system and converting the records of the
8 circuit court clerk to electronic or micrographic storage.
9 The money shall be remitted monthly by the clerk to the
10 county treasurer and identified as funds for the circuit
11 court clerk. The fund shall be audited by the county
12 auditor, and the board shall make expenditure from the fund
13 in payment of any cost related to the storage of court
14 records, including hardware, software, research and
15 development costs, and personnel costs related to the
16 foregoing, provided that the expenditure is approved by the
17 clerk of the court.

18 (3) The Circuit Clerk Operations and Administration
19 Fund may be used to defray the expenses incurred for
20 collection and disbursement of the various assessment
21 schedules. The money shall be remitted monthly by the clerk
22 to the county treasurer and identified as funds for the
23 circuit court clerk.

24 (4) The State's Attorney Records Automation Fund is to
25 defray the expense of establishing and maintaining
26 automated record keeping systems in the offices of the

1 State's Attorney. The money shall be remitted monthly by
2 the clerk to the county treasurer for deposit into the
3 State's Attorney Records Automation Fund. Expenditures
4 from this fund may be made by the State's Attorney for
5 hardware, software, and research and development related
6 to automated record keeping systems.

7 (5) The Public Defender Records Automation Fund is to
8 defray the expense of establishing and maintaining
9 automated record keeping systems in the offices of the
10 Public Defender. The money shall be remitted monthly by the
11 clerk to the county treasurer for deposit into the Public
12 Defender Records Automation Fund. Expenditures from this
13 fund may be made by the Public Defender for hardware,
14 software, and research and development related to
15 automated record keeping systems.

16 (6) The DUI Fund shall be used for enforcement and
17 prevention of driving while under the influence of alcohol,
18 other drug or drugs, intoxicating compound or compounds or
19 any combination thereof, as defined by Section 11-501 of
20 the Illinois Vehicle Code, including, but not limited to,
21 the purchase of law enforcement equipment and commodities
22 that will assist in the prevention of alcohol-related
23 criminal violence throughout the State; police officer
24 training and education in areas related to alcohol-related
25 crime, including, but not limited to, DUI training; and
26 police officer salaries, including, but not limited to,

1 salaries for hire-back funding for safety checkpoints,
2 saturation patrols, and liquor store sting operations. Any
3 moneys shall be used to purchase law enforcement equipment
4 that will assist in the prevention of alcohol-related
5 criminal violence throughout the State. The money shall be
6 remitted monthly by the clerk to the State or local
7 treasurer for deposit as provided by law.

8 (7) The Trauma Center Fund shall be distributed as
9 provided under Section 3.225 of the Emergency Medical
10 Services (EMS) Systems Act.

11 (8) The Probation and Court Services Fund is to be
12 expended as described in Section 15.1 of the Probation and
13 Probation Officers Act.

14 (9) The Circuit Court Clerk Electronic Citation Fund
15 shall have the Circuit Court Clerk as the custodian, ex
16 officio, of the Fund and shall be used to perform the
17 duties required by the office for establishing and
18 maintaining electronic citations. The Fund shall be
19 audited by the county's auditor.

20 (10) The Drug Treatment Fund is a special fund in the
21 State treasury. Moneys in the Fund shall be expended as
22 provided in Section 411.2 of the Illinois Controlled
23 Substances Act.

24 (11) The Violent Crime Victims Assistance Fund is a
25 special fund in the State treasury to provide moneys for
26 the grants to be awarded under the Violent Crime Victims

1 Assistance Act.

2 (12) The Criminal Justice Information Projects Fund
3 shall be appropriated to and administered by the Illinois
4 Criminal Justice Information Authority for distribution to
5 fund Illinois ~~Department of~~ State Police drug task forces
6 and Metropolitan Enforcement Groups, for the costs
7 associated with making grants from the Prescription Pill
8 and Drug Disposal Fund, for undertaking criminal justice
9 information projects, and for the operating and other
10 expenses of the Authority incidental to those criminal
11 justice information projects. The moneys deposited into
12 the Criminal Justice Information Projects Fund under
13 Sections 15-15 and 15-35 of this Act shall be appropriated
14 to and administered by the Illinois Criminal Justice
15 Information Authority for distribution to fund Illinois
16 ~~Department of~~ State Police drug task forces and
17 Metropolitan Enforcement Groups by dividing the funds
18 equally by the total number of Illinois ~~Department of~~ State
19 Police drug task forces and Illinois Metropolitan
20 Enforcement Groups.

21 (13) The Sexual Assault Services Fund shall be
22 appropriated to the Department of Public Health. Upon
23 appropriation of moneys from the Sexual Assault Services
24 Fund, the Department of Public Health shall make grants of
25 these moneys to sexual assault organizations with whom the
26 Department has contracts for the purpose of providing

1 community-based services to victims of sexual assault.
2 Grants are in addition to, and are not substitutes for,
3 other grants authorized and made by the Department.

4 (14) The County Jail Medical Costs Fund is to help
5 defray the costs outlined in Section 17 of the County Jail
6 Act. Moneys in the Fund shall be used solely for
7 reimbursement to the county of costs for medical expenses
8 and administration of the Fund.

9 (15) The Prisoner Review Board Vehicle and Equipment
10 Fund is a special fund in the State treasury. The Prisoner
11 Review Board shall, subject to appropriation by the General
12 Assembly and approval by the Secretary, use all moneys in
13 the Prisoner Review Board Vehicle and Equipment Fund for
14 the purchase and operation of vehicles and equipment.

15 (16) In each county in which a Children's Advocacy
16 Center provides services, a Child Advocacy Center Fund is
17 specifically for the operation and administration of the
18 Children's Advocacy Center, from which the county board
19 shall make grants to support the activities and services of
20 the Children's Advocacy Center within that county.

21 (Source: P.A. 100-987, eff. 7-1-19; 100-1161, eff. 7-1-19.)

22 (705 ILCS 135/15-70)

23 (Section scheduled to be repealed on January 1, 2021)

24 Sec. 15-70. Conditional assessments. In addition to
25 payments under one of the Schedule of Assessments 1 through 13

1 of this Act, the court shall also order payment of any of the
2 following conditional assessment amounts for each sentenced
3 violation in the case to which a conditional assessment is
4 applicable, which shall be collected and remitted by the Clerk
5 of the Circuit Court as provided in this Section:

6 (1) arson, residential arson, or aggravated arson,
7 \$500 per conviction to the State Treasurer for deposit into
8 the Fire Prevention Fund;

9 (2) child pornography under Section 11-20.1 of the
10 Criminal Code of 1961 or the Criminal Code of 2012, \$500
11 per conviction, unless more than one agency is responsible
12 for the arrest in which case the amount shall be remitted
13 to each unit of government equally:

14 (A) if the arresting agency is an agency of a unit
15 of local government, \$500 to the treasurer of the unit
16 of local government for deposit into the unit of local
17 government's General Fund, except that if the Illinois
18 ~~Department of~~ State Police provides digital or
19 electronic forensic examination assistance, or both,
20 to the arresting agency then \$100 to the State
21 Treasurer for deposit into the State Crime Laboratory
22 Fund; or

23 (B) if the arresting agency is the Illinois
24 ~~Department of~~ State Police, \$500 to the State Treasurer
25 for deposit into the State Crime Laboratory Fund;

26 (3) crime laboratory drug analysis for a drug-related

1 offense involving possession or delivery of cannabis or
2 possession or delivery of a controlled substance as defined
3 in the Cannabis Control Act, the Illinois Controlled
4 Substances Act, or the Methamphetamine Control and
5 Community Protection Act, \$100 reimbursement for
6 laboratory analysis, as set forth in subsection (f) of
7 Section 5-9-1.4 of the Unified Code of Corrections;

8 (4) DNA analysis, \$250 on each conviction in which it
9 was used to the State Treasurer for deposit into the State
10 Offender DNA Identification System Fund as set forth in
11 Section 5-4-3 of the Unified Code of Corrections;

12 (5) DUI analysis, \$150 on each sentenced violation in
13 which it was used as set forth in subsection (f) of Section
14 5-9-1.9 of the Unified Code of Corrections;

15 (6) drug-related offense involving possession or
16 delivery of cannabis or possession or delivery of a
17 controlled substance, other than methamphetamine, as
18 defined in the Cannabis Control Act or the Illinois
19 Controlled Substances Act, an amount not less than the full
20 street value of the cannabis or controlled substance seized
21 for each conviction to be disbursed as follows:

22 (A) 12.5% of the street value assessment shall be
23 paid into the Youth Drug Abuse Prevention Fund, to be
24 used by the Department of Human Services for the
25 funding of programs and services for drug-abuse
26 treatment, and prevention and education services;

1 (B) 37.5% to the county in which the charge was
2 prosecuted, to be deposited into the county General
3 Fund;

4 (C) 50% to the treasurer of the arresting law
5 enforcement agency of the municipality or county, or to
6 the State Treasurer if the arresting agency was a state
7 agency;

8 (D) if the arrest was made in combination with
9 multiple law enforcement agencies, the clerk shall
10 equitably allocate the portion in subparagraph (C) of
11 this paragraph (6) among the law enforcement agencies
12 involved in the arrest;

13 (6.5) Kane County or Will County, in felony,
14 misdemeanor, local or county ordinance, traffic, or
15 conservation cases, up to \$30 as set by the county board
16 under Section 5-1101.3 of the Counties Code upon the entry
17 of a judgment of conviction, an order of supervision, or a
18 sentence of probation without entry of judgment under
19 Section 10 of the Cannabis Control Act, Section 410 of the
20 Illinois Controlled Substances Act, Section 70 of the
21 Methamphetamine Control and Community Protection Act,
22 Section 12-4.3 or subdivision (b)(1) of Section 12-3.05 of
23 the Criminal Code of 1961 or the Criminal Code of 2012,
24 Section 10-102 of the Illinois Alcoholism and Other Drug
25 Dependency Act, or Section 10 of the Steroid Control Act;
26 except in local or county ordinance, traffic, and

1 conservation cases, if fines are paid in full without a
2 court appearance, then the assessment shall not be imposed
3 or collected. Distribution of assessments collected under
4 this paragraph (6.5) shall be as provided in Section
5 5-1101.3 of the Counties Code;

6 (7) methamphetamine-related offense involving
7 possession or delivery of methamphetamine or any salt of an
8 optical isomer of methamphetamine or possession of a
9 methamphetamine manufacturing material as set forth in
10 Section 10 of the Methamphetamine Control and Community
11 Protection Act with the intent to manufacture a substance
12 containing methamphetamine or salt of an optical isomer of
13 methamphetamine, an amount not less than the full street
14 value of the methamphetamine or salt of an optical isomer
15 of methamphetamine or methamphetamine manufacturing
16 materials seized for each conviction to be disbursed as
17 follows:

18 (A) 12.5% of the street value assessment shall be
19 paid into the Youth Drug Abuse Prevention Fund, to be
20 used by the Department of Human Services for the
21 funding of programs and services for drug-abuse
22 treatment, and prevention and education services;

23 (B) 37.5% to the county in which the charge was
24 prosecuted, to be deposited into the county General
25 Fund;

26 (C) 50% to the treasurer of the arresting law

1 enforcement agency of the municipality or county, or to
2 the State Treasurer if the arresting agency was a state
3 agency;

4 (D) if the arrest was made in combination with
5 multiple law enforcement agencies, the clerk shall
6 equitably allocate the portion in subparagraph (C) of
7 this paragraph (6) among the law enforcement agencies
8 involved in the arrest;

9 (8) order of protection violation under Section 12-3.4
10 of the Criminal Code of 2012, \$200 for each conviction to
11 the county treasurer for deposit into the Probation and
12 Court Services Fund for implementation of a domestic
13 violence surveillance program and any other assessments or
14 fees imposed under Section 5-9-1.16 of the Unified Code of
15 Corrections;

16 (9) order of protection violation, \$25 for each
17 violation to the State Treasurer, for deposit into the
18 Domestic Violence Abuser Services Fund;

19 (10) prosecution by the State's Attorney of a:

20 (A) petty or business offense, \$4 to the county
21 treasurer of which \$2 deposited into the State's
22 Attorney Records Automation Fund and \$2 into the Public
23 Defender Records Automation Fund;

24 (B) conservation or traffic offense, \$2 to the
25 county treasurer for deposit into the State's Attorney
26 Records Automation Fund;

1 (11) speeding in a construction zone violation, \$250 to
2 the State Treasurer for deposit into the Transportation
3 Safety Highway Hire-back Fund, unless (i) the violation
4 occurred on a highway other than an interstate highway and
5 (ii) a county police officer wrote the ticket for the
6 violation, in which case to the county treasurer for
7 deposit into that county's Transportation Safety Highway
8 Hire-back Fund;

9 (12) supervision disposition on an offense under the
10 Illinois Vehicle Code or similar provision of a local
11 ordinance, 50 cents, unless waived by the court, into the
12 Prisoner Review Board Vehicle and Equipment Fund;

13 (13) victim and offender are family or household
14 members as defined in Section 103 of the Illinois Domestic
15 Violence Act of 1986 and offender pleads guilty or no
16 contest to or is convicted of murder, voluntary
17 manslaughter, involuntary manslaughter, burglary,
18 residential burglary, criminal trespass to residence,
19 criminal trespass to vehicle, criminal trespass to land,
20 criminal damage to property, telephone harassment,
21 kidnapping, aggravated kidnaping, unlawful restraint,
22 forcible detention, child abduction, indecent solicitation
23 of a child, sexual relations between siblings,
24 exploitation of a child, child pornography, assault,
25 aggravated assault, battery, aggravated battery, heinous
26 battery, aggravated battery of a child, domestic battery,

1 reckless conduct, intimidation, criminal sexual assault,
2 predatory criminal sexual assault of a child, aggravated
3 criminal sexual assault, criminal sexual abuse, aggravated
4 criminal sexual abuse, violation of an order of protection,
5 disorderly conduct, endangering the life or health of a
6 child, child abandonment, contributing to dependency or
7 neglect of child, or cruelty to children and others, \$200
8 for each sentenced violation to the State Treasurer for
9 deposit as follows: (i) for sexual assault, as defined in
10 Section 5-9-1.7 of the Unified Code of Corrections, when
11 the offender and victim are family members, one-half to the
12 Domestic Violence Shelter and Service Fund, and one-half to
13 the Sexual Assault Services Fund; (ii) for the remaining
14 offenses to the Domestic Violence Shelter and Service Fund;

15 (14) violation of Section 11-501 of the Illinois
16 Vehicle Code, Section 5-7 of the Snowmobile Registration
17 and Safety Act, Section 5-16 of the Boat Registration and
18 Safety Act, or a similar provision, whose operation of a
19 motor vehicle, snowmobile, or watercraft while in
20 violation of Section 11-501, Section 5-7 of the Snowmobile
21 Registration and Safety Act, Section 5-16 of the Boat
22 Registration and Safety Act, or a similar provision
23 proximately caused an incident resulting in an appropriate
24 emergency response, \$1,000 maximum to the public agency
25 that provided an emergency response related to the person's
26 violation, and if more than one agency responded, the

1 amount payable to public agencies shall be shared equally;

2 (15) violation of Section 401, 407, or 407.2 of the
3 Illinois Controlled Substances Act that proximately caused
4 any incident resulting in an appropriate drug-related
5 emergency response, \$1,000 as reimbursement for the
6 emergency response to the law enforcement agency that made
7 the arrest, and if more than one agency is responsible for
8 the arrest, the amount payable to law enforcement agencies
9 shall be shared equally;

10 (16) violation of reckless driving, aggravated
11 reckless driving, or driving 26 miles per hour or more in
12 excess of the speed limit that triggered an emergency
13 response, \$1,000 maximum reimbursement for the emergency
14 response to be distributed in its entirety to a public
15 agency that provided an emergency response related to the
16 person's violation, and if more than one agency responded,
17 the amount payable to public agencies shall be shared
18 equally;

19 (17) violation based upon each plea of guilty,
20 stipulation of facts, or finding of guilt resulting in a
21 judgment of conviction or order of supervision for an
22 offense under Section 10-9, 11-14.1, 11-14.3, or 11-18 of
23 the Criminal Code of 2012 that results in the imposition of
24 a fine, to be distributed as follows:

25 (A) \$50 to the county treasurer for deposit into
26 the Circuit Court Clerk Operation and Administrative

1 Fund to cover the costs in administering this paragraph
2 (17);

3 (B) \$300 to the State Treasurer who shall deposit
4 the portion as follows:

5 (i) if the arresting or investigating agency
6 is the Illinois ~~Department of~~ State Police, into
7 the State Police Law Enforcement Administration
8 Fund;

9 (ii) if the arresting or investigating agency
10 is the Department of Natural Resources, into the
11 Conservation Police Operations Assistance Fund;

12 (iii) if the arresting or investigating agency
13 is the Secretary of State, into the Secretary of
14 State Police Services Fund;

15 (iv) if the arresting or investigating agency
16 is the Illinois Commerce Commission, into the
17 Public Utility Fund; or

18 (v) if more than one of the State agencies in
19 this subparagraph (B) is the arresting or
20 investigating agency, then equal shares with the
21 shares deposited as provided in the applicable
22 items (i) through (iv) of this subparagraph (B);
23 and

24 (C) the remainder for deposit into the Specialized
25 Services for Survivors of Human Trafficking Fund;

26 (18) weapons violation under Section 24-1.1, 24-1.2,

1 or 24-1.5 of the Criminal Code of 1961 or the Criminal Code
2 of 2012, \$100 for each conviction to the State Treasurer
3 for deposit into the Trauma Center Fund; and

4 (19) violation of subsection (c) of Section 11-907 of
5 the Illinois Vehicle Code, \$250 to the State Treasurer for
6 deposit into the Scott's Law Fund, unless a county or
7 municipal police officer wrote the ticket for the
8 violation, in which case to the county treasurer for
9 deposit into that county's or municipality's
10 Transportation Safety Highway Hire-back Fund to be used as
11 provided in subsection (j) of Section 11-907 of the
12 Illinois Vehicle Code.

13 (Source: P.A. 100-987, eff. 7-1-19; 100-1161, eff. 7-1-19;
14 101-173, eff. 1-1-20.)

15 Section 975. The Juvenile Court Act of 1987 is amended by
16 changing Sections 1-3, 1-7, 1-8, 2-21, 2-25, 3-26, 4-23, 5-105,
17 5-301, 5-305, 5-730, 5-901, and 5-915 as follows:

18 (705 ILCS 405/1-3) (from Ch. 37, par. 801-3)

19 Sec. 1-3. Definitions. Terms used in this Act, unless the
20 context otherwise requires, have the following meanings
21 ascribed to them:

22 (1) "Adjudicatory hearing" means a hearing to determine
23 whether the allegations of a petition under Section 2-13, 3-15
24 or 4-12 that a minor under 18 years of age is abused, neglected

1 or dependent, or requires authoritative intervention, or
2 addicted, respectively, are supported by a preponderance of the
3 evidence or whether the allegations of a petition under Section
4 5-520 that a minor is delinquent are proved beyond a reasonable
5 doubt.

6 (2) "Adult" means a person 21 years of age or older.

7 (3) "Agency" means a public or private child care facility
8 legally authorized or licensed by this State for placement or
9 institutional care or for both placement and institutional
10 care.

11 (4) "Association" means any organization, public or
12 private, engaged in welfare functions which include services to
13 or on behalf of children but does not include "agency" as
14 herein defined.

15 (4.05) Whenever a "best interest" determination is
16 required, the following factors shall be considered in the
17 context of the child's age and developmental needs:

18 (a) the physical safety and welfare of the child,
19 including food, shelter, health, and clothing;

20 (b) the development of the child's identity;

21 (c) the child's background and ties, including
22 familial, cultural, and religious;

23 (d) the child's sense of attachments, including:

24 (i) where the child actually feels love,
25 attachment, and a sense of being valued (as opposed to
26 where adults believe the child should feel such love,

- 1 attachment, and a sense of being valued);
- 2 (ii) the child's sense of security;
- 3 (iii) the child's sense of familiarity;
- 4 (iv) continuity of affection for the child;
- 5 (v) the least disruptive placement alternative for
- 6 the child;
- 7 (e) the child's wishes and long-term goals;
- 8 (f) the child's community ties, including church,
- 9 school, and friends;
- 10 (g) the child's need for permanence which includes the
- 11 child's need for stability and continuity of relationships
- 12 with parent figures and with siblings and other relatives;
- 13 (h) the uniqueness of every family and child;
- 14 (i) the risks attendant to entering and being in
- 15 substitute care; and
- 16 (j) the preferences of the persons available to care
- 17 for the child.

18 (4.1) "Chronic truant" shall have the definition ascribed

19 to it in Section 26-2a of the School Code.

20 (5) "Court" means the circuit court in a session or

21 division assigned to hear proceedings under this Act.

22 (6) "Dispositional hearing" means a hearing to determine

23 whether a minor should be adjudged to be a ward of the court,

24 and to determine what order of disposition should be made in

25 respect to a minor adjudged to be a ward of the court.

26 (6.5) "Dissemination" or "disseminate" means to publish,

1 produce, print, manufacture, distribute, sell, lease, exhibit,
2 broadcast, display, transmit, or otherwise share information
3 in any format so as to make the information accessible to
4 others.

5 (7) "Emancipated minor" means any minor 16 years of age or
6 over who has been completely or partially emancipated under the
7 Emancipation of Minors Act or under this Act.

8 (7.03) "Expunge" means to physically destroy the records
9 and to obliterate the minor's name from any official index,
10 public record, or electronic database.

11 (7.05) "Foster parent" includes a relative caregiver
12 selected by the Department of Children and Family Services to
13 provide care for the minor.

14 (8) "Guardianship of the person" of a minor means the duty
15 and authority to act in the best interests of the minor,
16 subject to residual parental rights and responsibilities, to
17 make important decisions in matters having a permanent effect
18 on the life and development of the minor and to be concerned
19 with his or her general welfare. It includes but is not
20 necessarily limited to:

21 (a) the authority to consent to marriage, to enlistment
22 in the armed forces of the United States, or to a major
23 medical, psychiatric, and surgical treatment; to represent
24 the minor in legal actions; and to make other decisions of
25 substantial legal significance concerning the minor;

26 (b) the authority and duty of reasonable visitation,

1 except to the extent that these have been limited in the
2 best interests of the minor by court order;

3 (c) the rights and responsibilities of legal custody
4 except where legal custody has been vested in another
5 person or agency; and

6 (d) the power to consent to the adoption of the minor,
7 but only if expressly conferred on the guardian in
8 accordance with Section 2-29, 3-30, or 4-27.

9 (8.1) "Juvenile court record" includes, but is not limited
10 to:

11 (a) all documents filed in or maintained by the
12 juvenile court pertaining to a specific incident,
13 proceeding, or individual;

14 (b) all documents relating to a specific incident,
15 proceeding, or individual made available to or maintained
16 by probation officers;

17 (c) all documents, video or audio tapes, photographs,
18 and exhibits admitted into evidence at juvenile court
19 hearings; or

20 (d) all documents, transcripts, records, reports, or
21 other evidence prepared by, maintained by, or released by
22 any municipal, county, or State agency or department, in
23 any format, if indicating involvement with the juvenile
24 court relating to a specific incident, proceeding, or
25 individual.

26 (8.2) "Juvenile law enforcement record" includes records

1 of arrest, station adjustments, fingerprints, probation
2 adjustments, the issuance of a notice to appear, or any other
3 records or documents maintained by any law enforcement agency
4 relating to a minor suspected of committing an offense, and
5 records maintained by a law enforcement agency that identifies
6 a juvenile as a suspect in committing an offense, but does not
7 include records identifying a juvenile as a victim, witness, or
8 missing juvenile and any records created, maintained, or used
9 for purposes of referral to programs relating to diversion as
10 defined in subsection (6) of Section 5-105.

11 (9) "Legal custody" means the relationship created by an
12 order of court in the best interests of the minor which imposes
13 on the custodian the responsibility of physical possession of a
14 minor and the duty to protect, train and discipline him and to
15 provide him with food, shelter, education and ordinary medical
16 care, except as these are limited by residual parental rights
17 and responsibilities and the rights and responsibilities of the
18 guardian of the person, if any.

19 (9.1) "Mentally capable adult relative" means a person 21
20 years of age or older who is not suffering from a mental
21 illness that prevents him or her from providing the care
22 necessary to safeguard the physical safety and welfare of a
23 minor who is left in that person's care by the parent or
24 parents or other person responsible for the minor's welfare.

25 (10) "Minor" means a person under the age of 21 years
26 subject to this Act.

1 (11) "Parent" means a father or mother of a child and
2 includes any adoptive parent. It also includes a person (i)
3 whose parentage is presumed or has been established under the
4 law of this or another jurisdiction or (ii) who has registered
5 with the Putative Father Registry in accordance with Section
6 12.1 of the Adoption Act and whose paternity has not been ruled
7 out under the law of this or another jurisdiction. It does not
8 include a parent whose rights in respect to the minor have been
9 terminated in any manner provided by law. It does not include a
10 person who has been or could be determined to be a parent under
11 the Illinois Parentage Act of 1984 or the Illinois Parentage
12 Act of 2015, or similar parentage law in any other state, if
13 that person has been convicted of or pled nolo contendere to a
14 crime that resulted in the conception of the child under
15 Section 11-1.20, 11-1.30, 11-1.40, 11-11, 12-13, 12-14,
16 12-14.1, subsection (a) or (b) (but not subsection (c)) of
17 Section 11-1.50 or 12-15, or subsection (a), (b), (c), (e), or
18 (f) (but not subsection (d)) of Section 11-1.60 or 12-16 of the
19 Criminal Code of 1961 or the Criminal Code of 2012, or similar
20 statute in another jurisdiction unless upon motion of any
21 party, other than the offender, to the juvenile court
22 proceedings the court finds it is in the child's best interest
23 to deem the offender a parent for purposes of the juvenile
24 court proceedings.

25 (11.1) "Permanency goal" means a goal set by the court as
26 defined in subdivision (2) of Section 2-28.

1 (11.2) "Permanency hearing" means a hearing to set the
2 permanency goal and to review and determine (i) the
3 appropriateness of the services contained in the plan and
4 whether those services have been provided, (ii) whether
5 reasonable efforts have been made by all the parties to the
6 service plan to achieve the goal, and (iii) whether the plan
7 and goal have been achieved.

8 (12) "Petition" means the petition provided for in Section
9 2-13, 3-15, 4-12 or 5-520, including any supplemental petitions
10 thereunder in Section 3-15, 4-12 or 5-520.

11 (12.1) "Physically capable adult relative" means a person
12 21 years of age or older who does not have a severe physical
13 disability or medical condition, or is not suffering from
14 alcoholism or drug addiction, that prevents him or her from
15 providing the care necessary to safeguard the physical safety
16 and welfare of a minor who is left in that person's care by the
17 parent or parents or other person responsible for the minor's
18 welfare.

19 (12.2) "Post Permanency Sibling Contact Agreement" has the
20 meaning ascribed to the term in Section 7.4 of the Children and
21 Family Services Act.

22 (12.3) "Residential treatment center" means a licensed
23 setting that provides 24-hour care to children in a group home
24 or institution, including a facility licensed as a child care
25 institution under Section 2.06 of the Child Care Act of 1969, a
26 licensed group home under Section 2.16 of the Child Care Act of

1 1969, a secure child care facility as defined in paragraph (18)
2 of this Section, or any similar facility in another state.
3 "Residential treatment center" does not include a relative
4 foster home or a licensed foster family home.

5 (13) "Residual parental rights and responsibilities" means
6 those rights and responsibilities remaining with the parent
7 after the transfer of legal custody or guardianship of the
8 person, including, but not necessarily limited to, the right to
9 reasonable visitation (which may be limited by the court in the
10 best interests of the minor as provided in subsection (8) (b) of
11 this Section), the right to consent to adoption, the right to
12 determine the minor's religious affiliation, and the
13 responsibility for his support.

14 (14) "Shelter" means the temporary care of a minor in
15 physically unrestricting facilities pending court disposition
16 or execution of court order for placement.

17 (14.05) "Shelter placement" means a temporary or emergency
18 placement for a minor, including an emergency foster home
19 placement.

20 (14.1) "Sibling Contact Support Plan" has the meaning
21 ascribed to the term in Section 7.4 of the Children and Family
22 Services Act.

23 (14.2) "Significant event report" means a written document
24 describing an occurrence or event beyond the customary
25 operations, routines, or relationships in the Department of
26 Children of Family Services, a child care facility, or other

1 entity that is licensed or regulated by the Department of
2 Children of Family Services or that provides services for the
3 Department of Children of Family Services under a grant,
4 contract, or purchase of service agreement; involving children
5 or youth, employees, foster parents, or relative caregivers;
6 allegations of abuse or neglect or any other incident raising a
7 concern about the well-being of a minor under the jurisdiction
8 of the court under Article II of the Juvenile Court Act;
9 incidents involving damage to property, allegations of
10 criminal activity, misconduct, or other occurrences affecting
11 the operations of the Department of Children of Family Services
12 or a child care facility; any incident that could have media
13 impact; and unusual incidents as defined by Department of
14 Children and Family Services rule.

15 (15) "Station adjustment" means the informal handling of an
16 alleged offender by a juvenile police officer.

17 (16) "Ward of the court" means a minor who is so adjudged
18 under Section 2-22, 3-23, 4-20 or 5-705, after a finding of the
19 requisite jurisdictional facts, and thus is subject to the
20 dispositional powers of the court under this Act.

21 (17) "Juvenile police officer" means a sworn police officer
22 who has completed a Basic Recruit Training Course, has been
23 assigned to the position of juvenile police officer by his or
24 her chief law enforcement officer and has completed the
25 necessary juvenile officers training as prescribed by the
26 Illinois Law Enforcement Training Standards Board, or in the

1 case of a State police officer, juvenile officer training
2 approved by the Director of the Illinois ~~Department of State~~
3 Police.

4 (18) "Secure child care facility" means any child care
5 facility licensed by the Department of Children and Family
6 Services to provide secure living arrangements for children
7 under 18 years of age who are subject to placement in
8 facilities under the Children and Family Services Act and who
9 are not subject to placement in facilities for whom standards
10 are established by the Department of Corrections under Section
11 3-15-2 of the Unified Code of Corrections. "Secure child care
12 facility" also means a facility that is designed and operated
13 to ensure that all entrances and exits from the facility, a
14 building, or a distinct part of the building are under the
15 exclusive control of the staff of the facility, whether or not
16 the child has the freedom of movement within the perimeter of
17 the facility, building, or distinct part of the building.

18 (Source: P.A. 99-85, eff. 1-1-16; 100-136, eff. 8-8-17;
19 100-229, eff. 1-1-18; 100-689, eff. 1-1-19; 100-863, eff.
20 8-14-18; 100-1162, eff. 12-20-18.)

21 (705 ILCS 405/1-7) (from Ch. 37, par. 801-7)

22 Sec. 1-7. Confidentiality of juvenile law enforcement and
23 municipal ordinance violation records.

24 (A) All juvenile law enforcement records which have not
25 been expunged are confidential and may never be disclosed to

1 the general public or otherwise made widely available. Juvenile
2 law enforcement records may be obtained only under this Section
3 and Section 1-8 and Part 9 of Article V of this Act, when their
4 use is needed for good cause and with an order from the
5 juvenile court, as required by those not authorized to retain
6 them. Inspection, copying, and disclosure of juvenile law
7 enforcement records maintained by law enforcement agencies or
8 records of municipal ordinance violations maintained by any
9 State, local, or municipal agency that relate to a minor who
10 has been investigated, arrested, or taken into custody before
11 his or her 18th birthday shall be restricted to the following:

12 (0.05) The minor who is the subject of the juvenile law
13 enforcement record, his or her parents, guardian, and
14 counsel.

15 (0.10) Judges of the circuit court and members of the
16 staff of the court designated by the judge.

17 (0.15) An administrative adjudication hearing officer
18 or members of the staff designated to assist in the
19 administrative adjudication process.

20 (1) Any local, State, or federal law enforcement
21 officers or designated law enforcement staff of any
22 jurisdiction or agency when necessary for the discharge of
23 their official duties during the investigation or
24 prosecution of a crime or relating to a minor who has been
25 adjudicated delinquent and there has been a previous
26 finding that the act which constitutes the previous offense

1 was committed in furtherance of criminal activities by a
2 criminal street gang, or, when necessary for the discharge
3 of its official duties in connection with a particular
4 investigation of the conduct of a law enforcement officer,
5 an independent agency or its staff created by ordinance and
6 charged by a unit of local government with the duty of
7 investigating the conduct of law enforcement officers. For
8 purposes of this Section, "criminal street gang" has the
9 meaning ascribed to it in Section 10 of the Illinois
10 Streetgang Terrorism Omnibus Prevention Act.

11 (2) Prosecutors, public defenders, probation officers,
12 social workers, or other individuals assigned by the court
13 to conduct a pre-adjudication or pre-disposition
14 investigation, and individuals responsible for supervising
15 or providing temporary or permanent care and custody for
16 minors under the order of the juvenile court, when
17 essential to performing their responsibilities.

18 (3) Federal, State, or local prosecutors, public
19 defenders, probation officers, and designated staff:

20 (a) in the course of a trial when institution of
21 criminal proceedings has been permitted or required
22 under Section 5-805;

23 (b) when institution of criminal proceedings has
24 been permitted or required under Section 5-805 and the
25 minor is the subject of a proceeding to determine the
26 amount of bail;

1 (c) when criminal proceedings have been permitted
2 or required under Section 5-805 and the minor is the
3 subject of a pre-trial investigation, pre-sentence
4 investigation, fitness hearing, or proceedings on an
5 application for probation; or

6 (d) in the course of prosecution or administrative
7 adjudication of a violation of a traffic, boating, or
8 fish and game law, or a county or municipal ordinance.

9 (4) Adult and Juvenile Prisoner Review Board.

10 (5) Authorized military personnel.

11 (5.5) Employees of the federal government authorized
12 by law.

13 (6) Persons engaged in bona fide research, with the
14 permission of the Presiding Judge and the chief executive
15 of the respective law enforcement agency; provided that
16 publication of such research results in no disclosure of a
17 minor's identity and protects the confidentiality of the
18 minor's record.

19 (7) Department of Children and Family Services child
20 protection investigators acting in their official
21 capacity.

22 (8) The appropriate school official only if the agency
23 or officer believes that there is an imminent threat of
24 physical harm to students, school personnel, or others who
25 are present in the school or on school grounds.

26 (A) Inspection and copying shall be limited to

1 juvenile law enforcement records transmitted to the
2 appropriate school official or officials whom the
3 school has determined to have a legitimate educational
4 or safety interest by a local law enforcement agency
5 under a reciprocal reporting system established and
6 maintained between the school district and the local
7 law enforcement agency under Section 10-20.14 of the
8 School Code concerning a minor enrolled in a school
9 within the school district who has been arrested or
10 taken into custody for any of the following offenses:

11 (i) any violation of Article 24 of the Criminal
12 Code of 1961 or the Criminal Code of 2012;

13 (ii) a violation of the Illinois Controlled
14 Substances Act;

15 (iii) a violation of the Cannabis Control Act;

16 (iv) a forcible felony as defined in Section
17 2-8 of the Criminal Code of 1961 or the Criminal
18 Code of 2012;

19 (v) a violation of the Methamphetamine Control
20 and Community Protection Act;

21 (vi) a violation of Section 1-2 of the
22 Harassing and Obscene Communications Act;

23 (vii) a violation of the Hazing Act; or

24 (viii) a violation of Section 12-1, 12-2,
25 12-3, 12-3.05, 12-3.1, 12-3.2, 12-3.4, 12-3.5,
26 12-5, 12-7.3, 12-7.4, 12-7.5, 25-1, or 25-5 of the

1 Criminal Code of 1961 or the Criminal Code of 2012.

2 The information derived from the juvenile law
3 enforcement records shall be kept separate from and
4 shall not become a part of the official school record
5 of that child and shall not be a public record. The
6 information shall be used solely by the appropriate
7 school official or officials whom the school has
8 determined to have a legitimate educational or safety
9 interest to aid in the proper rehabilitation of the
10 child and to protect the safety of students and
11 employees in the school. If the designated law
12 enforcement and school officials deem it to be in the
13 best interest of the minor, the student may be referred
14 to in-school or community-based social services if
15 those services are available. "Rehabilitation
16 services" may include interventions by school support
17 personnel, evaluation for eligibility for special
18 education, referrals to community-based agencies such
19 as youth services, behavioral healthcare service
20 providers, drug and alcohol prevention or treatment
21 programs, and other interventions as deemed
22 appropriate for the student.

23 (B) Any information provided to appropriate school
24 officials whom the school has determined to have a
25 legitimate educational or safety interest by local law
26 enforcement officials about a minor who is the subject

1 of a current police investigation that is directly
2 related to school safety shall consist of oral
3 information only, and not written juvenile law
4 enforcement records, and shall be used solely by the
5 appropriate school official or officials to protect
6 the safety of students and employees in the school and
7 aid in the proper rehabilitation of the child. The
8 information derived orally from the local law
9 enforcement officials shall be kept separate from and
10 shall not become a part of the official school record
11 of the child and shall not be a public record. This
12 limitation on the use of information about a minor who
13 is the subject of a current police investigation shall
14 in no way limit the use of this information by
15 prosecutors in pursuing criminal charges arising out
16 of the information disclosed during a police
17 investigation of the minor. For purposes of this
18 paragraph, "investigation" means an official
19 systematic inquiry by a law enforcement agency into
20 actual or suspected criminal activity.

21 (9) Mental health professionals on behalf of the
22 Department of Corrections or the Department of Human
23 Services or prosecutors who are evaluating, prosecuting,
24 or investigating a potential or actual petition brought
25 under the Sexually Violent Persons Commitment Act relating
26 to a person who is the subject of juvenile law enforcement

1 records or the respondent to a petition brought under the
2 Sexually Violent Persons Commitment Act who is the subject
3 of the juvenile law enforcement records sought. Any
4 juvenile law enforcement records and any information
5 obtained from those juvenile law enforcement records under
6 this paragraph (9) may be used only in sexually violent
7 persons commitment proceedings.

8 (10) The president of a park district. Inspection and
9 copying shall be limited to juvenile law enforcement
10 records transmitted to the president of the park district
11 by the Illinois ~~Department of~~ State Police under Section
12 8-23 of the Park District Code or Section 16a-5 of the
13 Chicago Park District Act concerning a person who is
14 seeking employment with that park district and who has been
15 adjudicated a juvenile delinquent for any of the offenses
16 listed in subsection (c) of Section 8-23 of the Park
17 District Code or subsection (c) of Section 16a-5 of the
18 Chicago Park District Act.

19 (11) Persons managing and designated to participate in
20 a court diversion program as designated in subsection (6)
21 of Section 5-105.

22 (12) The Public Access Counselor of the Office of the
23 Attorney General, when reviewing juvenile law enforcement
24 records under its powers and duties under the Freedom of
25 Information Act.

26 (13) Collection agencies, contracted or otherwise

1 engaged by a governmental entity, to collect any debts due
2 and owing to the governmental entity.

3 (B)(1) Except as provided in paragraph (2), no law
4 enforcement officer or other person or agency may knowingly
5 transmit to the Department of Corrections, the Illinois
6 ~~Department of~~ State Police, or ~~to~~ the Federal Bureau of
7 Investigation any fingerprint or photograph relating to a minor
8 who has been arrested or taken into custody before his or her
9 18th birthday, unless the court in proceedings under this Act
10 authorizes the transmission or enters an order under Section
11 5-805 permitting or requiring the institution of criminal
12 proceedings.

13 (2) Law enforcement officers or other persons or agencies
14 shall transmit to the Illinois ~~Department of~~ State Police
15 copies of fingerprints and descriptions of all minors who have
16 been arrested or taken into custody before their 18th birthday
17 for the offense of unlawful use of weapons under Article 24 of
18 the Criminal Code of 1961 or the Criminal Code of 2012, a Class
19 X or Class 1 felony, a forcible felony as defined in Section
20 2-8 of the Criminal Code of 1961 or the Criminal Code of 2012,
21 or a Class 2 or greater felony under the Cannabis Control Act,
22 the Illinois Controlled Substances Act, the Methamphetamine
23 Control and Community Protection Act, or Chapter 4 of the
24 Illinois Vehicle Code, pursuant to Section 5 of the Criminal
25 Identification Act. Information reported to the Department
26 pursuant to this Section may be maintained with records that

1 the Department files pursuant to Section 2.1 of the Criminal
2 Identification Act. Nothing in this Act prohibits a law
3 enforcement agency from fingerprinting a minor taken into
4 custody or arrested before his or her 18th birthday for an
5 offense other than those listed in this paragraph (2).

6 (C) The records of law enforcement officers, or of an
7 independent agency created by ordinance and charged by a unit
8 of local government with the duty of investigating the conduct
9 of law enforcement officers, concerning all minors under 18
10 years of age must be maintained separate from the records of
11 arrests and may not be open to public inspection or their
12 contents disclosed to the public. For purposes of obtaining
13 documents under this Section, a civil subpoena is not an order
14 of the court.

15 (1) In cases where the law enforcement, or independent
16 agency, records concern a pending juvenile court case, the
17 party seeking to inspect the records shall provide actual
18 notice to the attorney or guardian ad litem of the minor
19 whose records are sought.

20 (2) In cases where the records concern a juvenile court
21 case that is no longer pending, the party seeking to
22 inspect the records shall provide actual notice to the
23 minor or the minor's parent or legal guardian, and the
24 matter shall be referred to the chief judge presiding over
25 matters pursuant to this Act.

26 (3) In determining whether the records should be

1 available for inspection, the court shall consider the
2 minor's interest in confidentiality and rehabilitation
3 over the moving party's interest in obtaining the
4 information. Any records obtained in violation of this
5 subsection (C) shall not be admissible in any criminal or
6 civil proceeding, or operate to disqualify a minor from
7 subsequently holding public office or securing employment,
8 or operate as a forfeiture of any public benefit, right,
9 privilege, or right to receive any license granted by
10 public authority.

11 (D) Nothing contained in subsection (C) of this Section
12 shall prohibit the inspection or disclosure to victims and
13 witnesses of photographs contained in the records of law
14 enforcement agencies when the inspection and disclosure is
15 conducted in the presence of a law enforcement officer for the
16 purpose of the identification or apprehension of any person
17 subject to the provisions of this Act or for the investigation
18 or prosecution of any crime.

19 (E) Law enforcement officers, and personnel of an
20 independent agency created by ordinance and charged by a unit
21 of local government with the duty of investigating the conduct
22 of law enforcement officers, may not disclose the identity of
23 any minor in releasing information to the general public as to
24 the arrest, investigation or disposition of any case involving
25 a minor.

26 (F) Nothing contained in this Section shall prohibit law

1 enforcement agencies from communicating with each other by
2 letter, memorandum, teletype, or intelligence alert bulletin
3 or other means the identity or other relevant information
4 pertaining to a person under 18 years of age if there are
5 reasonable grounds to believe that the person poses a real and
6 present danger to the safety of the public or law enforcement
7 officers. The information provided under this subsection (F)
8 shall remain confidential and shall not be publicly disclosed,
9 except as otherwise allowed by law.

10 (G) Nothing in this Section shall prohibit the right of a
11 Civil Service Commission or appointing authority of any federal
12 government, state, county or municipality examining the
13 character and fitness of an applicant for employment with a law
14 enforcement agency, correctional institution, or fire
15 department from obtaining and examining the records of any law
16 enforcement agency relating to any record of the applicant
17 having been arrested or taken into custody before the
18 applicant's 18th birthday.

19 (G-5) Information identifying victims and alleged victims
20 of sex offenses shall not be disclosed or open to the public
21 under any circumstances. Nothing in this Section shall prohibit
22 the victim or alleged victim of any sex offense from
23 voluntarily disclosing his or her own identity.

24 (H) The changes made to this Section by Public Act 98-61
25 apply to law enforcement records of a minor who has been
26 arrested or taken into custody on or after January 1, 2014 (the

1 effective date of Public Act 98-61).

2 (H-5) Nothing in this Section shall require any court or
3 adjudicative proceeding for traffic, boating, fish and game
4 law, or municipal and county ordinance violations to be closed
5 to the public.

6 (I) Willful violation of this Section is a Class C
7 misdemeanor and each violation is subject to a fine of \$1,000.
8 This subsection (I) shall not apply to the person who is the
9 subject of the record.

10 (J) A person convicted of violating this Section is liable
11 for damages in the amount of \$1,000 or actual damages,
12 whichever is greater.

13 (Source: P.A. 99-298, eff. 8-6-15; 100-285, eff. 1-1-18;
14 100-720, eff. 8-3-18; 100-863, eff. 8-14-18; 100-1162, eff.
15 12-20-18.)

16 (705 ILCS 405/1-8) (from Ch. 37, par. 801-8)

17 Sec. 1-8. Confidentiality and accessibility of juvenile
18 court records.

19 (A) A juvenile adjudication shall never be considered a
20 conviction nor shall an adjudicated individual be considered a
21 criminal. Unless expressly allowed by law, a juvenile
22 adjudication shall not operate to impose upon the individual
23 any of the civil disabilities ordinarily imposed by or
24 resulting from conviction. Unless expressly allowed by law,
25 adjudications shall not prejudice or disqualify the individual

1 in any civil service application or appointment, from holding
2 public office, or from receiving any license granted by public
3 authority. All juvenile court records which have not been
4 expunged are sealed and may never be disclosed to the general
5 public or otherwise made widely available. Sealed juvenile
6 court records may be obtained only under this Section and
7 Section 1-7 and Part 9 of Article V of this Act, when their use
8 is needed for good cause and with an order from the juvenile
9 court. Inspection and copying of juvenile court records
10 relating to a minor who is the subject of a proceeding under
11 this Act shall be restricted to the following:

12 (1) The minor who is the subject of record, his or her
13 parents, guardian, and counsel.

14 (2) Law enforcement officers and law enforcement
15 agencies when such information is essential to executing an
16 arrest or search warrant or other compulsory process, or to
17 conducting an ongoing investigation or relating to a minor
18 who has been adjudicated delinquent and there has been a
19 previous finding that the act which constitutes the
20 previous offense was committed in furtherance of criminal
21 activities by a criminal street gang.

22 Before July 1, 1994, for the purposes of this Section,
23 "criminal street gang" means any ongoing organization,
24 association, or group of 3 or more persons, whether formal
25 or informal, having as one of its primary activities the
26 commission of one or more criminal acts and that has a

1 common name or common identifying sign, symbol or specific
2 color apparel displayed, and whose members individually or
3 collectively engage in or have engaged in a pattern of
4 criminal activity.

5 Beginning July 1, 1994, for purposes of this Section,
6 "criminal street gang" has the meaning ascribed to it in
7 Section 10 of the Illinois Streetgang Terrorism Omnibus
8 Prevention Act.

9 (3) Judges, hearing officers, prosecutors, public
10 defenders, probation officers, social workers, or other
11 individuals assigned by the court to conduct a
12 pre-adjudication or pre-disposition investigation, and
13 individuals responsible for supervising or providing
14 temporary or permanent care and custody for minors under
15 the order of the juvenile court when essential to
16 performing their responsibilities.

17 (4) Judges, federal, State, and local prosecutors,
18 public defenders, probation officers, and designated
19 staff:

20 (a) in the course of a trial when institution of
21 criminal proceedings has been permitted or required
22 under Section 5-805;

23 (b) when criminal proceedings have been permitted
24 or required under Section 5-805 and a minor is the
25 subject of a proceeding to determine the amount of
26 bail;

1 (c) when criminal proceedings have been permitted
2 or required under Section 5-805 and a minor is the
3 subject of a pre-trial investigation, pre-sentence
4 investigation or fitness hearing, or proceedings on an
5 application for probation; or

6 (d) when a minor becomes 18 years of age or older,
7 and is the subject of criminal proceedings, including a
8 hearing to determine the amount of bail, a pre-trial
9 investigation, a pre-sentence investigation, a fitness
10 hearing, or proceedings on an application for
11 probation.

12 (5) Adult and Juvenile Prisoner Review Boards.

13 (6) Authorized military personnel.

14 (6.5) Employees of the federal government authorized
15 by law.

16 (7) Victims, their subrogees and legal
17 representatives; however, such persons shall have access
18 only to the name and address of the minor and information
19 pertaining to the disposition or alternative adjustment
20 plan of the juvenile court.

21 (8) Persons engaged in bona fide research, with the
22 permission of the presiding judge of the juvenile court and
23 the chief executive of the agency that prepared the
24 particular records; provided that publication of such
25 research results in no disclosure of a minor's identity and
26 protects the confidentiality of the record.

1 (9) The Secretary of State to whom the Clerk of the
2 Court shall report the disposition of all cases, as
3 required in Section 6-204 of the Illinois Vehicle Code.
4 However, information reported relative to these offenses
5 shall be privileged and available only to the Secretary of
6 State, courts, and police officers.

7 (10) The administrator of a bonafide substance abuse
8 student assistance program with the permission of the
9 presiding judge of the juvenile court.

10 (11) Mental health professionals on behalf of the
11 Department of Corrections or the Department of Human
12 Services or prosecutors who are evaluating, prosecuting,
13 or investigating a potential or actual petition brought
14 under the Sexually Violent Persons Commitment Act relating
15 to a person who is the subject of juvenile court records or
16 the respondent to a petition brought under the Sexually
17 Violent Persons Commitment Act, who is the subject of
18 juvenile court records sought. Any records and any
19 information obtained from those records under this
20 paragraph (11) may be used only in sexually violent persons
21 commitment proceedings.

22 (12) Collection agencies, contracted or otherwise
23 engaged by a governmental entity, to collect any debts due
24 and owing to the governmental entity.

25 (A-1) Findings and exclusions of paternity entered in
26 proceedings occurring under Article II of this Act shall be

1 disclosed, in a manner and form approved by the Presiding Judge
2 of the Juvenile Court, to the Department of Healthcare and
3 Family Services when necessary to discharge the duties of the
4 Department of Healthcare and Family Services under Article X of
5 the Illinois Public Aid Code.

6 (B) A minor who is the victim in a juvenile proceeding
7 shall be provided the same confidentiality regarding
8 disclosure of identity as the minor who is the subject of
9 record.

10 (C) (0.1) In cases where the records concern a pending
11 juvenile court case, the requesting party seeking to inspect
12 the juvenile court records shall provide actual notice to the
13 attorney or guardian ad litem of the minor whose records are
14 sought.

15 (0.2) In cases where the juvenile court records concern a
16 juvenile court case that is no longer pending, the requesting
17 party seeking to inspect the juvenile court records shall
18 provide actual notice to the minor or the minor's parent or
19 legal guardian, and the matter shall be referred to the chief
20 judge presiding over matters pursuant to this Act.

21 (0.3) In determining whether juvenile court records should
22 be made available for inspection and whether inspection should
23 be limited to certain parts of the file, the court shall
24 consider the minor's interest in confidentiality and
25 rehabilitation over the requesting party's interest in
26 obtaining the information. The State's Attorney, the minor, and

1 the minor's parents, guardian, and counsel shall at all times
2 have the right to examine court files and records.

3 (0.4) Any records obtained in violation of this Section
4 shall not be admissible in any criminal or civil proceeding, or
5 operate to disqualify a minor from subsequently holding public
6 office, or operate as a forfeiture of any public benefit,
7 right, privilege, or right to receive any license granted by
8 public authority.

9 (D) Pending or following any adjudication of delinquency
10 for any offense defined in Sections 11-1.20 through 11-1.60 or
11 12-13 through 12-16 of the Criminal Code of 1961 or the
12 Criminal Code of 2012, the victim of any such offense shall
13 receive the rights set out in Sections 4 and 6 of the Bill of
14 Rights for Victims and Witnesses of Violent Crime Act; and the
15 juvenile who is the subject of the adjudication,
16 notwithstanding any other provision of this Act, shall be
17 treated as an adult for the purpose of affording such rights to
18 the victim.

19 (E) Nothing in this Section shall affect the right of a
20 Civil Service Commission or appointing authority of the federal
21 government, or any state, county, or municipality examining the
22 character and fitness of an applicant for employment with a law
23 enforcement agency, correctional institution, or fire
24 department to ascertain whether that applicant was ever
25 adjudicated to be a delinquent minor and, if so, to examine the
26 records of disposition or evidence which were made in

1 proceedings under this Act.

2 (F) Following any adjudication of delinquency for a crime
3 which would be a felony if committed by an adult, or following
4 any adjudication of delinquency for a violation of Section
5 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961 or the
6 Criminal Code of 2012, the State's Attorney shall ascertain
7 whether the minor respondent is enrolled in school and, if so,
8 shall provide a copy of the dispositional order to the
9 principal or chief administrative officer of the school. Access
10 to the dispositional order shall be limited to the principal or
11 chief administrative officer of the school and any guidance
12 counselor designated by him or her.

13 (G) Nothing contained in this Act prevents the sharing or
14 disclosure of information or records relating or pertaining to
15 juveniles subject to the provisions of the Serious Habitual
16 Offender Comprehensive Action Program when that information is
17 used to assist in the early identification and treatment of
18 habitual juvenile offenders.

19 (H) When a court hearing a proceeding under Article II of
20 this Act becomes aware that an earlier proceeding under Article
21 II had been heard in a different county, that court shall
22 request, and the court in which the earlier proceedings were
23 initiated shall transmit, an authenticated copy of the juvenile
24 court record, including all documents, petitions, and orders
25 filed and the minute orders, transcript of proceedings, and
26 docket entries of the court.

1 (I) The Clerk of the Circuit Court shall report to the
2 Illinois ~~Department of~~ State Police, in the form and manner
3 required by the Illinois ~~Department of~~ State Police, the final
4 disposition of each minor who has been arrested or taken into
5 custody before his or her 18th birthday for those offenses
6 required to be reported under Section 5 of the Criminal
7 Identification Act. Information reported to the Department
8 under this Section may be maintained with records that the
9 Department files under Section 2.1 of the Criminal
10 Identification Act.

11 (J) The changes made to this Section by Public Act 98-61
12 apply to juvenile law enforcement records of a minor who has
13 been arrested or taken into custody on or after January 1, 2014
14 (the effective date of Public Act 98-61).

15 (K) Willful violation of this Section is a Class C
16 misdemeanor and each violation is subject to a fine of \$1,000.
17 This subsection (K) shall not apply to the person who is the
18 subject of the record.

19 (L) A person convicted of violating this Section is liable
20 for damages in the amount of \$1,000 or actual damages,
21 whichever is greater.

22 (Source: P.A. 100-285, eff. 1-1-18; 100-720, eff. 8-3-18;
23 100-1162, eff. 12-20-18.)

24 (705 ILCS 405/2-21) (from Ch. 37, par. 802-21)

25 Sec. 2-21. Findings and adjudication.

1 (1) The court shall state for the record the manner in
2 which the parties received service of process and shall note
3 whether the return or returns of service, postal return receipt
4 or receipts for notice by certified mail, or certificate or
5 certificates of publication have been filed in the court
6 record. The court shall enter any appropriate orders of default
7 against any parent who has been properly served in any manner
8 and fails to appear.

9 No further service of process as defined in Sections 2-15
10 and 2-16 is required in any subsequent proceeding for a parent
11 who was properly served in any manner, except as required by
12 Supreme Court Rule 11.

13 The caseworker shall testify about the diligent search
14 conducted for the parent.

15 After hearing the evidence the court shall determine
16 whether or not the minor is abused, neglected, or dependent. If
17 it finds that the minor is not such a person, the court shall
18 order the petition dismissed and the minor discharged. The
19 court's determination of whether the minor is abused,
20 neglected, or dependent shall be stated in writing with the
21 factual basis supporting that determination.

22 If the court finds that the minor is abused, neglected, or
23 dependent, the court shall then determine and put in writing
24 the factual basis supporting that determination, and specify,
25 to the extent possible, the acts or omissions or both of each
26 parent, guardian, or legal custodian that form the basis of the

1 court's findings. That finding shall appear in the order of the
2 court.

3 If the court finds that the child has been abused,
4 neglected or dependent, the court shall admonish the parents
5 that they must cooperate with the Department of Children and
6 Family Services, comply with the terms of the service plan, and
7 correct the conditions that require the child to be in care, or
8 risk termination of parental rights.

9 If the court determines that a person has inflicted
10 physical or sexual abuse upon a minor, the court shall report
11 that determination to the Illinois ~~Department of~~ State Police,
12 which shall include that information in its report to the
13 President of the school board for a school district that
14 requests a criminal history records check of that person, or
15 the regional superintendent of schools who requests a check of
16 that person, as required under Section 10-21.9 or 34-18.5 of
17 the School Code.

18 (2) If, pursuant to subsection (1) of this Section, the
19 court determines and puts in writing the factual basis
20 supporting the determination that the minor is either abused or
21 neglected or dependent, the court shall then set a time not
22 later than 30 days after the entry of the finding for a
23 dispositional hearing (unless an earlier date is required
24 pursuant to Section 2-13.1) to be conducted under Section 2-22
25 at which hearing the court shall determine whether it is
26 consistent with the health, safety and best interests of the

1 minor and the public that he be made a ward of the court. To
2 assist the court in making this and other determinations at the
3 dispositional hearing, the court may order that an
4 investigation be conducted and a dispositional report be
5 prepared concerning the minor's physical and mental history and
6 condition, family situation and background, economic status,
7 education, occupation, history of delinquency or criminality,
8 personal habits, and any other information that may be helpful
9 to the court. The dispositional hearing may be continued once
10 for a period not to exceed 30 days if the court finds that such
11 continuance is necessary to complete the dispositional report.

12 (3) The time limits of this Section may be waived only by
13 consent of all parties and approval by the court, as determined
14 to be consistent with the health, safety and best interests of
15 the minor.

16 (4) For all cases adjudicated prior to July 1, 1991, for
17 which no dispositional hearing has been held prior to that
18 date, a dispositional hearing under Section 2-22 shall be held
19 within 90 days of July 1, 1991.

20 (5) The court may terminate the parental rights of a parent
21 at the initial dispositional hearing if all of the following
22 conditions are met:

23 (i) the original or amended petition contains a request
24 for termination of parental rights and appointment of a
25 guardian with power to consent to adoption; and

26 (ii) the court has found by a preponderance of

1 evidence, introduced or stipulated to at an adjudicatory
2 hearing, that the child comes under the jurisdiction of the
3 court as an abused, neglected, or dependent minor under
4 Section 2-18; and

5 (iii) the court finds, on the basis of clear and
6 convincing evidence admitted at the adjudicatory hearing
7 that the parent is an unfit person under subdivision D of
8 Section 1 of the Adoption Act; and

9 (iv) the court determines in accordance with the rules
10 of evidence for dispositional proceedings, that:

11 (A) it is in the best interest of the minor and
12 public that the child be made a ward of the court;

13 (A-5) reasonable efforts under subsection (1-1) of
14 Section 5 of the Children and Family Services Act are
15 inappropriate or such efforts were made and were
16 unsuccessful; and

17 (B) termination of parental rights and appointment
18 of a guardian with power to consent to adoption is in
19 the best interest of the child pursuant to Section
20 2-29.

21 (Source: P.A. 93-909, eff. 8-12-04.)

22 (705 ILCS 405/2-25) (from Ch. 37, par. 802-25)
23 Sec. 2-25. Order of protection.

24 (1) The court may make an order of protection in assistance
25 of or as a condition of any other order authorized by this Act.

1 The order of protection shall be based on the health, safety
2 and best interests of the minor and may set forth reasonable
3 conditions of behavior to be observed for a specified period.
4 Such an order may require a person:

5 (a) to stay away from the home or the minor;

6 (b) to permit a parent to visit the minor at stated
7 periods;

8 (c) to abstain from offensive conduct against the
9 minor, his parent or any person to whom custody of the
10 minor is awarded;

11 (d) to give proper attention to the care of the home;

12 (e) to cooperate in good faith with an agency to which
13 custody of a minor is entrusted by the court or with an
14 agency or association to which the minor is referred by the
15 court;

16 (f) to prohibit and prevent any contact whatsoever with
17 the respondent minor by a specified individual or
18 individuals who are alleged in either a criminal or
19 juvenile proceeding to have caused injury to a respondent
20 minor or a sibling of a respondent minor;

21 (g) to refrain from acts of commission or omission that
22 tend to make the home not a proper place for the minor;

23 (h) to refrain from contacting the minor and the foster
24 parents in any manner that is not specified in writing in
25 the case plan.

26 (2) The court shall enter an order of protection to

1 prohibit and prevent any contact between a respondent minor or
2 a sibling of a respondent minor and any person named in a
3 petition seeking an order of protection who has been convicted
4 of heinous battery or aggravated battery under subdivision
5 (a) (2) of Section 12-3.05, aggravated battery of a child or
6 aggravated battery under subdivision (b) (1) of Section
7 12-3.05, criminal sexual assault, aggravated criminal sexual
8 assault, predatory criminal sexual assault of a child, criminal
9 sexual abuse, or aggravated criminal sexual abuse as described
10 in the Criminal Code of 1961 or the Criminal Code of 2012, or
11 has been convicted of an offense that resulted in the death of
12 a child, or has violated a previous order of protection under
13 this Section.

14 (3) When the court issues an order of protection against
15 any person as provided by this Section, the court shall direct
16 a copy of such order to the Sheriff of that county. The Sheriff
17 shall furnish a copy of the order of protection to the Illinois
18 ~~Department of~~ State Police within 24 hours of receipt, in the
19 form and manner required by the Department. The Illinois
20 ~~Department of~~ State Police shall maintain a complete record and
21 index of such orders of protection and make this data available
22 to all local law enforcement agencies.

23 (4) After notice and opportunity for hearing afforded to a
24 person subject to an order of protection, the order may be
25 modified or extended for a further specified period or both or
26 may be terminated if the court finds that the health, safety,

1 and best interests of the minor and the public will be served
2 thereby.

3 (5) An order of protection may be sought at any time during
4 the course of any proceeding conducted pursuant to this Act if
5 such an order is consistent with the health, safety, and best
6 interests of the minor. Any person against whom an order of
7 protection is sought may retain counsel to represent him at a
8 hearing, and has rights to be present at the hearing, to be
9 informed prior to the hearing in writing of the contents of the
10 petition seeking a protective order and of the date, place and
11 time of such hearing, and to cross examine witnesses called by
12 the petitioner and to present witnesses and argument in
13 opposition to the relief sought in the petition.

14 (6) Diligent efforts shall be made by the petitioner to
15 serve any person or persons against whom any order of
16 protection is sought with written notice of the contents of the
17 petition seeking a protective order and of the date, place and
18 time at which the hearing on the petition is to be held. When a
19 protective order is being sought in conjunction with a
20 temporary custody hearing, if the court finds that the person
21 against whom the protective order is being sought has been
22 notified of the hearing or that diligent efforts have been made
23 to notify such person, the court may conduct a hearing. If a
24 protective order is sought at any time other than in
25 conjunction with a temporary custody hearing, the court may not
26 conduct a hearing on the petition in the absence of the person

1 against whom the order is sought unless the petitioner has
2 notified such person by personal service at least 3 days before
3 the hearing or has sent written notice by first class mail to
4 such person's last known address at least 5 days before the
5 hearing.

6 (7) A person against whom an order of protection is being
7 sought who is neither a parent, guardian, legal custodian or
8 responsible relative as described in Section 1-5 is not a party
9 or respondent as defined in that Section and shall not be
10 entitled to the rights provided therein. Such person does not
11 have a right to appointed counsel or to be present at any
12 hearing other than the hearing in which the order of protection
13 is being sought or a hearing directly pertaining to that order.
14 Unless the court orders otherwise, such person does not have a
15 right to inspect the court file.

16 (8) All protective orders entered under this Section shall
17 be in writing. Unless the person against whom the order was
18 obtained was present in court when the order was issued, the
19 sheriff, other law enforcement official or special process
20 server shall promptly serve that order upon that person and
21 file proof of such service, in the manner provided for service
22 of process in civil proceedings. The person against whom the
23 protective order was obtained may seek a modification of the
24 order by filing a written motion to modify the order within 7
25 days after actual receipt by the person of a copy of the order.
26 Any modification of the order granted by the court must be

1 determined to be consistent with the best interests of the
2 minor.

3 (9) If a petition is filed charging a violation of a
4 condition contained in the protective order and if the court
5 determines that this violation is of a critical service
6 necessary to the safety and welfare of the minor, the court may
7 proceed to findings and an order for temporary custody.

8 (Source: P.A. 96-1551, Article 1, Section 955, eff. 7-1-11;
9 96-1551, Article 2, Section 1030, eff. 7-1-11; 97-1109, eff.
10 1-1-13; 97-1150, eff. 1-25-13.)

11 (705 ILCS 405/3-26) (from Ch. 37, par. 803-26)

12 Sec. 3-26. Order of protection.

13 (1) The court may make an order of protection in assistance
14 of or as a condition of any other order authorized by this Act.
15 The order of protection may set forth reasonable conditions of
16 behavior to be observed for a specified period. Such an order
17 may require a person:

18 (a) To stay away from the home or the minor;

19 (b) To permit a parent to visit the minor at stated
20 periods;

21 (c) To abstain from offensive conduct against the
22 minor, his parent or any person to whom custody of the
23 minor is awarded;

24 (d) To give proper attention to the care of the home;

25 (e) To cooperate in good faith with an agency to which

1 custody of a minor is entrusted by the court or with an
2 agency or association to which the minor is referred by the
3 court;

4 (f) To prohibit and prevent any contact whatsoever with
5 the respondent minor by a specified individual or
6 individuals who are alleged in either a criminal or
7 juvenile proceeding to have caused injury to a respondent
8 minor or a sibling of a respondent minor;

9 (g) To refrain from acts of commission or omission that
10 tend to make the home not a proper place for the minor.

11 (2) The court shall enter an order of protection to
12 prohibit and prevent any contact between a respondent minor or
13 a sibling of a respondent minor and any person named in a
14 petition seeking an order of protection who has been convicted
15 of heinous battery or aggravated battery under subdivision
16 (a) (2) of Section 12-3.05, aggravated battery of a child or
17 aggravated battery under subdivision (b) (1) of Section
18 12-3.05, criminal sexual assault, aggravated criminal sexual
19 assault, predatory criminal sexual assault of a child, criminal
20 sexual abuse, or aggravated criminal sexual abuse as described
21 in the Criminal Code of 1961 or the Criminal Code of 2012, or
22 has been convicted of an offense that resulted in the death of
23 a child, or has violated a previous order of protection under
24 this Section.

25 (3) When the court issues an order of protection against
26 any person as provided by this Section, the court shall direct

1 a copy of such order to the Sheriff of that county. The Sheriff
2 shall furnish a copy of the order of protection to the Illinois
3 ~~Department of~~ State Police within 24 hours of receipt, in the
4 form and manner required by the Department. The Illinois
5 ~~Department of~~ State Police shall maintain a complete record and
6 index of such orders of protection and make this data available
7 to all local law enforcement agencies.

8 (4) After notice and opportunity for hearing afforded to a
9 person subject to an order of protection, the order may be
10 modified or extended for a further specified period or both or
11 may be terminated if the court finds that the best interests of
12 the minor and the public will be served thereby.

13 (5) An order of protection may be sought at any time during
14 the course of any proceeding conducted pursuant to this Act.
15 Any person against whom an order of protection is sought may
16 retain counsel to represent him at a hearing, and has rights to
17 be present at the hearing, to be informed prior to the hearing
18 in writing of the contents of the petition seeking a protective
19 order and of the date, place and time of such hearing, and to
20 cross examine witnesses called by the petitioner and to present
21 witnesses and argument in opposition to the relief sought in
22 the petition.

23 (6) Diligent efforts shall be made by the petitioner to
24 serve any person or persons against whom any order of
25 protection is sought with written notice of the contents of the
26 petition seeking a protective order and of the date, place and

1 time at which the hearing on the petition is to be held. When a
2 protective order is being sought in conjunction with a shelter
3 care hearing, if the court finds that the person against whom
4 the protective order is being sought has been notified of the
5 hearing or that diligent efforts have been made to notify such
6 person, the court may conduct a hearing. If a protective order
7 is sought at any time other than in conjunction with a shelter
8 care hearing, the court may not conduct a hearing on the
9 petition in the absence of the person against whom the order is
10 sought unless the petitioner has notified such person by
11 personal service at least 3 days before the hearing or has sent
12 written notice by first class mail to such person's last known
13 address at least 5 days before the hearing.

14 (7) A person against whom an order of protection is being
15 sought who is neither a parent, guardian, legal custodian or
16 responsible relative as described in Section 1-5 is not a party
17 or respondent as defined in that Section and shall not be
18 entitled to the rights provided therein. Such person does not
19 have a right to appointed counsel or to be present at any
20 hearing other than the hearing in which the order of protection
21 is being sought or a hearing directly pertaining to that order.
22 Unless the court orders otherwise, such person does not have a
23 right to inspect the court file.

24 (8) All protective orders entered under this Section shall
25 be in writing. Unless the person against whom the order was
26 obtained was present in court when the order was issued, the

1 sheriff, other law enforcement official or special process
2 server shall promptly serve that order upon that person and
3 file proof of such service, in the manner provided for service
4 of process in civil proceedings. The person against whom the
5 protective order was obtained may seek a modification of the
6 order by filing a written motion to modify the order within 7
7 days after actual receipt by the person of a copy of the order.

8 (Source: P.A. 96-1551, Article 1, Section 995, eff. 7-1-11;
9 96-1551, Article 2, Section 1030, eff. 7-1-11; 97-1109, eff.
10 1-1-13; 97-1150, eff. 1-25-13.)

11 (705 ILCS 405/4-23) (from Ch. 37, par. 804-23)

12 Sec. 4-23. Order of protection.

13 (1) The court may make an order of protection in assistance
14 of or as a condition of any other order authorized by this Act.
15 The order of protection may set forth reasonable conditions of
16 behavior to be observed for a specified period. Such an order
17 may require a person:

18 (a) To stay away from the home or the minor;

19 (b) To permit a parent to visit the minor at stated
20 periods;

21 (c) To abstain from offensive conduct against the
22 minor, his parent or any person to whom custody of the
23 minor is awarded;

24 (d) To give proper attention to the care of the home;

25 (e) To cooperate in good faith with an agency to which

1 custody of a minor is entrusted by the court or with an
2 agency or association to which the minor is referred by the
3 court;

4 (f) To prohibit and prevent any contact whatsoever with
5 the respondent minor by a specified individual or
6 individuals who are alleged in either a criminal or
7 juvenile proceeding to have caused injury to a respondent
8 minor or a sibling of a respondent minor;

9 (g) To refrain from acts of commission or omission that
10 tend to make the home not a proper place for the minor.

11 (2) The court shall enter an order of protection to
12 prohibit and prevent any contact between a respondent minor or
13 a sibling of a respondent minor and any person named in a
14 petition seeking an order of protection who has been convicted
15 of heinous battery or aggravated battery under subdivision
16 (a) (2) of Section 12-3.05, aggravated battery of a child or
17 aggravated battery under subdivision (b) (1) of Section
18 12-3.05, criminal sexual assault, aggravated criminal sexual
19 assault, predatory criminal sexual assault of a child, criminal
20 sexual abuse, or aggravated criminal sexual abuse as described
21 in the Criminal Code of 1961 or the Criminal Code of 2012, or
22 has been convicted of an offense that resulted in the death of
23 a child, or has violated a previous order of protection under
24 this Section.

25 (3) When the court issues an order of protection against
26 any person as provided by this Section, the court shall direct

1 a copy of such order to the Sheriff of that county. The Sheriff
2 shall furnish a copy of the order of protection to the Illinois
3 ~~Department of~~ State Police within 24 hours of receipt, in the
4 form and manner required by the Department. The Illinois
5 ~~Department of~~ State Police shall maintain a complete record and
6 index of such orders of protection and make this data available
7 to all local law enforcement agencies.

8 (4) After notice and opportunity for hearing afforded to a
9 person subject to an order of protection, the order may be
10 modified or extended for a further specified period or both or
11 may be terminated if the court finds that the best interests of
12 the minor and the public will be served thereby.

13 (5) An order of protection may be sought at any time during
14 the course of any proceeding conducted pursuant to this Act.
15 Any person against whom an order of protection is sought may
16 retain counsel to represent him at a hearing, and has rights to
17 be present at the hearing, to be informed prior to the hearing
18 in writing of the contents of the petition seeking a protective
19 order and of the date, place and time of such hearing, and to
20 cross examine witnesses called by the petitioner and to present
21 witnesses and argument in opposition to the relief sought in
22 the petition.

23 (6) Diligent efforts shall be made by the petitioner to
24 serve any person or persons against whom any order of
25 protection is sought with written notice of the contents of the
26 petition seeking a protective order and of the date, place and

1 time at which the hearing on the petition is to be held. When a
2 protective order is being sought in conjunction with a shelter
3 care hearing, if the court finds that the person against whom
4 the protective order is being sought has been notified of the
5 hearing or that diligent efforts have been made to notify such
6 person, the court may conduct a hearing. If a protective order
7 is sought at any time other than in conjunction with a shelter
8 care hearing, the court may not conduct a hearing on the
9 petition in the absence of the person against whom the order is
10 sought unless the petitioner has notified such person by
11 personal service at least 3 days before the hearing or has sent
12 written notice by first class mail to such person's last known
13 address at least 5 days before the hearing.

14 (7) A person against whom an order of protection is being
15 sought who is neither a parent, guardian, legal custodian or
16 responsible relative as described in Section 1-5 is not a party
17 or respondent as defined in that Section and shall not be
18 entitled to the rights provided therein. Such person does not
19 have a right to appointed counsel or to be present at any
20 hearing other than the hearing in which the order of protection
21 is being sought or a hearing directly pertaining to that order.
22 Unless the court orders otherwise, such person does not have a
23 right to inspect the court file.

24 (8) All protective orders entered under this Section shall
25 be in writing. Unless the person against whom the order was
26 obtained was present in court when the order was issued, the

1 sheriff, other law enforcement official or special process
2 server shall promptly serve that order upon that person and
3 file proof of such service, in the manner provided for service
4 of process in civil proceedings. The person against whom the
5 protective order was obtained may seek a modification of the
6 order by filing a written motion to modify the order within 7
7 days after actual receipt by the person of a copy of the order.

8 (Source: P.A. 96-1551, Article 1, Section 955, eff. 7-1-11;
9 96-1551, Article 2, Section 1030, eff. 7-1-11; 97-1109, eff.
10 1-1-13; 97-1150, eff. 1-25-13.)

11 (705 ILCS 405/5-105)

12 Sec. 5-105. Definitions. As used in this Article:

13 (1) "Aftercare release" means the conditional and
14 revocable release of an adjudicated delinquent juvenile
15 committed to the Department of Juvenile Justice under the
16 supervision of the Department of Juvenile Justice.

17 (1.5) "Court" means the circuit court in a session or
18 division assigned to hear proceedings under this Act, and
19 includes the term Juvenile Court.

20 (2) "Community service" means uncompensated labor for
21 a community service agency as hereinafter defined.

22 (2.5) "Community service agency" means a
23 not-for-profit organization, community organization,
24 church, charitable organization, individual, public
25 office, or other public body whose purpose is to enhance

1 the physical or mental health of a delinquent minor or to
2 rehabilitate the minor, or to improve the environmental
3 quality or social welfare of the community which agrees to
4 accept community service from juvenile delinquents and to
5 report on the progress of the community service to the
6 State's Attorney pursuant to an agreement or to the court
7 or to any agency designated by the court or to the
8 authorized diversion program that has referred the
9 delinquent minor for community service.

10 (3) "Delinquent minor" means any minor who prior to his
11 or her 18th birthday has violated or attempted to violate,
12 regardless of where the act occurred, any federal, State,
13 county or municipal law or ordinance.

14 (4) "Department" means the Department of Human
15 Services unless specifically referenced as another
16 department.

17 (5) "Detention" means the temporary care of a minor who
18 is alleged to be or has been adjudicated delinquent and who
19 requires secure custody for the minor's own protection or
20 the community's protection in a facility designed to
21 physically restrict the minor's movements, pending
22 disposition by the court or execution of an order of the
23 court for placement or commitment. Design features that
24 physically restrict movement include, but are not limited
25 to, locked rooms and the secure handcuffing of a minor to a
26 rail or other stationary object. In addition, "detention"

1 includes the court ordered care of an alleged or
2 adjudicated delinquent minor who requires secure custody
3 pursuant to Section 5-125 of this Act.

4 (6) "Diversion" means the referral of a juvenile,
5 without court intervention, into a program that provides
6 services designed to educate the juvenile and develop a
7 productive and responsible approach to living in the
8 community.

9 (7) "Juvenile detention home" means a public facility
10 with specially trained staff that conforms to the county
11 juvenile detention standards adopted by the Department of
12 Juvenile Justice.

13 (8) "Juvenile justice continuum" means a set of
14 delinquency prevention programs and services designed for
15 the purpose of preventing or reducing delinquent acts,
16 including criminal activity by youth gangs, as well as
17 intervention, rehabilitation, and prevention services
18 targeted at minors who have committed delinquent acts, and
19 minors who have previously been committed to residential
20 treatment programs for delinquents. The term includes
21 children-in-need-of-services and
22 families-in-need-of-services programs; aftercare and
23 reentry services; substance abuse and mental health
24 programs; community service programs; community service
25 work programs; and alternative-dispute resolution programs
26 serving youth-at-risk of delinquency and their families,

1 whether offered or delivered by State or local governmental
2 entities, public or private for-profit or not-for-profit
3 organizations, or religious or charitable organizations.
4 This term would also encompass any program or service
5 consistent with the purpose of those programs and services
6 enumerated in this subsection.

7 (9) "Juvenile police officer" means a sworn police
8 officer who has completed a Basic Recruit Training Course,
9 has been assigned to the position of juvenile police
10 officer by his or her chief law enforcement officer and has
11 completed the necessary juvenile officers training as
12 prescribed by the Illinois Law Enforcement Training
13 Standards Board, or in the case of a State police officer,
14 juvenile officer training approved by the Director of the
15 Illinois State Police.

16 (10) "Minor" means a person under the age of 21 years
17 subject to this Act.

18 (11) "Non-secure custody" means confinement where the
19 minor is not physically restricted by being placed in a
20 locked cell or room, by being handcuffed to a rail or other
21 stationary object, or by other means. Non-secure custody
22 may include, but is not limited to, electronic monitoring,
23 foster home placement, home confinement, group home
24 placement, or physical restriction of movement or activity
25 solely through facility staff.

26 (12) "Public or community service" means uncompensated

1 labor for a not-for-profit organization or public body
2 whose purpose is to enhance physical or mental stability of
3 the offender, environmental quality or the social welfare
4 and which agrees to accept public or community service from
5 offenders and to report on the progress of the offender and
6 the public or community service to the court or to the
7 authorized diversion program that has referred the
8 offender for public or community service. "Public or
9 community service" does not include blood donation or
10 assignment to labor at a blood bank. For the purposes of
11 this Act, "blood bank" has the meaning ascribed to the term
12 in Section 2-124 of the Illinois Clinical Laboratory and
13 Blood Bank Act.

14 (13) "Sentencing hearing" means a hearing to determine
15 whether a minor should be adjudged a ward of the court, and
16 to determine what sentence should be imposed on the minor.
17 It is the intent of the General Assembly that the term
18 "sentencing hearing" replace the term "dispositional
19 hearing" and be synonymous with that definition as it was
20 used in the Juvenile Court Act of 1987.

21 (14) "Shelter" means the temporary care of a minor in
22 physically unrestricting facilities pending court
23 disposition or execution of court order for placement.

24 (15) "Site" means a not-for-profit organization,
25 public body, church, charitable organization, or
26 individual agreeing to accept community service from

1 offenders and to report on the progress of ordered or
2 required public or community service to the court or to the
3 authorized diversion program that has referred the
4 offender for public or community service.

5 (16) "Station adjustment" means the informal or formal
6 handling of an alleged offender by a juvenile police
7 officer.

8 (17) "Trial" means a hearing to determine whether the
9 allegations of a petition under Section 5-520 that a minor
10 is delinquent are proved beyond a reasonable doubt. It is
11 the intent of the General Assembly that the term "trial"
12 replace the term "adjudicatory hearing" and be synonymous
13 with that definition as it was used in the Juvenile Court
14 Act of 1987.

15 The changes made to this Section by Public Act 98-61 apply
16 to violations or attempted violations committed on or after
17 January 1, 2014 (the effective date of Public Act 98-61).

18 (Source: P.A. 98-61, eff. 1-1-14; 98-558, eff. 1-1-14; 98-685,
19 eff. 1-1-15; 98-756, eff. 7-16-14; 98-824, eff. 1-1-15; 99-78,
20 eff. 7-20-15.)

21 (705 ILCS 405/5-301)

22 Sec. 5-301. Station adjustments. A minor arrested for any
23 offense or a violation of a condition of previous station
24 adjustment may receive a station adjustment for that arrest as
25 provided herein. In deciding whether to impose a station

1 adjustment, either informal or formal, a juvenile police
2 officer shall consider the following factors:

3 (A) The seriousness of the alleged offense.

4 (B) The prior history of delinquency of the minor.

5 (C) The age of the minor.

6 (D) The culpability of the minor in committing the
7 alleged offense.

8 (E) Whether the offense was committed in an aggressive
9 or premeditated manner.

10 (F) Whether the minor used or possessed a deadly weapon
11 when committing the alleged offenses.

12 (1) Informal station adjustment.

13 (a) An informal station adjustment is defined as a
14 procedure when a juvenile police officer determines that
15 there is probable cause to believe that the minor has
16 committed an offense.

17 (b) A minor shall receive no more than 3 informal
18 station adjustments statewide for a misdemeanor offense
19 within 3 years without prior approval from the State's
20 Attorney's Office.

21 (c) A minor shall receive no more than 3 informal
22 station adjustments statewide for a felony offense within 3
23 years without prior approval from the State's Attorney's
24 Office.

25 (d) A minor shall receive a combined total of no more
26 than 5 informal station adjustments statewide during his or

1 her minority.

2 (e) The juvenile police officer may make reasonable
3 conditions of an informal station adjustment which may
4 include but are not limited to:

5 (i) Curfew.

6 (ii) Conditions restricting entry into designated
7 geographical areas.

8 (iii) No contact with specified persons.

9 (iv) School attendance.

10 (v) Performing up to 25 hours of community service
11 work.

12 (vi) Community mediation.

13 (vii) Teen court or a peer court.

14 (viii) Restitution limited to 90 days.

15 (f) If the minor refuses or fails to abide by the
16 conditions of an informal station adjustment, the juvenile
17 police officer may impose a formal station adjustment or
18 refer the matter to the State's Attorney's Office.

19 (g) An informal station adjustment does not constitute
20 an adjudication of delinquency or a criminal conviction.
21 Beginning January 1, 2000, a record shall be maintained
22 with the Illinois ~~Department of~~ State Police for informal
23 station adjustments for offenses that would be a felony if
24 committed by an adult, and may be maintained if the offense
25 would be a misdemeanor.

26 (2) Formal station adjustment.

1 (a) A formal station adjustment is defined as a
2 procedure when a juvenile police officer determines that
3 there is probable cause to believe the minor has committed
4 an offense and an admission by the minor of involvement in
5 the offense.

6 (b) The minor and parent, guardian, or legal custodian
7 must agree in writing to the formal station adjustment and
8 must be advised of the consequences of violation of any
9 term of the agreement.

10 (c) The minor and parent, guardian or legal custodian
11 shall be provided a copy of the signed agreement of the
12 formal station adjustment. The agreement shall include:

13 (i) The offense which formed the basis of the
14 formal station adjustment.

15 (ii) An acknowledgment that the terms of the formal
16 station adjustment and the consequences for violation
17 have been explained.

18 (iii) An acknowledgment that the formal station
19 adjustments record may be expunged under Section 5-915
20 of this Act.

21 (iv) An acknowledgment ~~acknowledgement~~ that the
22 minor understands that his or her admission of
23 involvement in the offense may be admitted into
24 evidence in future court hearings.

25 (v) A statement that all parties understand the
26 terms and conditions of formal station adjustment and

1 agree to the formal station adjustment process.

2 (d) Conditions of the formal station adjustment may
3 include, but are not limited to:

4 (i) The time shall not exceed 120 days.

5 (ii) The minor shall not violate any laws.

6 (iii) The juvenile police officer may require the
7 minor to comply with additional conditions for the
8 formal station adjustment which may include but are not
9 limited to:

10 (a) Attending school.

11 (b) Abiding by a set curfew.

12 (c) Payment of restitution.

13 (d) Refraining from possessing a firearm or
14 other weapon.

15 (e) Reporting to a police officer at
16 designated times and places, including reporting
17 and verification that the minor is at home at
18 designated hours.

19 (f) Performing up to 25 hours of community
20 service work.

21 (g) Refraining from entering designated
22 geographical areas.

23 (h) Participating in community mediation.

24 (i) Participating in teen court or peer court.

25 (j) Refraining from contact with specified
26 persons.

1 (e) A formal station adjustment does not constitute an
2 adjudication of delinquency or a criminal conviction.
3 Beginning January 1, 2000, a record shall be maintained
4 with the Illinois ~~Department of~~ State Police for formal
5 station adjustments.

6 (f) A minor or the minor's parent, guardian, or legal
7 custodian, or both the minor and the minor's parent,
8 guardian, or legal custodian, may refuse a formal station
9 adjustment and have the matter referred for court action or
10 other appropriate action.

11 (g) A minor or the minor's parent, guardian, or legal
12 custodian, or both the minor and the minor's parent,
13 guardian, or legal custodian, may within 30 days of the
14 commencement of the formal station adjustment revoke their
15 consent and have the matter referred for court action or
16 other appropriate action. This revocation must be in
17 writing and personally served upon the police officer or
18 his or her supervisor.

19 (h) The admission of the minor as to involvement in the
20 offense shall be admissible at further court hearings as
21 long as the statement would be admissible under the rules
22 of evidence.

23 (i) If the minor violates any term or condition of the
24 formal station adjustment the juvenile police officer
25 shall provide written notice of violation to the minor and
26 the minor's parent, guardian, or legal custodian. After

1 consultation with the minor and the minor's parent,
2 guardian, or legal custodian, the juvenile police officer
3 may take any of the following steps upon violation:

4 (i) Warn the minor of consequences of continued
5 violations and continue the formal station adjustment.

6 (ii) Extend the period of the formal station
7 adjustment up to a total of 180 days.

8 (iii) Extend the hours of community service work up
9 to a total of 40 hours.

10 (iv) Terminate the formal station adjustment
11 unsatisfactorily and take no other action.

12 (v) Terminate the formal station adjustment
13 unsatisfactorily and refer the matter to the juvenile
14 court.

15 (j) A minor shall receive no more than 2 formal station
16 adjustments statewide for a felony offense without the
17 State's Attorney's approval within a 3 year period.

18 (k) A minor shall receive no more than 3 formal station
19 adjustments statewide for a misdemeanor offense without
20 the State's Attorney's approval within a 3 year period.

21 (l) The total for formal station adjustments statewide
22 within the period of minority may not exceed 4 without the
23 State's Attorney's approval.

24 (m) If the minor is arrested in a jurisdiction where
25 the minor does not reside, the formal station adjustment
26 may be transferred to the jurisdiction where the minor does

1 reside upon written agreement of that jurisdiction to
2 monitor the formal station adjustment.

3 (3) Beginning January 1, 2000, the juvenile police officer
4 making a station adjustment shall assure that information about
5 any offense which would constitute a felony if committed by an
6 adult and may assure that information about a misdemeanor is
7 transmitted to the Illinois ~~Department of~~ State Police.

8 (4) The total number of station adjustments, both formal
9 and informal, shall not exceed 9 without the State's Attorney's
10 approval for any minor arrested anywhere in the State.

11 (Source: P.A. 99-78, eff. 7-20-15.)

12 (705 ILCS 405/5-305)

13 Sec. 5-305. Probation adjustment.

14 (1) The court may authorize the probation officer to confer
15 in a preliminary conference with a minor who is alleged to have
16 committed an offense, his or her parent, guardian or legal
17 custodian, the victim, the juvenile police officer, the State's
18 Attorney, and other interested persons concerning the
19 advisability of filing a petition under Section 5-520, with a
20 view to adjusting suitable cases without the filing of a
21 petition as provided for in this Article, the probation officer
22 should schedule a conference promptly except when the State's
23 Attorney insists on court action or when the minor has
24 indicated that he or she will demand a judicial hearing and
25 will not comply with a probation adjustment.

1 (1-b) In any case of a minor who is in custody, the holding
2 of a probation adjustment conference does not operate to
3 prolong temporary custody beyond the period permitted by
4 Section 5-415.

5 (2) This Section does not authorize any probation officer
6 to compel any person to appear at any conference, produce any
7 papers, or visit any place.

8 (3) No statement made during a preliminary conference in
9 regard to the offense that is the subject of the conference may
10 be admitted into evidence at an adjudicatory hearing or at any
11 proceeding against the minor under the criminal laws of this
12 State prior to his or her conviction under those laws.

13 (4) When a probation adjustment is appropriate, the
14 probation officer shall promptly formulate a written,
15 non-judicial adjustment plan following the initial conference.

16 (5) Non-judicial probation adjustment plans include but
17 are not limited to the following:

18 (a) up to 6 months informal supervision within the
19 family;

20 (b) up to 12 months informal supervision with a
21 probation officer involved which may include any
22 conditions of probation provided in Section 5-715;

23 (c) up to 6 months informal supervision with release to
24 a person other than a parent;

25 (d) referral to special educational, counseling, or
26 other rehabilitative social or educational programs;

1 (e) referral to residential treatment programs;

2 (f) participation in a public or community service
3 program or activity; and

4 (g) any other appropriate action with the consent of
5 the minor and a parent.

6 (6) The factors to be considered by the probation officer
7 in formulating a non-judicial probation adjustment plan shall
8 be the same as those limited in subsection (4) of Section
9 5-405.

10 (7) Beginning January 1, 2000, the probation officer who
11 imposes a probation adjustment plan shall assure that
12 information about an offense which would constitute a felony if
13 committed by an adult, and may assure that information about a
14 misdemeanor offense, is transmitted to the Illinois Department
15 ~~of~~ State Police.

16 (8) If the minor fails to comply with any term or condition
17 of the non-judicial probation adjustment, the matter shall be
18 referred to the State's Attorney for determination of whether a
19 petition under this Article shall be filed.

20 (Source: P.A. 98-892, eff. 1-1-15.)

21 (705 ILCS 405/5-730)

22 Sec. 5-730. Order of protection.

23 (1) The court may make an order of protection in assistance
24 of or as a condition of any other order authorized by this Act.
25 The order of protection may set forth reasonable conditions of

1 behavior to be observed for a specified period. The order may
2 require a person:

3 (a) to stay away from the home or the minor;

4 (b) to permit a parent to visit the minor at stated
5 periods;

6 (c) to abstain from offensive conduct against the
7 minor, his or her parent or any person to whom custody of
8 the minor is awarded;

9 (d) to give proper attention to the care of the home;

10 (e) to cooperate in good faith with an agency to which
11 custody of a minor is entrusted by the court or with an
12 agency or association to which the minor is referred by the
13 court;

14 (f) to prohibit and prevent any contact whatsoever with
15 the respondent minor by a specified individual or
16 individuals who are alleged in either a criminal or
17 juvenile proceeding to have caused injury to a respondent
18 minor or a sibling of a respondent minor;

19 (g) to refrain from acts of commission or omission that
20 tend to make the home not a proper place for the minor.

21 (2) The court shall enter an order of protection to
22 prohibit and prevent any contact between a respondent minor or
23 a sibling of a respondent minor and any person named in a
24 petition seeking an order of protection who has been convicted
25 of heinous battery or aggravated battery under subdivision
26 (a) (2) of Section 12-3.05, aggravated battery of a child or

1 aggravated battery under subdivision (b)(1) of Section
2 12-3.05, criminal sexual assault, aggravated criminal sexual
3 assault, predatory criminal sexual assault of a child, criminal
4 sexual abuse, or aggravated criminal sexual abuse as described
5 in the Criminal Code of 1961 or the Criminal Code of 2012, or
6 has been convicted of an offense that resulted in the death of
7 a child, or has violated a previous order of protection under
8 this Section.

9 (3) When the court issues an order of protection against
10 any person as provided by this Section, the court shall direct
11 a copy of such order to the sheriff of that county. The sheriff
12 shall furnish a copy of the order of protection to the Illinois
13 ~~Department of~~ State Police within 24 hours of receipt, in the
14 form and manner required by the Department. The Illinois
15 ~~Department of~~ State Police shall maintain a complete record and
16 index of the orders of protection and make this data available
17 to all local law enforcement agencies.

18 (4) After notice and opportunity for hearing afforded to a
19 person subject to an order of protection, the order may be
20 modified or extended for a further specified period or both or
21 may be terminated if the court finds that the best interests of
22 the minor and the public will be served by the modification,
23 extension, or termination.

24 (5) An order of protection may be sought at any time during
25 the course of any proceeding conducted under this Act. Any
26 person against whom an order of protection is sought may retain

1 counsel to represent him or her at a hearing, and has rights to
2 be present at the hearing, to be informed prior to the hearing
3 in writing of the contents of the petition seeking a protective
4 order and of the date, place, and time of the hearing, and to
5 cross-examine witnesses called by the petitioner and to present
6 witnesses and argument in opposition to the relief sought in
7 the petition.

8 (6) Diligent efforts shall be made by the petitioner to
9 serve any person or persons against whom any order of
10 protection is sought with written notice of the contents of the
11 petition seeking a protective order and of the date, place and
12 time at which the hearing on the petition is to be held. When a
13 protective order is being sought in conjunction with a shelter
14 care or detention hearing, if the court finds that the person
15 against whom the protective order is being sought has been
16 notified of the hearing or that diligent efforts have been made
17 to notify the person, the court may conduct a hearing. If a
18 protective order is sought at any time other than in
19 conjunction with a shelter care or detention hearing, the court
20 may not conduct a hearing on the petition in the absence of the
21 person against whom the order is sought unless the petitioner
22 has notified the person by personal service at least 3 days
23 before the hearing or has sent written notice by first class
24 mail to the person's last known address at least 5 days before
25 the hearing.

26 (7) A person against whom an order of protection is being

1 sought who is neither a parent, guardian, or legal custodian or
2 responsible relative as described in Section 1-5 of this Act or
3 is not a party or respondent as defined in that Section shall
4 not be entitled to the rights provided in that Section. The
5 person does not have a right to appointed counsel or to be
6 present at any hearing other than the hearing in which the
7 order of protection is being sought or a hearing directly
8 pertaining to that order. Unless the court orders otherwise,
9 the person does not have a right to inspect the court file.

10 (8) All protective orders entered under this Section shall
11 be in writing. Unless the person against whom the order was
12 obtained was present in court when the order was issued, the
13 sheriff, other law enforcement official, or special process
14 server shall promptly serve that order upon that person and
15 file proof of that service, in the manner provided for service
16 of process in civil proceedings. The person against whom the
17 protective order was obtained may seek a modification of the
18 order by filing a written motion to modify the order within 7
19 days after actual receipt by the person of a copy of the order.

20 (Source: P.A. 96-1551, Article 1, Section 955, eff. 7-1-11;
21 96-1551, Article 2, Section 1030, eff. 7-1-11; 97-1109, eff.
22 1-1-13; 97-1150, eff. 1-25-13.)

23 (705 ILCS 405/5-901)

24 Sec. 5-901. Court file.

25 (1) The Court file with respect to proceedings under this

1 Article shall consist of the petitions, pleadings, victim
2 impact statements, process, service of process, orders, writs
3 and docket entries reflecting hearings held and judgments and
4 decrees entered by the court. The court file shall be kept
5 separate from other records of the court.

6 (a) The file, including information identifying the
7 victim or alleged victim of any sex offense, shall be
8 disclosed only to the following parties when necessary for
9 discharge of their official duties:

10 (i) A judge of the circuit court and members of the
11 staff of the court designated by the judge;

12 (ii) Parties to the proceedings and their
13 attorneys;

14 (iii) Victims and their attorneys, except in cases
15 of multiple victims of sex offenses in which case the
16 information identifying the nonrequesting victims
17 shall be redacted;

18 (iv) Probation officers, law enforcement officers
19 or prosecutors or their staff;

20 (v) Adult and juvenile Prisoner Review Boards.

21 (b) The Court file redacted to remove any information
22 identifying the victim or alleged victim of any sex offense
23 shall be disclosed only to the following parties when
24 necessary for discharge of their official duties:

25 (i) Authorized military personnel;

26 (ii) Persons engaged in bona fide research, with

1 the permission of the judge of the juvenile court and
2 the chief executive of the agency that prepared the
3 particular recording: provided that publication of
4 such research results in no disclosure of a minor's
5 identity and protects the confidentiality of the
6 record;

7 (iii) The Secretary of State to whom the Clerk of
8 the Court shall report the disposition of all cases, as
9 required in Section 6-204 or Section 6-205.1 of the
10 Illinois Vehicle Code. However, information reported
11 relative to these offenses shall be privileged and
12 available only to the Secretary of State, courts, and
13 police officers;

14 (iv) The administrator of a bonafide substance
15 abuse student assistance program with the permission
16 of the presiding judge of the juvenile court;

17 (v) Any individual, or any public or private agency
18 or institution, having custody of the juvenile under
19 court order or providing educational, medical or
20 mental health services to the juvenile or a
21 court-approved advocate for the juvenile or any
22 placement provider or potential placement provider as
23 determined by the court.

24 (3) A minor who is the victim or alleged victim in a
25 juvenile proceeding shall be provided the same confidentiality
26 regarding disclosure of identity as the minor who is the

1 subject of record. Information identifying victims and alleged
2 victims of sex offenses, shall not be disclosed or open to
3 public inspection under any circumstances. Nothing in this
4 Section shall prohibit the victim or alleged victim of any sex
5 offense from voluntarily disclosing his or her identity.

6 (4) Relevant information, reports and records shall be made
7 available to the Department of Juvenile Justice when a juvenile
8 offender has been placed in the custody of the Department of
9 Juvenile Justice.

10 (5) Except as otherwise provided in this subsection (5),
11 juvenile court records shall not be made available to the
12 general public but may be inspected by representatives of
13 agencies, associations and news media or other properly
14 interested persons by general or special order of the court.
15 The State's Attorney, the minor, his or her parents, guardian
16 and counsel shall at all times have the right to examine court
17 files and records.

18 (a) The court shall allow the general public to have
19 access to the name, address, and offense of a minor who is
20 adjudicated a delinquent minor under this Act under either
21 of the following circumstances:

22 (i) The adjudication of delinquency was based upon
23 the minor's commission of first degree murder, attempt
24 to commit first degree murder, aggravated criminal
25 sexual assault, or criminal sexual assault; or

26 (ii) The court has made a finding that the minor

1 was at least 13 years of age at the time the act was
2 committed and the adjudication of delinquency was
3 based upon the minor's commission of: (A) an act in
4 furtherance of the commission of a felony as a member
5 of or on behalf of a criminal street gang, (B) an act
6 involving the use of a firearm in the commission of a
7 felony, (C) an act that would be a Class X felony
8 offense under or the minor's second or subsequent Class
9 2 or greater felony offense under the Cannabis Control
10 Act if committed by an adult, (D) an act that would be
11 a second or subsequent offense under Section 402 of the
12 Illinois Controlled Substances Act if committed by an
13 adult, (E) an act that would be an offense under
14 Section 401 of the Illinois Controlled Substances Act
15 if committed by an adult, or (F) an act that would be
16 an offense under the Methamphetamine Control and
17 Community Protection Act if committed by an adult.

18 (b) The court shall allow the general public to have
19 access to the name, address, and offense of a minor who is
20 at least 13 years of age at the time the offense is
21 committed and who is convicted, in criminal proceedings
22 permitted or required under Section 5-805, under either of
23 the following circumstances:

24 (i) The minor has been convicted of first degree
25 murder, attempt to commit first degree murder,
26 aggravated criminal sexual assault, or criminal sexual

1 assault,

2 (ii) The court has made a finding that the minor
3 was at least 13 years of age at the time the offense
4 was committed and the conviction was based upon the
5 minor's commission of: (A) an offense in furtherance of
6 the commission of a felony as a member of or on behalf
7 of a criminal street gang, (B) an offense involving the
8 use of a firearm in the commission of a felony, (C) a
9 Class X felony offense under the Cannabis Control Act
10 or a second or subsequent Class 2 or greater felony
11 offense under the Cannabis Control Act, (D) a second or
12 subsequent offense under Section 402 of the Illinois
13 Controlled Substances Act, (E) an offense under
14 Section 401 of the Illinois Controlled Substances Act,
15 or (F) an offense under the Methamphetamine Control and
16 Community Protection Act.

17 (6) Nothing in this Section shall be construed to limit the
18 use of an ~~a~~ adjudication of delinquency as evidence in any
19 juvenile or criminal proceeding, where it would otherwise be
20 admissible under the rules of evidence, including but not
21 limited to, use as impeachment evidence against any witness,
22 including the minor if he or she testifies.

23 (7) Nothing in this Section shall affect the right of a
24 Civil Service Commission or appointing authority examining the
25 character and fitness of an applicant for a position as a law
26 enforcement officer to ascertain whether that applicant was

1 ever adjudicated to be a delinquent minor and, if so, to
2 examine the records or evidence which were made in proceedings
3 under this Act.

4 (8) Following any adjudication of delinquency for a crime
5 which would be a felony if committed by an adult, or following
6 any adjudication of delinquency for a violation of Section
7 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961 or the
8 Criminal Code of 2012, the State's Attorney shall ascertain
9 whether the minor respondent is enrolled in school and, if so,
10 shall provide a copy of the sentencing order to the principal
11 or chief administrative officer of the school. Access to such
12 juvenile records shall be limited to the principal or chief
13 administrative officer of the school and any guidance counselor
14 designated by him or her.

15 (9) Nothing contained in this Act prevents the sharing or
16 disclosure of information or records relating or pertaining to
17 juveniles subject to the provisions of the Serious Habitual
18 Offender Comprehensive Action Program when that information is
19 used to assist in the early identification and treatment of
20 habitual juvenile offenders.

21 (11) The Clerk of the Circuit Court shall report to the
22 Illinois Department of State Police, in the form and manner
23 required by the Illinois Department of State Police, the final
24 disposition of each minor who has been arrested or taken into
25 custody before his or her 18th birthday for those offenses
26 required to be reported under Section 5 of the Criminal

1 Identification Act. Information reported to the Department
2 under this Section may be maintained with records that the
3 Department files under Section 2.1 of the Criminal
4 Identification Act.

5 (12) Information or records may be disclosed to the general
6 public when the court is conducting hearings under Section
7 5-805 or 5-810.

8 (13) The changes made to this Section by Public Act 98-61
9 apply to juvenile court records of a minor who has been
10 arrested or taken into custody on or after January 1, 2014 (the
11 effective date of Public Act 98-61).

12 (Source: P.A. 97-1150, eff. 1-25-13; 98-61, eff. 1-1-14;
13 98-756, eff. 7-16-14.)

14 (705 ILCS 405/5-915)

15 Sec. 5-915. Expungement of juvenile law enforcement and
16 juvenile court records.

17 (0.05) (Blank).

18 (0.1) (a) The Illinois ~~Department of~~ State Police and all
19 law enforcement agencies within the State shall automatically
20 expunge, on or before January 1 of each year, all juvenile law
21 enforcement records relating to events occurring before an
22 individual's 18th birthday if:

23 (1) one year or more has elapsed since the date of the
24 arrest or law enforcement interaction documented in the
25 records;

1 (2) no petition for delinquency or criminal charges
2 were filed with the clerk of the circuit court relating to
3 the arrest or law enforcement interaction documented in the
4 records; and

5 (3) 6 months have elapsed since the date of the arrest
6 without an additional subsequent arrest or filing of a
7 petition for delinquency or criminal charges whether
8 related or not to the arrest or law enforcement interaction
9 documented in the records.

10 (b) If the law enforcement agency is unable to verify
11 satisfaction of conditions (2) and (3) of this subsection
12 (0.1), records that satisfy condition (1) of this subsection
13 (0.1) shall be automatically expunged if the records relate to
14 an offense that if committed by an adult would not be an
15 offense classified as a Class 2 felony or higher, an offense
16 under Article 11 of the Criminal Code of 1961 or Criminal Code
17 of 2012, or an offense under Section 12-13, 12-14, 12-14.1,
18 12-15, or 12-16 of the Criminal Code of 1961.

19 (0.15) If a juvenile law enforcement record meets paragraph
20 (a) of subsection (0.1) of this Section, a juvenile law
21 enforcement record created:

22 (1) prior to January 1, 2018, but on or after January
23 1, 2013 shall be automatically expunged prior to January 1,
24 2020;

25 (2) prior to January 1, 2013, but on or after January
26 1, 2000, shall be automatically expunged prior to January

1 1, 2023; and

2 (3) prior to January 1, 2000 shall not be subject to
3 the automatic expungement provisions of this Act.

4 Nothing in this subsection (0.15) shall be construed to
5 restrict or modify an individual's right to have his or her
6 juvenile law enforcement records expunged except as otherwise
7 may be provided in this Act.

8 (0.2) (a) Upon dismissal of a petition alleging delinquency
9 or upon a finding of not delinquent, the successful termination
10 of an order of supervision, or the successful termination of an
11 adjudication for an offense which would be a Class B
12 misdemeanor, Class C misdemeanor, or a petty or business
13 offense if committed by an adult, the court shall automatically
14 order the expungement of the juvenile court records and
15 juvenile law enforcement records. The clerk shall deliver a
16 certified copy of the expungement order to the Illinois
17 ~~Department of~~ State Police and the arresting agency. Upon
18 request, the State's Attorney shall furnish the name of the
19 arresting agency. The expungement shall be completed within 60
20 business days after the receipt of the expungement order.

21 (b) If the chief law enforcement officer of the agency, or
22 his or her designee, certifies in writing that certain
23 information is needed for a pending investigation involving the
24 commission of a felony, that information, and information
25 identifying the juvenile, may be retained until the statute of
26 limitations for the felony has run. If the chief law

1 enforcement officer of the agency, or his or her designee,
2 certifies in writing that certain information is needed with
3 respect to an internal investigation of any law enforcement
4 office, that information and information identifying the
5 juvenile may be retained within an intelligence file until the
6 investigation is terminated or the disciplinary action,
7 including appeals, has been completed, whichever is later.
8 Retention of a portion of a juvenile's law enforcement record
9 does not disqualify the remainder of his or her record from
10 immediate automatic expungement.

11 (0.3) (a) Upon an adjudication of delinquency based on any
12 offense except a disqualified offense, the juvenile court shall
13 automatically order the expungement of the juvenile court and
14 law enforcement records 2 years after the juvenile's case was
15 closed if no delinquency or criminal proceeding is pending and
16 the person has had no subsequent delinquency adjudication or
17 criminal conviction. The clerk shall deliver a certified copy
18 of the expungement order to the Illinois ~~Department~~ of State
19 Police and the arresting agency. Upon request, the State's
20 Attorney shall furnish the name of the arresting agency. The
21 expungement shall be completed within 60 business days after
22 the receipt of the expungement order. In this subsection (0.3),
23 "disqualified offense" means any of the following offenses:
24 Section 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 10-1, 10-2,
25 10-3, 10-3.1, 10-4, 10-5, 10-9, 11-1.20, 11-1.30, 11-1.40,
26 11-1.50, 11-1.60, 11-6, 11-6.5, 12-2, 12-3.05, 12-3.3,

1 12-4.4a, 12-5.02, 12-6.2, 12-6.5, 12-7.1, 12-7.5, 12-20.5,
2 12-32, 12-33, 12-34, 12-34.5, 18-1, 18-2, 18-3, 18-4, 18-6,
3 19-3, 19-6, 20-1, 20-1.1, 24-1.2, 24-1.2-5, 24-1.5, 24-3A,
4 24-3B, 24-3.2, 24-3.8, 24-3.9, 29D-14.9, 29D-20, 30-1, 31-1a,
5 32-4a, or 33A-2 of the Criminal Code of 2012, or subsection (b)
6 of Section 8-1, paragraph (4) of subsection (a) of Section
7 11-14.4, subsection (a-5) of Section 12-3.1, paragraph (1),
8 (2), or (3) of subsection (a) of Section 12-6, subsection (a-3)
9 or (a-5) of Section 12-7.3, paragraph (1) or (2) of subsection
10 (a) of Section 12-7.4, subparagraph (i) of paragraph (1) of
11 subsection (a) of Section 12-9, subparagraph (H) of paragraph
12 (3) of subsection (a) of Section 24-1.6, paragraph (1) of
13 subsection (a) of Section 25-1, or subsection (a-7) of Section
14 31-1 of the Criminal Code of 2012.

15 (b) If the chief law enforcement officer of the agency, or
16 his or her designee, certifies in writing that certain
17 information is needed for a pending investigation involving the
18 commission of a felony, that information, and information
19 identifying the juvenile, may be retained in an intelligence
20 file until the investigation is terminated or for one
21 additional year, whichever is sooner. Retention of a portion of
22 a juvenile's juvenile law enforcement record does not
23 disqualify the remainder of his or her record from immediate
24 automatic expungement.

25 (0.4) Automatic expungement for the purposes of this
26 Section shall not require law enforcement agencies to

1 obliterate or otherwise destroy juvenile law enforcement
2 records that would otherwise need to be automatically expunged
3 under this Act, except after 2 years following the subject
4 arrest for purposes of use in civil litigation against a
5 governmental entity or its law enforcement agency or personnel
6 which created, maintained, or used the records. However, these
7 juvenile law enforcement records shall be considered expunged
8 for all other purposes during this period and the offense,
9 which the records or files concern, shall be treated as if it
10 never occurred as required under Section 5-923.

11 (0.5) Subsection (0.1) or (0.2) of this Section does not
12 apply to violations of traffic, boating, fish and game laws, or
13 county or municipal ordinances.

14 (0.6) Juvenile law enforcement records of a plaintiff who
15 has filed civil litigation against the governmental entity or
16 its law enforcement agency or personnel that created,
17 maintained, or used the records, or juvenile law enforcement
18 records that contain information related to the allegations set
19 forth in the civil litigation may not be expunged until after 2
20 years have elapsed after the conclusion of the lawsuit,
21 including any appeal.

22 (0.7) Officer-worn body camera recordings shall not be
23 automatically expunged except as otherwise authorized by the
24 Law Enforcement Officer-Worn Body Camera Act.

25 (1) Whenever a person has been arrested, charged, or
26 adjudicated delinquent for an incident occurring before his or

1 her 18th birthday that if committed by an adult would be an
2 offense, and that person's juvenile law enforcement and
3 juvenile court records are not eligible for automatic
4 expungement under subsection (0.1), (0.2), or (0.3), the person
5 may petition the court at any time for expungement of juvenile
6 law enforcement records and juvenile court records relating to
7 the incident and, upon termination of all juvenile court
8 proceedings relating to that incident, the court shall order
9 the expungement of all records in the possession of the
10 Illinois ~~Department of~~ State Police, the clerk of the circuit
11 court, and law enforcement agencies relating to the incident,
12 but only in any of the following circumstances:

13 (a) the minor was arrested and no petition for
14 delinquency was filed with the clerk of the circuit court;

15 (a-5) the minor was charged with an offense and the
16 petition or petitions were dismissed without a finding of
17 delinquency;

18 (b) the minor was charged with an offense and was found
19 not delinquent of that offense;

20 (c) the minor was placed under supervision under
21 Section 5-615, and the order of supervision has since been
22 successfully terminated; or

23 (d) the minor was adjudicated for an offense which
24 would be a Class B misdemeanor, Class C misdemeanor, or a
25 petty or business offense if committed by an adult.

26 (1.5) The Illinois ~~Department of~~ State Police shall allow a

1 person to use the Access and Review process, established in the
2 Illinois ~~Department of~~ State Police, for verifying that his or
3 her juvenile law enforcement records relating to incidents
4 occurring before his or her 18th birthday eligible under this
5 Act have been expunged.

6 (1.6) (Blank).

7 (1.7) (Blank).

8 (1.8) (Blank).

9 (2) Any person whose delinquency adjudications are not
10 eligible for automatic expungement under subsection (0.3) of
11 this Section may petition the court to expunge all juvenile law
12 enforcement records relating to any incidents occurring before
13 his or her 18th birthday which did not result in proceedings in
14 criminal court and all juvenile court records with respect to
15 any adjudications except those based upon first degree murder
16 or an offense under Article 11 of the Criminal Code of 2012 if
17 the person is required to register under the Sex Offender
18 Registration Act at the time he or she petitions the court for
19 expungement; provided that: ~~(a) (blank); or (b)~~ 2 years have
20 elapsed since all juvenile court proceedings relating to him or
21 her have been terminated and his or her commitment to the
22 Department of Juvenile Justice under this Act has been
23 terminated.

24 (2.5) If a minor is arrested and no petition for
25 delinquency is filed with the clerk of the circuit court at the
26 time the minor is released from custody, the youth officer, if

1 applicable, or other designated person from the arresting
2 agency, shall notify verbally and in writing to the minor or
3 the minor's parents or guardians that the minor shall have an
4 arrest record and shall provide the minor and the minor's
5 parents or guardians with an expungement information packet,
6 information regarding this State's expungement laws including
7 a petition to expunge juvenile law enforcement and juvenile
8 court records obtained from the clerk of the circuit court.

9 (2.6) If a minor is referred to court, then, at the time of
10 sentencing, ~~or~~ dismissal of the case, or successful completion
11 of supervision, the judge shall inform the delinquent minor of
12 his or her rights regarding expungement and the clerk of the
13 circuit court shall provide an expungement information packet
14 to the minor, written in plain language, including information
15 regarding this State's expungement laws and a petition for
16 expungement, a sample of a completed petition, expungement
17 instructions that shall include information informing the
18 minor that (i) once the case is expunged, it shall be treated
19 as if it never occurred, (ii) he or she may apply to have
20 petition fees waived, (iii) once he or she obtains an
21 expungement, he or she may not be required to disclose that he
22 or she had a juvenile law enforcement or juvenile court record,
23 and (iv) if petitioning he or she may file the petition on his
24 or her own or with the assistance of an attorney. The failure
25 of the judge to inform the delinquent minor of his or her right
26 to petition for expungement as provided by law does not create

1 a substantive right, nor is that failure grounds for: (i) a
2 reversal of an adjudication of delinquency;~~7~~ (ii) a new trial;
3 or (iii) an appeal.

4 (2.7) (Blank).

5 (2.8) (Blank).

6 (3) (Blank).

7 (3.1) (Blank).

8 (3.2) (Blank).

9 (3.3) (Blank).

10 (4) (Blank).

11 (5) (Blank).

12 (5.5) Whether or not expunged, records eligible for
13 automatic expungement under subdivision (0.1) (a), (0.2) (a), or
14 (0.3) (a) may be treated as expunged by the individual subject
15 to the records.

16 (6) (Blank).

17 (6.5) The Illinois ~~Department of~~ State Police or any
18 employee of the Illinois State Police ~~Department~~ shall be
19 immune from civil or criminal liability for failure to expunge
20 any records of arrest that are subject to expungement under
21 this Section because of inability to verify a record. Nothing
22 in this Section shall create Illinois ~~Department of~~ State
23 Police liability or responsibility for the expungement of
24 juvenile law enforcement records it does not possess.

25 (7) (Blank).

26 (7.5) (Blank).

1 ~~(8) (a) (Blank).~~ ~~(b) (Blank).~~ ~~(c)~~ The expungement of
2 juvenile law enforcement or juvenile court records under
3 subsection (0.1), (0.2), or (0.3) of this Section shall be
4 funded by appropriation by the General Assembly for that
5 purpose.

6 (9) (Blank).

7 (10) (Blank).

8 (Source: P.A. 99-835, eff. 1-1-17; 99-881, eff. 1-1-17;
9 100-201, eff. 8-18-17; 100-285, eff. 1-1-18; 100-720, eff.
10 8-3-18; 100-863, eff. 8-14-18; 100-987, eff. 7-1-19; 100-1162,
11 eff. 12-20-18; revised 7-16-19.)

12 Section 980. The Criminal Code of 2012 is amended by
13 changing Sections 3-7, 12-38, 12C-15, 14-3, 17-6.3, 24-1,
14 24-1.1, 24-3, 24-3B, 24-6, 24-8, 24.8-5, 28-5, 29B-0.5, 29B-3,
15 29B-4, 29B-12, 29B-20, 29B-25, 29B-26, 32-2, 32-8, 33-2,
16 33-3.1, 33-3.2, 36-1.1, 36-1.3, 36-2.2, and 36-7 as follows:

17 (720 ILCS 5/3-7) (from Ch. 38, par. 3-7)

18 Sec. 3-7. Periods excluded from limitation.

19 (a) The period within which a prosecution must be commenced
20 does not include any period in which:

21 (1) the defendant is not usually and publicly resident
22 within this State; or

23 (2) the defendant is a public officer and the offense
24 charged is theft of public funds while in public office; or

1 (3) a prosecution is pending against the defendant for
2 the same conduct, even if the indictment or information
3 which commences the prosecution is quashed or the
4 proceedings thereon are set aside, or are reversed on
5 appeal; or

6 (4) a proceeding or an appeal from a proceeding
7 relating to the quashing or enforcement of a Grand Jury
8 subpoena issued in connection with an investigation of a
9 violation of a criminal law of this State is pending.
10 However, the period within which a prosecution must be
11 commenced includes any period in which the State brings a
12 proceeding or an appeal from a proceeding specified in this
13 paragraph (4); or

14 (5) a material witness is placed on active military
15 duty or leave. In this paragraph (5), "material witness"
16 includes, but is not limited to, the arresting officer,
17 occurrence witness, or the alleged victim of the offense;
18 or

19 (6) the victim of unlawful force or threat of imminent
20 bodily harm to obtain information or a confession is
21 incarcerated, and the victim's incarceration, in whole or
22 in part, is a consequence of the unlawful force or threats;
23 or

24 (7) the sexual assault evidence is collected and
25 submitted to the Illinois ~~Department of~~ State Police until
26 the completion of the analysis of the submitted evidence.

1 (a-5) The prosecution shall not be required to prove at
2 trial facts establishing periods excluded from the general
3 limitations in Section 3-5 of this Code when the facts
4 supporting periods being excluded from the general limitations
5 are properly pled in the charging document. Any challenge
6 relating to periods of exclusion as defined in this Section
7 shall be exclusively conducted under Section 114-1 of the Code
8 of Criminal Procedure of 1963.

9 (b) For the purposes of this Section:

10 "Completion of the analysis of the submitted evidence"
11 means analysis of the collected evidence and conducting of
12 laboratory tests and the comparison of the collected
13 evidence with the genetic marker grouping analysis
14 information maintained by the Illinois ~~Department of State~~
15 Police under Section 5-4-3 of the Unified Code of
16 Corrections and with the information contained in the
17 Federal Bureau of Investigation's National DNA database.

18 "Sexual assault" has the meaning ascribed to it in
19 Section 1a of the Sexual Assault Survivors Emergency
20 Treatment Act.

21 "Sexual assault evidence" has the meaning ascribed to
22 it in Section 5 of the Sexual Assault Evidence Submission
23 Act.

24 (Source: P.A. 99-252, eff. 1-1-16; 100-434, eff. 1-1-18.)

25 (720 ILCS 5/12-38)

1 Sec. 12-38. Restrictions on purchase or acquisition of
2 corrosive or caustic acid.

3 (a) A person seeking to purchase a substance which is
4 regulated by Title 16 CFR Section 1500.129 of the Federal
5 Caustic Poison Act and is required to contain the words "causes
6 severe burns" as the affirmative statement of principal hazard
7 on its label, must prior to taking possession:

8 (1) provide a valid driver's license or other
9 government-issued identification showing the person's
10 name, date of birth, and photograph; and

11 (2) sign a log documenting the name and address of the
12 person, date and time of the transaction, and the brand,
13 product name and net weight of the item.

14 (b) Exemption. The requirements of subsection (a) do not
15 apply to batteries or household products. For the purposes of
16 this Section, "household product" means any product which is
17 customarily produced or distributed for sale for consumption or
18 use, or customarily stored, by individuals in or about the
19 household, including, but not limited to, products which are
20 customarily produced and distributed for use in or about a
21 household as a cleaning agent, drain cleaner, pesticide, epoxy,
22 paint, stain, or similar substance.

23 (c) Rules and Regulations. The Illinois ~~Department of State~~
24 Police shall have the authority to promulgate rules for the
25 implementation and enforcement of this Section.

26 (d) Sentence. Any violation of this Section is a business

1 offense for which a fine not exceeding \$150 for the first
2 violation, \$500 for the second violation, or \$1,500 for the
3 third and subsequent violations within a 12-month period shall
4 be imposed.

5 (e) Preemption. The regulation of the purchase or
6 acquisition, or both, of a caustic or corrosive substance and
7 any registry regarding the sale or possession, or both, of a
8 caustic or corrosive substance is an exclusive power and
9 function of the State. A home rule unit may not regulate the
10 purchase or acquisition of caustic or corrosive substances and
11 any ordinance or local law contrary to this Section is declared
12 void. This is a denial and limitation of home rule powers and
13 functions under subsection (h) of Section 6 of Article VII of
14 the Illinois Constitution.

15 (Source: P.A. 97-565, eff. 1-1-12; 97-929, eff. 8-10-12.)

16 (720 ILCS 5/12C-15) (was 720 ILCS 5/12-22)

17 Sec. 12C-15. Child abandonment or endangerment; probation.

18 (a) Whenever a parent of a child as determined by the court
19 on the facts before it, pleads guilty to or is found guilty of,
20 with respect to his or her child, child abandonment under
21 Section 12C-10 of this Article or endangering the life or
22 health of a child under Section 12C-5 of this Article, the
23 court may, without entering a judgment of guilt and with the
24 consent of the person, defer further proceedings and place the
25 person upon probation upon the reasonable terms and conditions

1 as the court may require. At least one term of the probation
2 shall require the person to cooperate with the Department of
3 Children and Family Services at the times and in the programs
4 that the Department of Children and Family Services may
5 require.

6 (b) Upon fulfillment of the terms and conditions imposed
7 under subsection (a), the court shall discharge the person and
8 dismiss the proceedings. Discharge and dismissal under this
9 Section shall be without court adjudication of guilt and shall
10 not be considered a conviction for purposes of disqualification
11 or disabilities imposed by law upon conviction of a crime.
12 However, a record of the disposition shall be reported by the
13 clerk of the circuit court to the Illinois ~~Department of~~ State
14 Police under Section 2.1 of the Criminal Identification Act,
15 and the record shall be maintained and provided to any civil
16 authority in connection with a determination of whether the
17 person is an acceptable candidate for the care, custody and
18 supervision of children.

19 (c) Discharge and dismissal under this Section may occur
20 only once.

21 (d) Probation under this Section may not be for a period of
22 less than 2 years.

23 (e) If the child dies of the injuries alleged, this Section
24 shall be inapplicable.

25 (Source: P.A. 97-1109, eff. 1-1-13.)

1 (720 ILCS 5/14-3)

2 Sec. 14-3. Exemptions. The following activities shall be
3 exempt from the provisions of this Article:

4 (a) Listening to radio, wireless electronic
5 communications, and television communications of any sort
6 where the same are publicly made;

7 (b) Hearing conversation when heard by employees of any
8 common carrier by wire incidental to the normal course of
9 their employment in the operation, maintenance or repair of
10 the equipment of such common carrier by wire so long as no
11 information obtained thereby is used or divulged by the
12 hearer;

13 (c) Any broadcast by radio, television or otherwise
14 whether it be a broadcast or recorded for the purpose of
15 later broadcasts of any function where the public is in
16 attendance and the conversations are overheard incidental
17 to the main purpose for which such broadcasts are then
18 being made;

19 (d) Recording or listening with the aid of any device
20 to any emergency communication made in the normal course of
21 operations by any federal, state or local law enforcement
22 agency or institutions dealing in emergency services,
23 including, but not limited to, hospitals, clinics,
24 ambulance services, fire fighting agencies, any public
25 utility, emergency repair facility, civilian defense
26 establishment or military installation;

1 (e) Recording the proceedings of any meeting required
2 to be open by the Open Meetings Act, as amended;

3 (f) Recording or listening with the aid of any device
4 to incoming telephone calls of phone lines publicly listed
5 or advertised as consumer "hotlines" by manufacturers or
6 retailers of food and drug products. Such recordings must
7 be destroyed, erased or turned over to local law
8 enforcement authorities within 24 hours from the time of
9 such recording and shall not be otherwise disseminated.
10 Failure on the part of the individual or business operating
11 any such recording or listening device to comply with the
12 requirements of this subsection shall eliminate any civil
13 or criminal immunity conferred upon that individual or
14 business by the operation of this Section;

15 (g) With prior notification to the State's Attorney of
16 the county in which it is to occur, recording or listening
17 with the aid of any device to any conversation where a law
18 enforcement officer, or any person acting at the direction
19 of law enforcement, is a party to the conversation and has
20 consented to it being intercepted or recorded under
21 circumstances where the use of the device is necessary for
22 the protection of the law enforcement officer or any person
23 acting at the direction of law enforcement, in the course
24 of an investigation of a forcible felony, a felony offense
25 of involuntary servitude, involuntary sexual servitude of
26 a minor, or trafficking in persons under Section 10-9 of

1 this Code, an offense involving prostitution, solicitation
2 of a sexual act, or pandering, a felony violation of the
3 Illinois Controlled Substances Act, a felony violation of
4 the Cannabis Control Act, a felony violation of the
5 Methamphetamine Control and Community Protection Act, any
6 "streetgang related" or "gang-related" felony as those
7 terms are defined in the Illinois Streetgang Terrorism
8 Omnibus Prevention Act, or any felony offense involving any
9 weapon listed in paragraphs (1) through (11) of subsection
10 (a) of Section 24-1 of this Code. Any recording or evidence
11 derived as the result of this exemption shall be
12 inadmissible in any proceeding, criminal, civil or
13 administrative, except (i) where a party to the
14 conversation suffers great bodily injury or is killed
15 during such conversation, or (ii) when used as direct
16 impeachment of a witness concerning matters contained in
17 the interception or recording. The Director of the Illinois
18 ~~Department of~~ State Police shall issue regulations as are
19 necessary concerning the use of devices, retention of tape
20 recordings, and reports regarding their use;

21 (g-5) (Blank);

22 (g-6) With approval of the State's Attorney of the
23 county in which it is to occur, recording or listening with
24 the aid of any device to any conversation where a law
25 enforcement officer, or any person acting at the direction
26 of law enforcement, is a party to the conversation and has

1 consented to it being intercepted or recorded in the course
2 of an investigation of child pornography, aggravated child
3 pornography, indecent solicitation of a child, luring of a
4 minor, sexual exploitation of a child, aggravated criminal
5 sexual abuse in which the victim of the offense was at the
6 time of the commission of the offense under 18 years of
7 age, or criminal sexual abuse by force or threat of force
8 in which the victim of the offense was at the time of the
9 commission of the offense under 18 years of age. In all
10 such cases, an application for an order approving the
11 previous or continuing use of an eavesdropping device must
12 be made within 48 hours of the commencement of such use. In
13 the absence of such an order, or upon its denial, any
14 continuing use shall immediately terminate. The Director
15 of the Illinois State Police shall issue rules as are
16 necessary concerning the use of devices, retention of
17 recordings, and reports regarding their use. Any recording
18 or evidence obtained or derived in the course of an
19 investigation of child pornography, aggravated child
20 pornography, indecent solicitation of a child, luring of a
21 minor, sexual exploitation of a child, aggravated criminal
22 sexual abuse in which the victim of the offense was at the
23 time of the commission of the offense under 18 years of
24 age, or criminal sexual abuse by force or threat of force
25 in which the victim of the offense was at the time of the
26 commission of the offense under 18 years of age shall, upon

1 motion of the State's Attorney or Attorney General
2 prosecuting any case involving child pornography,
3 aggravated child pornography, indecent solicitation of a
4 child, luring of a minor, sexual exploitation of a child,
5 aggravated criminal sexual abuse in which the victim of the
6 offense was at the time of the commission of the offense
7 under 18 years of age, or criminal sexual abuse by force or
8 threat of force in which the victim of the offense was at
9 the time of the commission of the offense under 18 years of
10 age be reviewed in camera with notice to all parties
11 present by the court presiding over the criminal case, and,
12 if ruled by the court to be relevant and otherwise
13 admissible, it shall be admissible at the trial of the
14 criminal case. Absent such a ruling, any such recording or
15 evidence shall not be admissible at the trial of the
16 criminal case;

17 (h) Recordings made simultaneously with the use of an
18 in-car video camera recording of an oral conversation
19 between a uniformed peace officer, who has identified his
20 or her office, and a person in the presence of the peace
21 officer whenever (i) an officer assigned a patrol vehicle
22 is conducting an enforcement stop; or (ii) patrol vehicle
23 emergency lights are activated or would otherwise be
24 activated if not for the need to conceal the presence of
25 law enforcement.

26 For the purposes of this subsection (h), "enforcement

1 stop" means an action by a law enforcement officer in
2 relation to enforcement and investigation duties,
3 including but not limited to, traffic stops, pedestrian
4 stops, abandoned vehicle contacts, motorist assists,
5 commercial motor vehicle stops, roadside safety checks,
6 requests for identification, or responses to requests for
7 emergency assistance;

8 (h-5) Recordings of utterances made by a person while
9 in the presence of a uniformed peace officer and while an
10 occupant of a police vehicle including, but not limited to,
11 (i) recordings made simultaneously with the use of an
12 in-car video camera and (ii) recordings made in the
13 presence of the peace officer utilizing video or audio
14 systems, or both, authorized by the law enforcement agency;

15 (h-10) Recordings made simultaneously with a video
16 camera recording during the use of a taser or similar
17 weapon or device by a peace officer if the weapon or device
18 is equipped with such camera;

19 (h-15) Recordings made under subsection (h), (h-5), or
20 (h-10) shall be retained by the law enforcement agency that
21 employs the peace officer who made the recordings for a
22 storage period of 90 days, unless the recordings are made
23 as a part of an arrest or the recordings are deemed
24 evidence in any criminal, civil, or administrative
25 proceeding and then the recordings must only be destroyed
26 upon a final disposition and an order from the court. Under

1 no circumstances shall any recording be altered or erased
2 prior to the expiration of the designated storage period.
3 Upon completion of the storage period, the recording medium
4 may be erased and reissued for operational use;

5 (i) Recording of a conversation made by or at the
6 request of a person, not a law enforcement officer or agent
7 of a law enforcement officer, who is a party to the
8 conversation, under reasonable suspicion that another
9 party to the conversation is committing, is about to
10 commit, or has committed a criminal offense against the
11 person or a member of his or her immediate household, and
12 there is reason to believe that evidence of the criminal
13 offense may be obtained by the recording;

14 (j) The use of a telephone monitoring device by either
15 (1) a corporation or other business entity engaged in
16 marketing or opinion research or (2) a corporation or other
17 business entity engaged in telephone solicitation, as
18 defined in this subsection, to record or listen to oral
19 telephone solicitation conversations or marketing or
20 opinion research conversations by an employee of the
21 corporation or other business entity when:

22 (i) the monitoring is used for the purpose of
23 service quality control of marketing or opinion
24 research or telephone solicitation, the education or
25 training of employees or contractors engaged in
26 marketing or opinion research or telephone

1 solicitation, or internal research related to
2 marketing or opinion research or telephone
3 solicitation; and

4 (ii) the monitoring is used with the consent of at
5 least one person who is an active party to the
6 marketing or opinion research conversation or
7 telephone solicitation conversation being monitored.

8 No communication or conversation or any part, portion,
9 or aspect of the communication or conversation made,
10 acquired, or obtained, directly or indirectly, under this
11 exemption (j), may be, directly or indirectly, furnished to
12 any law enforcement officer, agency, or official for any
13 purpose or used in any inquiry or investigation, or used,
14 directly or indirectly, in any administrative, judicial,
15 or other proceeding, or divulged to any third party.

16 When recording or listening authorized by this
17 subsection (j) on telephone lines used for marketing or
18 opinion research or telephone solicitation purposes
19 results in recording or listening to a conversation that
20 does not relate to marketing or opinion research or
21 telephone solicitation; the person recording or listening
22 shall, immediately upon determining that the conversation
23 does not relate to marketing or opinion research or
24 telephone solicitation, terminate the recording or
25 listening and destroy any such recording as soon as is
26 practicable.

1 Business entities that use a telephone monitoring or
2 telephone recording system pursuant to this exemption (j)
3 shall provide current and prospective employees with
4 notice that the monitoring or recordings may occur during
5 the course of their employment. The notice shall include
6 prominent signage notification within the workplace.

7 Business entities that use a telephone monitoring or
8 telephone recording system pursuant to this exemption (j)
9 shall provide their employees or agents with access to
10 personal-only telephone lines which may be pay telephones,
11 that are not subject to telephone monitoring or telephone
12 recording.

13 For the purposes of this subsection (j), "telephone
14 solicitation" means a communication through the use of a
15 telephone by live operators:

- 16 (i) soliciting the sale of goods or services;
17 (ii) receiving orders for the sale of goods or
18 services;
19 (iii) assisting in the use of goods or services; or
20 (iv) engaging in the solicitation, administration,
21 or collection of bank or retail credit accounts.

22 For the purposes of this subsection (j), "marketing or
23 opinion research" means a marketing or opinion research
24 interview conducted by a live telephone interviewer
25 engaged by a corporation or other business entity whose
26 principal business is the design, conduct, and analysis of

1 polls and surveys measuring the opinions, attitudes, and
2 responses of respondents toward products and services, or
3 social or political issues, or both;

4 (k) Electronic recordings, including but not limited
5 to, a motion picture, videotape, digital, or other visual
6 or audio recording, made of a custodial interrogation of an
7 individual at a police station or other place of detention
8 by a law enforcement officer under Section 5-401.5 of the
9 Juvenile Court Act of 1987 or Section 103-2.1 of the Code
10 of Criminal Procedure of 1963;

11 (l) Recording the interview or statement of any person
12 when the person knows that the interview is being conducted
13 by a law enforcement officer or prosecutor and the
14 interview takes place at a police station that is currently
15 participating in the Custodial Interview Pilot Program
16 established under the Illinois Criminal Justice
17 Information Act;

18 (m) An electronic recording, including but not limited
19 to, a motion picture, videotape, digital, or other visual
20 or audio recording, made of the interior of a school bus
21 while the school bus is being used in the transportation of
22 students to and from school and school-sponsored
23 activities, when the school board has adopted a policy
24 authorizing such recording, notice of such recording
25 policy is included in student handbooks and other documents
26 including the policies of the school, notice of the policy

1 regarding recording is provided to parents of students, and
2 notice of such recording is clearly posted on the door of
3 and inside the school bus.

4 Recordings made pursuant to this subsection (m) shall
5 be confidential records and may only be used by school
6 officials (or their designees) and law enforcement
7 personnel for investigations, school disciplinary actions
8 and hearings, proceedings under the Juvenile Court Act of
9 1987, and criminal prosecutions, related to incidents
10 occurring in or around the school bus;

11 (n) Recording or listening to an audio transmission
12 from a microphone placed by a person under the authority of
13 a law enforcement agency inside a bait car surveillance
14 vehicle while simultaneously capturing a photographic or
15 video image;

16 (o) The use of an eavesdropping camera or audio device
17 during an ongoing hostage or barricade situation by a law
18 enforcement officer or individual acting on behalf of a law
19 enforcement officer when the use of such device is
20 necessary to protect the safety of the general public,
21 hostages, or law enforcement officers or anyone acting on
22 their behalf;

23 (p) Recording or listening with the aid of any device
24 to incoming telephone calls of phone lines publicly listed
25 or advertised as the "CPS Violence Prevention Hotline", but
26 only where the notice of recording is given at the

1 beginning of each call as required by Section 34-21.8 of
2 the School Code. The recordings may be retained only by the
3 Chicago Police Department or other law enforcement
4 authorities, and shall not be otherwise retained or
5 disseminated;

6 (q) (1) With prior request to and written or verbal
7 approval of the State's Attorney of the county in which the
8 conversation is anticipated to occur, recording or
9 listening with the aid of an eavesdropping device to a
10 conversation in which a law enforcement officer, or any
11 person acting at the direction of a law enforcement
12 officer, is a party to the conversation and has consented
13 to the conversation being intercepted or recorded in the
14 course of an investigation of a qualified offense. The
15 State's Attorney may grant this approval only after
16 determining that reasonable cause exists to believe that
17 inculpatory conversations concerning a qualified offense
18 will occur with a specified individual or individuals
19 within a designated period of time.

20 (2) Request for approval. To invoke the exception
21 contained in this subsection (q), a law enforcement officer
22 shall make a request for approval to the appropriate
23 State's Attorney. The request may be written or verbal;
24 however, a written memorialization of the request must be
25 made by the State's Attorney. This request for approval
26 shall include whatever information is deemed necessary by

1 the State's Attorney but shall include, at a minimum, the
2 following information about each specified individual whom
3 the law enforcement officer believes will commit a
4 qualified offense:

5 (A) his or her full or partial name, nickname or
6 alias;

7 (B) a physical description; or

8 (C) failing either (A) or (B) of this paragraph
9 (2), any other supporting information known to the law
10 enforcement officer at the time of the request that
11 gives rise to reasonable cause to believe that the
12 specified individual will participate in an
13 inculpatory conversation concerning a qualified
14 offense.

15 (3) Limitations on approval. Each written approval by
16 the State's Attorney under this subsection (q) shall be
17 limited to:

18 (A) a recording or interception conducted by a
19 specified law enforcement officer or person acting at
20 the direction of a law enforcement officer;

21 (B) recording or intercepting conversations with
22 the individuals specified in the request for approval,
23 provided that the verbal approval shall be deemed to
24 include the recording or intercepting of conversations
25 with other individuals, unknown to the law enforcement
26 officer at the time of the request for approval, who

1 are acting in conjunction with or as co-conspirators
2 with the individuals specified in the request for
3 approval in the commission of a qualified offense;

4 (C) a reasonable period of time but in no event
5 longer than 24 consecutive hours;

6 (D) the written request for approval, if
7 applicable, or the written memorialization must be
8 filed, along with the written approval, with the
9 circuit clerk of the jurisdiction on the next business
10 day following the expiration of the authorized period
11 of time, and shall be subject to review by the Chief
12 Judge or his or her designee as deemed appropriate by
13 the court.

14 (3.5) The written memorialization of the request for
15 approval and the written approval by the State's Attorney
16 may be in any format, including via facsimile, email, or
17 otherwise, so long as it is capable of being filed with the
18 circuit clerk.

19 (3.10) Beginning March 1, 2015, each State's Attorney
20 shall annually submit a report to the General Assembly
21 disclosing:

22 (A) the number of requests for each qualified
23 offense for approval under this subsection; and

24 (B) the number of approvals for each qualified
25 offense given by the State's Attorney.

26 (4) Admissibility of evidence. No part of the contents

1 of any wire, electronic, or oral communication that has
2 been recorded or intercepted as a result of this exception
3 may be received in evidence in any trial, hearing, or other
4 proceeding in or before any court, grand jury, department,
5 officer, agency, regulatory body, legislative committee,
6 or other authority of this State, or a political
7 subdivision of the State, other than in a prosecution of:

8 (A) the qualified offense for which approval was
9 given to record or intercept a conversation under this
10 subsection (q);

11 (B) a forcible felony committed directly in the
12 course of the investigation of the qualified offense
13 for which approval was given to record or intercept a
14 conversation under this subsection (q); or

15 (C) any other forcible felony committed while the
16 recording or interception was approved in accordance
17 with this subsection (q), but for this specific
18 category of prosecutions, only if the law enforcement
19 officer or person acting at the direction of a law
20 enforcement officer who has consented to the
21 conversation being intercepted or recorded suffers
22 great bodily injury or is killed during the commission
23 of the charged forcible felony.

24 (5) Compliance with the provisions of this subsection
25 is a prerequisite to the admissibility in evidence of any
26 part of the contents of any wire, electronic or oral

1 communication that has been intercepted as a result of this
2 exception, but nothing in this subsection shall be deemed
3 to prevent a court from otherwise excluding the evidence on
4 any other ground recognized by State or federal law, nor
5 shall anything in this subsection be deemed to prevent a
6 court from independently reviewing the admissibility of
7 the evidence for compliance with the Fourth Amendment to
8 the U.S. Constitution or with Article I, Section 6 of the
9 Illinois Constitution.

10 (6) Use of recordings or intercepts unrelated to
11 qualified offenses. Whenever any private conversation or
12 private electronic communication has been recorded or
13 intercepted as a result of this exception that is not
14 related to an offense for which the recording or intercept
15 is admissible under paragraph (4) of this subsection (q),
16 no part of the contents of the communication and evidence
17 derived from the communication may be received in evidence
18 in any trial, hearing, or other proceeding in or before any
19 court, grand jury, department, officer, agency, regulatory
20 body, legislative committee, or other authority of this
21 State, or a political subdivision of the State, nor may it
22 be publicly disclosed in any way.

23 (6.5) The Illinois ~~Department of~~ State Police shall
24 adopt rules as are necessary concerning the use of devices,
25 retention of recordings, and reports regarding their use
26 under this subsection (q).

1 (7) Definitions. For the purposes of this subsection
2 (q) only:

3 "Forcible felony" includes and is limited to those
4 offenses contained in Section 2-8 of the Criminal Code
5 of 1961 as of the effective date of this amendatory Act
6 of the 97th General Assembly, and only as those
7 offenses have been defined by law or judicial
8 interpretation as of that date.

9 "Qualified offense" means and is limited to:

10 (A) a felony violation of the Cannabis Control
11 Act, the Illinois Controlled Substances Act, or
12 the Methamphetamine Control and Community
13 Protection Act, except for violations of:

14 (i) Section 4 of the Cannabis Control Act;

15 (ii) Section 402 of the Illinois
16 Controlled Substances Act; and

17 (iii) Section 60 of the Methamphetamine
18 Control and Community Protection Act; and

19 (B) first degree murder, solicitation of
20 murder for hire, predatory criminal sexual assault
21 of a child, criminal sexual assault, aggravated
22 criminal sexual assault, aggravated arson,
23 kidnapping, aggravated kidnapping, child
24 abduction, trafficking in persons, involuntary
25 servitude, involuntary sexual servitude of a
26 minor, or gunrunning.

1 "State's Attorney" includes and is limited to the
2 State's Attorney or an assistant State's Attorney
3 designated by the State's Attorney to provide verbal
4 approval to record or intercept conversations under
5 this subsection (q).

6 (8) Sunset. This subsection (q) is inoperative on and
7 after January 1, 2023. No conversations intercepted
8 pursuant to this subsection (q), while operative, shall be
9 inadmissible in a court of law by virtue of the
10 inoperability of this subsection (q) on January 1, 2023.

11 (9) Recordings, records, and custody. Any private
12 conversation or private electronic communication
13 intercepted by a law enforcement officer or a person acting
14 at the direction of law enforcement shall, if practicable,
15 be recorded in such a way as will protect the recording
16 from editing or other alteration. Any and all original
17 recordings made under this subsection (q) shall be
18 inventoried without unnecessary delay pursuant to the law
19 enforcement agency's policies for inventorying evidence.
20 The original recordings shall not be destroyed except upon
21 an order of a court of competent jurisdiction; and

22 (r) Electronic recordings, including but not limited
23 to, motion picture, videotape, digital, or other visual or
24 audio recording, made of a lineup under Section 107A-2 of
25 the Code of Criminal Procedure of 1963.

26 (Source: P.A. 100-572, eff. 12-29-17; 101-80, eff. 7-12-19.)

1 (720 ILCS 5/17-6.3)

2 Sec. 17-6.3. WIC fraud.

3 (a) For the purposes of this Section, the Special
4 Supplemental Food Program for Women, Infants and Children
5 administered by the Illinois Department of Public Health or
6 Department of Human Services shall be referred to as "WIC".

7 (b) A person commits WIC fraud if he or she knowingly (i)
8 uses, acquires, possesses, or transfers WIC Food Instruments or
9 authorizations to participate in WIC in any manner not
10 authorized by law or the rules of the Illinois Department of
11 Public Health or Department of Human Services or (ii) uses,
12 acquires, possesses, or transfers altered WIC Food Instruments
13 or authorizations to participate in WIC.

14 (c) Administrative malfeasance.

15 (1) A person commits administrative malfeasance if he
16 or she knowingly or recklessly misappropriates, misuses,
17 or unlawfully withholds or converts to his or her own use
18 or to the use of another any public funds made available
19 for WIC.

20 (2) An official or employee of the State or a unit of
21 local government who knowingly aids, abets, assists, or
22 participates in a known violation of this Section is
23 subject to disciplinary proceedings under the rules of the
24 applicable State agency or unit of local government.

25 (d) Unauthorized possession of identification document. A

1 person commits unauthorized possession of an identification
2 document if he or she knowingly possesses, with intent to
3 commit a misdemeanor or felony, another person's
4 identification document issued by the Illinois Department of
5 Public Health or Department of Human Services. For purposes of
6 this Section, "identification document" includes, but is not
7 limited to, an authorization to participate in WIC or a card or
8 other document that identifies a person as being entitled to
9 WIC benefits.

10 (e) Penalties.

11 (1) If an individual, firm, corporation, association,
12 agency, institution, or other legal entity is found by a
13 court to have engaged in an act, practice, or course of
14 conduct declared unlawful under subsection (a), (b), or (c)
15 of this Section and:

16 (A) the total amount of money involved in the
17 violation, including the monetary value of the WIC Food
18 Instruments and the value of commodities, is less than
19 \$150, the violation is a Class A misdemeanor; a second
20 or subsequent violation is a Class 4 felony;

21 (B) 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 \$150 or
24 more but less than \$1,000, the violation is a Class 4
25 felony; a second or subsequent violation is a Class 3
26 felony;

1 (C) the total amount of money involved in the
2 violation, including the monetary value of the WIC Food
3 Instruments and the value of commodities, is \$1,000 or
4 more but less than \$5,000, the violation is a Class 3
5 felony; a second or subsequent violation is a Class 2
6 felony;

7 (D) the total amount of money involved in the
8 violation, including the monetary value of the WIC Food
9 Instruments and the value of commodities, is \$5,000 or
10 more but less than \$10,000, the violation is a Class 2
11 felony; a second or subsequent violation is a Class 1
12 felony; or

13 (E) the total amount of money involved in the
14 violation, including the monetary value of the WIC Food
15 Instruments and the value of commodities, is \$10,000 or
16 more, the violation is a Class 1 felony and the
17 defendant shall be permanently ineligible to
18 participate in WIC.

19 (2) A violation of subsection (d) is a Class 4 felony.

20 (3) The State's Attorney of the county in which the
21 violation of this Section occurred or the Attorney General
22 shall bring actions arising under this Section in the name
23 of the People of the State of Illinois.

24 (4) For purposes of determining the classification of
25 an offense under this subsection (e), all of the money
26 received as a result of the unlawful act, practice, or

1 course of conduct, including the value of any WIC Food
2 Instruments and the value of commodities, shall be
3 aggregated.

4 (f) Seizure and forfeiture of property.

5 (1) A person who commits a felony violation of this
6 Section is subject to the property forfeiture provisions
7 set forth in Article 124B of the Code of Criminal Procedure
8 of 1963.

9 (2) Property subject to forfeiture under this
10 subsection (f) may be seized by the Director of the
11 Illinois State Police or any local law enforcement agency
12 upon process or seizure warrant issued by any court having
13 jurisdiction over the property. The Director or a local law
14 enforcement agency may seize property under this
15 subsection (f) without process under any of the following
16 circumstances:

17 (A) If the seizure is incident to inspection under
18 an administrative inspection warrant.

19 (B) If the property subject to seizure has been the
20 subject of a prior judgment in favor of the State in a
21 criminal proceeding or in an injunction or forfeiture
22 proceeding under Article 124B of the Code of Criminal
23 Procedure of 1963.

24 (C) If there is probable cause to believe that the
25 property is directly or indirectly dangerous to health
26 or safety.

1 (D) If there is probable cause to believe that the
2 property is subject to forfeiture under this
3 subsection (f) and Article 124B of the Code of Criminal
4 Procedure of 1963 and the property is seized under
5 circumstances in which a warrantless seizure or arrest
6 would be reasonable.

7 (E) In accordance with the Code of Criminal
8 Procedure of 1963.

9 (g) Future participation as WIC vendor. A person who has
10 been convicted of a felony violation of this Section is
11 prohibited from participating as a WIC vendor for a minimum
12 period of 3 years following conviction and until the total
13 amount of money involved in the violation, including the value
14 of WIC Food Instruments and the value of commodities, is repaid
15 to WIC. This prohibition shall extend to any person with
16 management responsibility in a firm, corporation, association,
17 agency, institution, or other legal entity that has been
18 convicted of a violation of this Section and to an officer or
19 person owning, directly or indirectly, 5% or more of the shares
20 of stock or other evidences of ownership in a corporate vendor.
21 (Source: P.A. 96-1551, eff. 7-1-11.)

22 (720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

23 Sec. 24-1. Unlawful use of weapons.

24 (a) A person commits the offense of unlawful use of weapons
25 when he knowingly:

1 (1) Sells, manufactures, purchases, possesses or
2 carries any bludgeon, black-jack, slung-shot, sand-club,
3 sand-bag, metal knuckles or other knuckle weapon
4 regardless of its composition, throwing star, or any knife,
5 commonly referred to as a switchblade knife, which has a
6 blade that opens automatically by hand pressure applied to
7 a button, spring or other device in the handle of the
8 knife, or a ballistic knife, which is a device that propels
9 a knifelike blade as a projectile by means of a coil
10 spring, elastic material or compressed gas; or

11 (2) Carries or possesses with intent to use the same
12 unlawfully against another, a dagger, dirk, billy,
13 dangerous knife, razor, stiletto, broken bottle or other
14 piece of glass, stun gun or taser or any other dangerous or
15 deadly weapon or instrument of like character; or

16 (2.5) Carries or possesses with intent to use the same
17 unlawfully against another, any firearm in a church,
18 synagogue, mosque, or other building, structure, or place
19 used for religious worship; or

20 (3) Carries on or about his person or in any vehicle, a
21 tear gas gun projector or bomb or any object containing
22 noxious liquid gas or substance, other than an object
23 containing a non-lethal noxious liquid gas or substance
24 designed solely for personal defense carried by a person 18
25 years of age or older; or

26 (4) Carries or possesses in any vehicle or concealed on

1 or about his person except when on his land or in his own
2 abode, legal dwelling, or fixed place of business, or on
3 the land or in the legal dwelling of another person as an
4 invitee with that person's permission, any pistol,
5 revolver, stun gun or taser or other firearm, except that
6 this subsection (a) (4) does not apply to or affect
7 transportation of weapons that meet one of the following
8 conditions:

9 (i) are broken down in a non-functioning state; or

10 (ii) are not immediately accessible; or

11 (iii) are unloaded and enclosed in a case, firearm
12 carrying box, shipping box, or other container by a
13 person who has been issued a currently valid Firearm
14 Owner's Identification Card; or

15 (iv) are carried or possessed in accordance with
16 the Firearm Concealed Carry Act by a person who has
17 been issued a currently valid license under the Firearm
18 Concealed Carry Act; or

19 (5) Sets a spring gun; or

20 (6) Possesses any device or attachment of any kind
21 designed, used or intended for use in silencing the report
22 of any firearm; or

23 (7) Sells, manufactures, purchases, possesses or
24 carries:

25 (i) a machine gun, which shall be defined for the
26 purposes of this subsection as any weapon, which

1 shoots, is designed to shoot, or can be readily
2 restored to shoot, automatically more than one shot
3 without manually reloading by a single function of the
4 trigger, including the frame or receiver of any such
5 weapon, or sells, manufactures, purchases, possesses,
6 or carries any combination of parts designed or
7 intended for use in converting any weapon into a
8 machine gun, or any combination or parts from which a
9 machine gun can be assembled if such parts are in the
10 possession or under the control of a person;

11 (ii) any rifle having one or more barrels less than
12 16 inches in length or a shotgun having one or more
13 barrels less than 18 inches in length or any weapon
14 made from a rifle or shotgun, whether by alteration,
15 modification, or otherwise, if such a weapon as
16 modified has an overall length of less than 26 inches;
17 or

18 (iii) any bomb, bomb-shell, grenade, bottle or
19 other container containing an explosive substance of
20 over one-quarter ounce for like purposes, such as, but
21 not limited to, black powder bombs and Molotov
22 cocktails or artillery projectiles; or

23 (8) Carries or possesses any firearm, stun gun or taser
24 or other deadly weapon in any place which is licensed to
25 sell intoxicating beverages, or at any public gathering
26 held pursuant to a license issued by any governmental body

1 or any public gathering at which an admission is charged,
2 excluding a place where a showing, demonstration or lecture
3 involving the exhibition of unloaded firearms is
4 conducted.

5 This subsection (a) (8) does not apply to any auction or
6 raffle of a firearm held pursuant to a license or permit
7 issued by a governmental body, nor does it apply to persons
8 engaged in firearm safety training courses; or

9 (9) Carries or possesses in a vehicle or on or about
10 his or her person any pistol, revolver, stun gun or taser
11 or firearm or ballistic knife, when he or she is hooded,
12 robed or masked in such manner as to conceal his or her
13 identity; or

14 (10) Carries or possesses on or about his or her
15 person, upon any public street, alley, or other public
16 lands within the corporate limits of a city, village, or
17 incorporated town, except when an invitee thereon or
18 therein, for the purpose of the display of such weapon or
19 the lawful commerce in weapons, or except when on his land
20 or in his or her own abode, legal dwelling, or fixed place
21 of business, or on the land or in the legal dwelling of
22 another person as an invitee with that person's permission,
23 any pistol, revolver, stun gun, or taser or other firearm,
24 except that this subsection (a) (10) does not apply to or
25 affect transportation of weapons that meet one of the
26 following conditions:

1 (i) are broken down in a non-functioning state; or
2 (ii) are not immediately accessible; or
3 (iii) are unloaded and enclosed in a case, firearm
4 carrying box, shipping box, or other container by a
5 person who has been issued a currently valid Firearm
6 Owner's Identification Card; or
7 (iv) are carried or possessed in accordance with
8 the Firearm Concealed Carry Act by a person who has
9 been issued a currently valid license under the Firearm
10 Concealed Carry Act.

11 A "stun gun or taser", as used in this paragraph (a)
12 means (i) any device which is powered by electrical
13 charging units, such as, batteries, and which fires one or
14 several barbs attached to a length of wire and which, upon
15 hitting a human, can send out a current capable of
16 disrupting the person's nervous system in such a manner as
17 to render him incapable of normal functioning or (ii) any
18 device which is powered by electrical charging units, such
19 as batteries, and which, upon contact with a human or
20 clothing worn by a human, can send out current capable of
21 disrupting the person's nervous system in such a manner as
22 to render him incapable of normal functioning; or

23 (11) Sells, manufactures, or purchases any explosive
24 bullet. For purposes of this paragraph (a) "explosive
25 bullet" means the projectile portion of an ammunition
26 cartridge which contains or carries an explosive charge

1 which will explode upon contact with the flesh of a human
2 or an animal. "Cartridge" means a tubular metal case having
3 a projectile affixed at the front thereof and a cap or
4 primer at the rear end thereof, with the propellant
5 contained in such tube between the projectile and the cap;
6 or

7 (12) (Blank); or

8 (13) Carries or possesses on or about his or her person
9 while in a building occupied by a unit of government, a
10 billy club, other weapon of like character, or other
11 instrument of like character intended for use as a weapon.
12 For the purposes of this Section, "billy club" means a
13 short stick or club commonly carried by police officers
14 which is either telescopic or constructed of a solid piece
15 of wood or other man-made material.

16 (b) Sentence. A person convicted of a violation of
17 subsection 24-1(a)(1) through (5), subsection 24-1(a)(10),
18 subsection 24-1(a)(11), or subsection 24-1(a)(13) commits a
19 Class A misdemeanor. A person convicted of a violation of
20 subsection 24-1(a)(8) or 24-1(a)(9) commits a Class 4 felony; a
21 person convicted of a violation of subsection 24-1(a)(6) or
22 24-1(a)(7)(ii) or (iii) commits a Class 3 felony. A person
23 convicted of a violation of subsection 24-1(a)(7)(i) commits a
24 Class 2 felony and shall be sentenced to a term of imprisonment
25 of not less than 3 years and not more than 7 years, unless the
26 weapon is possessed in the passenger compartment of a motor

1 vehicle as defined in Section 1-146 of the Illinois Vehicle
2 Code, or on the person, while the weapon is loaded, in which
3 case it shall be a Class X felony. A person convicted of a
4 second or subsequent violation of subsection 24-1(a)(4),
5 24-1(a)(8), 24-1(a)(9), or 24-1(a)(10) commits a Class 3
6 felony. A person convicted of a violation of subsection
7 24-1(a)(2.5) commits a Class 2 felony. The possession of each
8 weapon in violation of this Section constitutes a single and
9 separate violation.

10 (c) Violations in specific places.

11 (1) A person who violates subsection 24-1(a)(6) or
12 24-1(a)(7) in any school, regardless of the time of day or
13 the time of year, in residential property owned, operated
14 or managed by a public housing agency or leased by a public
15 housing agency as part of a scattered site or mixed-income
16 development, in a public park, in a courthouse, on the real
17 property comprising any school, regardless of the time of
18 day or the time of year, on residential property owned,
19 operated or managed by a public housing agency or leased by
20 a public housing agency as part of a scattered site or
21 mixed-income development, on the real property comprising
22 any public park, on the real property comprising any
23 courthouse, in any conveyance owned, leased or contracted
24 by a school to transport students to or from school or a
25 school related activity, in any conveyance owned, leased,
26 or contracted by a public transportation agency, or on any

1 public way within 1,000 feet of the real property
2 comprising any school, public park, courthouse, public
3 transportation facility, or residential property owned,
4 operated, or managed by a public housing agency or leased
5 by a public housing agency as part of a scattered site or
6 mixed-income development commits a Class 2 felony and shall
7 be sentenced to a term of imprisonment of not less than 3
8 years and not more than 7 years.

9 (1.5) A person who violates subsection 24-1(a)(4),
10 24-1(a)(9), or 24-1(a)(10) in any school, regardless of the
11 time of day or the time of year, in residential property
12 owned, operated, or managed by a public housing agency or
13 leased by a public housing agency as part of a scattered
14 site or mixed-income development, in a public park, in a
15 courthouse, on the real property comprising any school,
16 regardless of the time of day or the time of year, on
17 residential property owned, operated, or managed by a
18 public housing agency or leased by a public housing agency
19 as part of a scattered site or mixed-income development, on
20 the real property comprising any public park, on the real
21 property comprising any courthouse, in any conveyance
22 owned, leased, or contracted by a school to transport
23 students to or from school or a school related activity, in
24 any conveyance owned, leased, or contracted by a public
25 transportation agency, or on any public way within 1,000
26 feet of the real property comprising any school, public

1 park, courthouse, public transportation facility, or
2 residential property owned, operated, or managed by a
3 public housing agency or leased by a public housing agency
4 as part of a scattered site or mixed-income development
5 commits a Class 3 felony.

6 (2) A person who violates subsection 24-1(a)(1),
7 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the
8 time of day or the time of year, in residential property
9 owned, operated or managed by a public housing agency or
10 leased by a public housing agency as part of a scattered
11 site or mixed-income development, in a public park, in a
12 courthouse, on the real property comprising any school,
13 regardless of the time of day or the time of year, on
14 residential property owned, operated or managed by a public
15 housing agency or leased by a public housing agency as part
16 of a scattered site or mixed-income development, on the
17 real property comprising any public park, on the real
18 property comprising any courthouse, in any conveyance
19 owned, leased or contracted by a school to transport
20 students to or from school or a school related activity, in
21 any conveyance owned, leased, or contracted by a public
22 transportation agency, or on any public way within 1,000
23 feet of the real property comprising any school, public
24 park, courthouse, public transportation facility, or
25 residential property owned, operated, or managed by a
26 public housing agency or leased by a public housing agency

1 as part of a scattered site or mixed-income development
2 commits a Class 4 felony. "Courthouse" means any building
3 that is used by the Circuit, Appellate, or Supreme Court of
4 this State for the conduct of official business.

5 (3) Paragraphs (1), (1.5), and (2) of this subsection
6 (c) shall not apply to law enforcement officers or security
7 officers of such school, college, or university or to
8 students carrying or possessing firearms for use in
9 training courses, parades, hunting, target shooting on
10 school ranges, or otherwise with the consent of school
11 authorities and which firearms are transported unloaded
12 enclosed in a suitable case, box, or transportation
13 package.

14 (4) For the purposes of this subsection (c), "school"
15 means any public or private elementary or secondary school,
16 community college, college, or university.

17 (5) For the purposes of this subsection (c), "public
18 transportation agency" means a public or private agency
19 that provides for the transportation or conveyance of
20 persons by means available to the general public, except
21 for transportation by automobiles not used for conveyance
22 of the general public as passengers; and "public
23 transportation facility" means a terminal or other place
24 where one may obtain public transportation.

25 (d) The presence in an automobile other than a public
26 omnibus of any weapon, instrument or substance referred to in

1 subsection (a)(7) is prima facie evidence that it is in the
2 possession of, and is being carried by, all persons occupying
3 such automobile at the time such weapon, instrument or
4 substance is found, except under the following circumstances:

5 (i) if such weapon, instrument or instrumentality is found upon
6 the person of one of the occupants therein; or (ii) if such
7 weapon, instrument or substance is found in an automobile
8 operated for hire by a duly licensed driver in the due, lawful
9 and proper pursuit of his or her trade, then such presumption
10 shall not apply to the driver.

11 (e) Exemptions.

12 (1) Crossbows, Common or Compound bows and Underwater
13 Spearguns are exempted from the definition of ballistic
14 knife as defined in paragraph (1) of subsection (a) of this
15 Section.

16 (2) The provision of paragraph (1) of subsection (a) of
17 this Section prohibiting the sale, manufacture, purchase,
18 possession, or carrying of any knife, commonly referred to
19 as a switchblade knife, which has a blade that opens
20 automatically by hand pressure applied to a button, spring
21 or other device in the handle of the knife, does not apply
22 to a person who possesses a currently valid Firearm Owner's
23 Identification Card previously issued in his or her name by
24 the Illinois ~~Department of~~ State Police or to a person or
25 an entity engaged in the business of selling or
26 manufacturing switchblade knives.

1 (Source: P.A. 100-82, eff. 8-11-17; 101-223, eff. 1-1-20.)

2 (720 ILCS 5/24-1.1) (from Ch. 38, par. 24-1.1)

3 Sec. 24-1.1. Unlawful use or possession of weapons by
4 felons or persons in the custody of the Department of
5 Corrections facilities.

6 (a) It is unlawful for a person to knowingly possess on or
7 about his person or on his land or in his own abode or fixed
8 place of business any weapon prohibited under Section 24-1 of
9 this Act or any firearm or any firearm ammunition if the person
10 has been convicted of a felony under the laws of this State or
11 any other jurisdiction. This Section shall not apply if the
12 person has been granted relief by the Director of the Illinois
13 ~~Department of~~ State Police under Section 10 of the Firearm
14 Owners Identification Card Act.

15 (b) It is unlawful for any person confined in a penal
16 institution, which is a facility of the Illinois Department of
17 Corrections, to possess any weapon prohibited under Section
18 24-1 of this Code or any firearm or firearm ammunition,
19 regardless of the intent with which he possesses it.

20 (c) It shall be an affirmative defense to a violation of
21 subsection (b), that such possession was specifically
22 authorized by rule, regulation, or directive of the Illinois
23 Department of Corrections or order issued pursuant thereto.

24 (d) The defense of necessity is not available to a person
25 who is charged with a violation of subsection (b) of this

1 Section.

2 (e) Sentence. Violation of this Section by a person not
3 confined in a penal institution shall be a Class 3 felony for
4 which the person shall be sentenced to no less than 2 years and
5 no more than 10 years. A second or subsequent violation of this
6 Section shall be a Class 2 felony for which the person shall be
7 sentenced to a term of imprisonment of not less than 3 years
8 and not more than 14 years, except as provided for in Section
9 5-4.5-110 of the Unified Code of Corrections. Violation of this
10 Section by a person not confined in a penal institution who has
11 been convicted of a forcible felony, a felony violation of
12 Article 24 of this Code or of the Firearm Owners Identification
13 Card Act, stalking or aggravated stalking, or a Class 2 or
14 greater felony under the Illinois Controlled Substances Act,
15 the Cannabis Control Act, or the Methamphetamine Control and
16 Community Protection Act is a Class 2 felony for which the
17 person shall be sentenced to not less than 3 years and not more
18 than 14 years, except as provided for in Section 5-4.5-110 of
19 the Unified Code of Corrections. Violation of this Section by a
20 person who is on parole or mandatory supervised release is a
21 Class 2 felony for which the person shall be sentenced to not
22 less than 3 years and not more than 14 years, except as
23 provided for in Section 5-4.5-110 of the Unified Code of
24 Corrections. Violation of this Section by a person not confined
25 in a penal institution is a Class X felony when the firearm
26 possessed is a machine gun. Any person who violates this

1 Section while confined in a penal institution, which is a
2 facility of the Illinois Department of Corrections, is guilty
3 of a Class 1 felony, if he possesses any weapon prohibited
4 under Section 24-1 of this Code regardless of the intent with
5 which he possesses it, a Class X felony if he possesses any
6 firearm, firearm ammunition or explosive, and a Class X felony
7 for which the offender shall be sentenced to not less than 12
8 years and not more than 50 years when the firearm possessed is
9 a machine gun. A violation of this Section while wearing or in
10 possession of body armor as defined in Section 33F-1 is a Class
11 X felony punishable by a term of imprisonment of not less than
12 10 years and not more than 40 years. The possession of each
13 firearm or firearm ammunition in violation of this Section
14 constitutes a single and separate violation.

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

16 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

17 Sec. 24-3. Unlawful sale or delivery of firearms.

18 (A) A person commits the offense of unlawful sale or
19 delivery of firearms when he or she knowingly does any of the
20 following:

21 (a) Sells or gives any firearm of a size which may be
22 concealed upon the person to any person under 18 years of
23 age.

24 (b) Sells or gives any firearm to a person under 21
25 years of age who has been convicted of a misdemeanor other

1 than a traffic offense or adjudged delinquent.

2 (c) Sells or gives any firearm to any narcotic addict.

3 (d) Sells or gives any firearm to any person who has
4 been convicted of a felony under the laws of this or any
5 other jurisdiction.

6 (e) Sells or gives any firearm to any person who has
7 been a patient in a mental institution within the past 5
8 years. In this subsection (e):

9 "Mental institution" means any hospital,
10 institution, clinic, evaluation facility, mental
11 health center, or part thereof, which is used primarily
12 for the care or treatment of persons with mental
13 illness.

14 "Patient in a mental institution" means the person
15 was admitted, either voluntarily or involuntarily, to
16 a mental institution for mental health treatment,
17 unless the treatment was voluntary and solely for an
18 alcohol abuse disorder and no other secondary
19 substance abuse disorder or mental illness.

20 (f) Sells or gives any firearms to any person who is a
21 person with an intellectual disability.

22 (g) Delivers any firearm, incidental to a sale, without
23 withholding delivery of the firearm for at least 72 hours
24 after application for its purchase has been made, or
25 delivers a stun gun or taser, incidental to a sale, without
26 withholding delivery of the stun gun or taser for at least

1 24 hours after application for its purchase has been made.
2 However, this paragraph (g) does not apply to: (1) the sale
3 of a firearm to a law enforcement officer if the seller of
4 the firearm knows that the person to whom he or she is
5 selling the firearm is a law enforcement officer or the
6 sale of a firearm to a person who desires to purchase a
7 firearm for use in promoting the public interest incident
8 to his or her employment as a bank guard, armed truck
9 guard, or other similar employment; (2) a mail order sale
10 of a firearm from a federally licensed firearms dealer to a
11 nonresident of Illinois under which the firearm is mailed
12 to a federally licensed firearms dealer outside the
13 boundaries of Illinois; (3) (blank); (4) the sale of a
14 firearm to a dealer licensed as a federal firearms dealer
15 under Section 923 of the federal Gun Control Act of 1968
16 (18 U.S.C. 923); or (5) the transfer or sale of any rifle,
17 shotgun, or other long gun to a resident registered
18 competitor or attendee or non-resident registered
19 competitor or attendee by any dealer licensed as a federal
20 firearms dealer under Section 923 of the federal Gun
21 Control Act of 1968 at competitive shooting events held at
22 the World Shooting Complex sanctioned by a national
23 governing body. For purposes of transfers or sales under
24 subparagraph (5) of this paragraph (g), the Department of
25 Natural Resources shall give notice to the Illinois
26 ~~Department of~~ State Police at least 30 calendar days prior

1 to any competitive shooting events at the World Shooting
2 Complex sanctioned by a national governing body. The
3 notification shall be made on a form prescribed by the
4 Illinois ~~Department of~~ State Police. The sanctioning body
5 shall provide a list of all registered competitors and
6 attendees at least 24 hours before the events to the
7 Illinois ~~Department of~~ State Police. Any changes to the
8 list of registered competitors and attendees shall be
9 forwarded to the Illinois ~~Department of~~ State Police as
10 soon as practicable. The Illinois ~~Department of~~ State
11 Police must destroy the list of registered competitors and
12 attendees no later than 30 days after the date of the
13 event. Nothing in this paragraph (g) relieves a federally
14 licensed firearm dealer from the requirements of
15 conducting a NICS background check through the Illinois
16 Point of Contact under 18 U.S.C. 922(t). For purposes of
17 this paragraph (g), "application" means when the buyer and
18 seller reach an agreement to purchase a firearm. For
19 purposes of this paragraph (g), "national governing body"
20 means a group of persons who adopt rules and formulate
21 policy on behalf of a national firearm sporting
22 organization.

23 (h) While holding any license as a dealer, importer,
24 manufacturer or pawnbroker under the federal Gun Control
25 Act of 1968, manufactures, sells or delivers to any
26 unlicensed person a handgun having a barrel, slide, frame

1 or receiver which is a die casting of zinc alloy or any
2 other nonhomogeneous metal which will melt or deform at a
3 temperature of less than 800 degrees Fahrenheit. For
4 purposes of this paragraph, (1) "firearm" is defined as in
5 the Firearm Owners Identification Card Act; and (2)
6 "handgun" is defined as a firearm designed to be held and
7 fired by the use of a single hand, and includes a
8 combination of parts from which such a firearm can be
9 assembled.

10 (i) Sells or gives a firearm of any size to any person
11 under 18 years of age who does not possess a valid Firearm
12 Owner's Identification Card.

13 (j) Sells or gives a firearm while engaged in the
14 business of selling firearms at wholesale or retail without
15 being licensed as a federal firearms dealer under Section
16 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).
17 In this paragraph (j):

18 A person "engaged in the business" means a person who
19 devotes time, attention, and labor to engaging in the
20 activity as a regular course of trade or business with the
21 principal objective of livelihood and profit, but does not
22 include a person who makes occasional repairs of firearms
23 or who occasionally fits special barrels, stocks, or
24 trigger mechanisms to firearms.

25 "With the principal objective of livelihood and
26 profit" means that the intent underlying the sale or

1 disposition of firearms is predominantly one of obtaining
2 livelihood and pecuniary gain, as opposed to other intents,
3 such as improving or liquidating a personal firearms
4 collection; however, proof of profit shall not be required
5 as to a person who engages in the regular and repetitive
6 purchase and disposition of firearms for criminal purposes
7 or terrorism.

8 (k) Sells or transfers ownership of a firearm to a
9 person who does not display to the seller or transferor of
10 the firearm either: (1) a currently valid Firearm Owner's
11 Identification Card that has previously been issued in the
12 transferee's name by the Illinois ~~Department of~~ State
13 Police under the provisions of the Firearm Owners
14 Identification Card Act; or (2) a currently valid license
15 to carry a concealed firearm that has previously been
16 issued in the transferee's name by the Illinois ~~Department~~
17 ~~of~~ State Police under the Firearm Concealed Carry Act. This
18 paragraph (k) does not apply to the transfer of a firearm
19 to a person who is exempt from the requirement of
20 possessing a Firearm Owner's Identification Card under
21 Section 2 of the Firearm Owners Identification Card Act.
22 For the purposes of this Section, a currently valid Firearm
23 Owner's Identification Card means (i) a Firearm Owner's
24 Identification Card that has not expired or (ii) an
25 approval number issued in accordance with subsection
26 (a-10) of subsection 3 or Section 3.1 of the Firearm Owners

1 Identification Card Act shall be proof that the Firearm
2 Owner's Identification Card was valid.

3 (1) In addition to the other requirements of this
4 paragraph (k), all persons who are not federally
5 licensed firearms dealers must also have complied with
6 subsection (a-10) of Section 3 of the Firearm Owners
7 Identification Card Act by determining the validity of
8 a purchaser's Firearm Owner's Identification Card.

9 (2) All sellers or transferors who have complied
10 with the requirements of subparagraph (1) of this
11 paragraph (k) shall not be liable for damages in any
12 civil action arising from the use or misuse by the
13 transferee of the firearm transferred, except for
14 willful or wanton misconduct on the part of the seller
15 or transferor.

16 (1) Not being entitled to the possession of a firearm,
17 delivers the firearm, knowing it to have been stolen or
18 converted. It may be inferred that a person who possesses a
19 firearm with knowledge that its serial number has been
20 removed or altered has knowledge that the firearm is stolen
21 or converted.

22 (B) Paragraph (h) of subsection (A) does not include
23 firearms sold within 6 months after enactment of Public Act
24 78-355 (approved August 21, 1973, effective October 1, 1973),
25 nor is any firearm legally owned or possessed by any citizen or
26 purchased by any citizen within 6 months after the enactment of

1 Public Act 78-355 subject to confiscation or seizure under the
2 provisions of that Public Act. Nothing in Public Act 78-355
3 shall be construed to prohibit the gift or trade of any firearm
4 if that firearm was legally held or acquired within 6 months
5 after the enactment of that Public Act.

6 (C) Sentence.

7 (1) Any person convicted of unlawful sale or delivery
8 of firearms in violation of paragraph (c), (e), (f), (g),
9 or (h) of subsection (A) commits a Class 4 felony.

10 (2) Any person convicted of unlawful sale or delivery
11 of firearms in violation of paragraph (b) or (i) of
12 subsection (A) commits a Class 3 felony.

13 (3) Any person convicted of unlawful sale or delivery
14 of firearms in violation of paragraph (a) of subsection (A)
15 commits a Class 2 felony.

16 (4) Any person convicted of unlawful sale or delivery
17 of firearms in violation of paragraph (a), (b), or (i) of
18 subsection (A) in any school, on the real property
19 comprising a school, within 1,000 feet of the real property
20 comprising a school, at a school related activity, or on or
21 within 1,000 feet of any conveyance owned, leased, or
22 contracted by a school or school district to transport
23 students to or from school or a school related activity,
24 regardless of the time of day or time of year at which the
25 offense was committed, commits a Class 1 felony. Any person
26 convicted of a second or subsequent violation of unlawful

1 sale or delivery of firearms in violation of paragraph (a),
2 (b), or (i) of subsection (A) in any school, on the real
3 property comprising a school, within 1,000 feet of the real
4 property comprising a school, at a school related activity,
5 or on or within 1,000 feet of any conveyance owned, leased,
6 or contracted by a school or school district to transport
7 students to or from school or a school related activity,
8 regardless of the time of day or time of year at which the
9 offense was committed, commits a Class 1 felony for which
10 the sentence shall be a term of imprisonment of no less
11 than 5 years and no more than 15 years.

12 (5) Any person convicted of unlawful sale or delivery
13 of firearms in violation of paragraph (a) or (i) of
14 subsection (A) in residential property owned, operated, or
15 managed by a public housing agency or leased by a public
16 housing agency as part of a scattered site or mixed-income
17 development, in a public park, in a courthouse, on
18 residential property owned, operated, or managed by a
19 public housing agency or leased by a public housing agency
20 as part of a scattered site or mixed-income development, on
21 the real property comprising any public park, on the real
22 property comprising any courthouse, or on any public way
23 within 1,000 feet of the real property comprising any
24 public park, courthouse, or residential property owned,
25 operated, or managed by a public housing agency or leased
26 by a public housing agency as part of a scattered site or

1 mixed-income development commits a Class 2 felony.

2 (6) Any person convicted of unlawful sale or delivery
3 of firearms in violation of paragraph (j) of subsection (A)
4 commits a Class A misdemeanor. A second or subsequent
5 violation is a Class 4 felony.

6 (7) Any person convicted of unlawful sale or delivery
7 of firearms in violation of paragraph (k) of subsection (A)
8 commits a Class 4 felony, except that a violation of
9 subparagraph (1) of paragraph (k) of subsection (A) shall
10 not be punishable as a crime or petty offense. A third or
11 subsequent conviction for a violation of paragraph (k) of
12 subsection (A) is a Class 1 felony.

13 (8) A person 18 years of age or older convicted of
14 unlawful sale or delivery of firearms in violation of
15 paragraph (a) or (i) of subsection (A), when the firearm
16 that was sold or given to another person under 18 years of
17 age was used in the commission of or attempt to commit a
18 forcible felony, shall be fined or imprisoned, or both, not
19 to exceed the maximum provided for the most serious
20 forcible felony so committed or attempted by the person
21 under 18 years of age who was sold or given the firearm.

22 (9) Any person convicted of unlawful sale or delivery
23 of firearms in violation of paragraph (d) of subsection (A)
24 commits a Class 3 felony.

25 (10) Any person convicted of unlawful sale or delivery
26 of firearms in violation of paragraph (l) of subsection (A)

1 commits a Class 2 felony if the delivery is of one firearm.
2 Any person convicted of unlawful sale or delivery of
3 firearms in violation of paragraph (1) of subsection (A)
4 commits a Class 1 felony if the delivery is of not less
5 than 2 and not more than 5 firearms at the same time or
6 within a one year period. Any person convicted of unlawful
7 sale or delivery of firearms in violation of paragraph (1)
8 of subsection (A) commits a Class X felony for which he or
9 she shall be sentenced to a term of imprisonment of not
10 less than 6 years and not more than 30 years if the
11 delivery is of not less than 6 and not more than 10
12 firearms at the same time or within a 2 year period. Any
13 person convicted of unlawful sale or delivery of firearms
14 in violation of paragraph (1) of subsection (A) commits a
15 Class X felony for which he or she shall be sentenced to a
16 term of imprisonment of not less than 6 years and not more
17 than 40 years if the delivery is of not less than 11 and
18 not more than 20 firearms at the same time or within a 3
19 year period. Any person convicted of unlawful sale or
20 delivery of firearms in violation of paragraph (1) of
21 subsection (A) commits a Class X felony for which he or she
22 shall be sentenced to a term of imprisonment of not less
23 than 6 years and not more than 50 years if the delivery is
24 of not less than 21 and not more than 30 firearms at the
25 same time or within a 4 year period. Any person convicted
26 of unlawful sale or delivery of firearms in violation of

1 paragraph (1) of subsection (A) commits a Class X felony
2 for which he or she shall be sentenced to a term of
3 imprisonment of not less than 6 years and not more than 60
4 years if the delivery is of 31 or more firearms at the same
5 time or within a 5 year period.

6 (D) For purposes of this Section:

7 "School" means a public or private elementary or secondary
8 school, community college, college, or university.

9 "School related activity" means any sporting, social,
10 academic, or other activity for which students' attendance or
11 participation is sponsored, organized, or funded in whole or in
12 part by a school or school district.

13 (E) A prosecution for a violation of paragraph (k) of
14 subsection (A) of this Section may be commenced within 6 years
15 after the commission of the offense. A prosecution for a
16 violation of this Section other than paragraph (g) of
17 subsection (A) of this Section may be commenced within 5 years
18 after the commission of the offense defined in the particular
19 paragraph.

20 (Source: P.A. 99-29, eff. 7-10-15; 99-143, eff. 7-27-15;
21 99-642, eff. 7-28-16; 100-606, eff. 1-1-19.)

22 (720 ILCS 5/24-3B)

23 Sec. 24-3B. Firearms trafficking.

24 (a) A person commits firearms trafficking when he or she
25 has not been issued a currently valid Firearm Owner's

1 Identification Card and knowingly:

2 (1) brings, or causes to be brought, into this State, a
3 firearm or firearm ammunition for the purpose of sale,
4 delivery, or transfer to any other person or with the
5 intent to sell, deliver, or transfer the firearm or firearm
6 ammunition to any other person; or

7 (2) brings, or causes to be brought, into this State, a
8 firearm and firearm ammunition for the purpose of sale,
9 delivery, or transfer to any other person or with the
10 intent to sell, deliver, or transfer the firearm and
11 firearm ammunition to any other person.

12 (a-5) This Section does not apply to:

13 (1) a person exempt under Section 2 of the Firearm
14 Owners Identification Card Act from the requirement of
15 having possession of a Firearm Owner's Identification Card
16 previously issued in his or her name by the Illinois
17 ~~Department of~~ State Police in order to acquire or possess a
18 firearm or firearm ammunition;

19 (2) a common carrier under subsection (i) of Section
20 24-2 of this Code; or

21 (3) a non-resident who may lawfully possess a firearm
22 in his or her resident state.

23 (b) Sentence.

24 (1) Firearms trafficking is a Class 1 felony for which
25 the person, if sentenced to a term of imprisonment, shall
26 be sentenced to not less than 4 years and not more than 20

1 years.

2 (2) Firearms trafficking by a person who has been
3 previously convicted of firearms trafficking, gunrunning,
4 or a felony offense for the unlawful sale, delivery, or
5 transfer of a firearm or firearm ammunition in this State
6 or another jurisdiction is a Class X felony.

7 (Source: P.A. 99-885, eff. 8-23-16.)

8 (720 ILCS 5/24-6) (from Ch. 38, par. 24-6)

9 Sec. 24-6. Confiscation and disposition of weapons.

10 (a) Upon conviction of an offense in which a weapon was
11 used or possessed by the offender, any weapon seized shall be
12 confiscated by the trial court.

13 (b) Any stolen weapon so confiscated, when no longer needed
14 for evidentiary purposes, shall be returned to the person
15 entitled to possession, if known. After the disposition of a
16 criminal case or in any criminal case where a final judgment in
17 the case was not entered due to the death of the defendant, and
18 when a confiscated weapon is no longer needed for evidentiary
19 purposes, and when in due course no legitimate claim has been
20 made for the weapon, the court may transfer the weapon to the
21 sheriff of the county who may proceed to destroy it, or may in
22 its discretion order the weapon preserved as property of the
23 governmental body whose police agency seized the weapon, or may
24 in its discretion order the weapon to be transferred to the
25 Illinois ~~Department of~~ State Police for use by the crime

1 laboratory system, for training purposes, or for any other
2 application as deemed appropriate by the Department. If, after
3 the disposition of a criminal case, a need still exists for the
4 use of the confiscated weapon for evidentiary purposes, the
5 court may transfer the weapon to the custody of the State
6 Department of Corrections for preservation. The court may not
7 order the transfer of the weapon to any private individual or
8 private organization other than to return a stolen weapon to
9 its rightful owner.

10 The provisions of this Section shall not apply to
11 violations of the Fish and Aquatic Life Code or the Wildlife
12 Code. Confiscation of weapons for Fish and Aquatic Life Code
13 and Wildlife Code violations shall be only as provided in those
14 Codes.

15 (c) Any mental hospital that admits a person as an
16 inpatient pursuant to any of the provisions of the Mental
17 Health and Developmental Disabilities Code shall confiscate
18 any firearms in the possession of that person at the time of
19 admission, or at any time the firearms are discovered in the
20 person's possession during the course of hospitalization. The
21 hospital shall, as soon as possible following confiscation,
22 transfer custody of the firearms to the appropriate law
23 enforcement agency. The hospital shall give written notice to
24 the person from whom the firearm was confiscated of the
25 identity and address of the law enforcement agency to which it
26 has given the firearm.

1 The law enforcement agency shall maintain possession of any
2 firearm it obtains pursuant to this subsection for a minimum of
3 90 days. Thereafter, the firearm may be disposed of pursuant to
4 the provisions of subsection (b) of this Section.

5 (Source: P.A. 91-696, eff. 4-13-00.)

6 (720 ILCS 5/24-8)

7 Sec. 24-8. Firearm tracing.

8 (a) Upon recovering a firearm from the possession of anyone
9 who is not permitted by federal or State law to possess a
10 firearm, a local law enforcement agency shall use the best
11 available information, including a firearms trace when
12 necessary, to determine how and from whom the person gained
13 possession of the firearm. Upon recovering a firearm that was
14 used in the commission of any offense classified as a felony or
15 upon recovering a firearm that appears to have been lost,
16 misaid, stolen, or otherwise unclaimed, a local law
17 enforcement agency shall use the best available information,
18 including a firearms trace when necessary, to determine prior
19 ownership of the firearm.

20 (b) Local law enforcement shall, when appropriate, use the
21 National Tracing Center of the Federal Bureau of Alcohol,
22 Tobacco and Firearms in complying with subsection (a) of this
23 Section.

24 (c) Local law enforcement agencies shall use the Illinois
25 ~~Department of~~ State Police Law Enforcement Agencies Data System

1 (LEADS) Gun File to enter all stolen, seized, or recovered
2 firearms as prescribed by LEADS regulations and policies.

3 (Source: P.A. 91-364, eff. 1-1-00; 92-300, eff. 1-1-02.)

4 (720 ILCS 5/24.8-5)

5 Sec. 24.8-5. Sentence. A violation of this Article is a
6 petty offense. The Illinois State Police or any sheriff or
7 police officer shall seize, take, remove or cause to be removed
8 at the expense of the owner, any air rifle sold or used in any
9 manner in violation of this Article.

10 (Source: P.A. 97-1108, eff. 1-1-13.)

11 (720 ILCS 5/28-5) (from Ch. 38, par. 28-5)

12 Sec. 28-5. Seizure of gambling devices and gambling funds.

13 (a) Every device designed for gambling which is incapable
14 of lawful use or every device used unlawfully for gambling
15 shall be considered a "gambling device", and shall be subject
16 to seizure, confiscation and destruction by the Illinois
17 ~~Department of~~ State Police or by any municipal, or other local
18 authority, within whose jurisdiction the same may be found. As
19 used in this Section, a "gambling device" includes any slot
20 machine, and includes any machine or device constructed for the
21 reception of money or other thing of value and so constructed
22 as to return, or to cause someone to return, on chance to the
23 player thereof money, property or a right to receive money or
24 property. With the exception of any device designed for

1 gambling which is incapable of lawful use, no gambling device
2 shall be forfeited or destroyed unless an individual with a
3 property interest in said device knows of the unlawful use of
4 the device.

5 (b) Every gambling device shall be seized and forfeited to
6 the county wherein such seizure occurs. Any money or other
7 thing of value integrally related to acts of gambling shall be
8 seized and forfeited to the county wherein such seizure occurs.

9 (c) If, within 60 days after any seizure pursuant to
10 subparagraph (b) of this Section, a person having any property
11 interest in the seized property is charged with an offense, the
12 court which renders judgment upon such charge shall, within 30
13 days after such judgment, conduct a forfeiture hearing to
14 determine whether such property was a gambling device at the
15 time of seizure. Such hearing shall be commenced by a written
16 petition by the State, including material allegations of fact,
17 the name and address of every person determined by the State to
18 have any property interest in the seized property, a
19 representation that written notice of the date, time and place
20 of such hearing has been mailed to every such person by
21 certified mail at least 10 days before such date, and a request
22 for forfeiture. Every such person may appear as a party and
23 present evidence at such hearing. The quantum of proof required
24 shall be a preponderance of the evidence, and the burden of
25 proof shall be on the State. If the court determines that the
26 seized property was a gambling device at the time of seizure,

1 an order of forfeiture and disposition of the seized property
2 shall be entered: a gambling device shall be received by the
3 State's Attorney, who shall effect its destruction, except that
4 valuable parts thereof may be liquidated and the resultant
5 money shall be deposited in the general fund of the county
6 wherein such seizure occurred; money and other things of value
7 shall be received by the State's Attorney and, upon
8 liquidation, shall be deposited in the general fund of the
9 county wherein such seizure occurred. However, in the event
10 that a defendant raises the defense that the seized slot
11 machine is an antique slot machine described in subparagraph
12 (b) (7) of Section 28-1 of this Code and therefore he is exempt
13 from the charge of a gambling activity participant, the seized
14 antique slot machine shall not be destroyed or otherwise
15 altered until a final determination is made by the Court as to
16 whether it is such an antique slot machine. Upon a final
17 determination by the Court of this question in favor of the
18 defendant, such slot machine shall be immediately returned to
19 the defendant. Such order of forfeiture and disposition shall,
20 for the purposes of appeal, be a final order and judgment in a
21 civil proceeding.

22 (d) If a seizure pursuant to subparagraph (b) of this
23 Section is not followed by a charge pursuant to subparagraph
24 (c) of this Section, or if the prosecution of such charge is
25 permanently terminated or indefinitely discontinued without
26 any judgment of conviction or acquittal (1) the State's

1 Attorney shall commence an in rem proceeding for the forfeiture
2 and destruction of a gambling device, or for the forfeiture and
3 deposit in the general fund of the county of any seized money
4 or other things of value, or both, in the circuit court and (2)
5 any person having any property interest in such seized gambling
6 device, money or other thing of value may commence separate
7 civil proceedings in the manner provided by law.

8 (e) Any gambling device displayed for sale to a riverboat
9 gambling operation, casino gambling operation, or organization
10 gaming facility or used to train occupational licensees of a
11 riverboat gambling operation, casino gambling operation, or
12 organization gaming facility as authorized under the Illinois
13 Gambling Act is exempt from seizure under this Section.

14 (f) Any gambling equipment, devices, and supplies provided
15 by a licensed supplier in accordance with the Illinois Gambling
16 Act which are removed from a riverboat, casino, or organization
17 gaming facility for repair are exempt from seizure under this
18 Section.

19 (g) The following video gaming terminals are exempt from
20 seizure under this Section:

21 (1) Video gaming terminals for sale to a licensed
22 distributor or operator under the Video Gaming Act.

23 (2) Video gaming terminals used to train licensed
24 technicians or licensed terminal handlers.

25 (3) Video gaming terminals that are removed from a
26 licensed establishment, licensed truck stop establishment,

1 licensed large truck stop establishment, licensed
2 fraternal establishment, or licensed veterans
3 establishment for repair.

4 (h) Property seized or forfeited under this Section is
5 subject to reporting under the Seizure and Forfeiture Reporting
6 Act.

7 (i) Any sports lottery terminals provided by a central
8 system provider that are removed from a lottery retailer for
9 repair under the Sports Wagering Act are exempt from seizure
10 under this Section.

11 (Source: P.A. 100-512, eff. 7-1-18; 101-31, Article 25, Section
12 25-915, eff. 6-28-19; 101-31, Article 35, Section 35-80, eff.
13 6-28-19; revised 7-12-19.)

14 (720 ILCS 5/29B-0.5)

15 Sec. 29B-0.5. Definitions. In this Article:

16 "Conduct" or "conducts" includes, in addition to its
17 ordinary meaning, initiating, concluding, or participating in
18 initiating or concluding a transaction.

19 "Criminally derived property" means: (1) any property,
20 real or personal, constituting or derived from proceeds
21 obtained, directly or indirectly, from activity that
22 constitutes a felony under State, federal, or foreign law; or
23 (2) any property represented to be property constituting or
24 derived from proceeds obtained, directly or indirectly, from
25 activity that constitutes a felony under State, federal, or

1 foreign law.

2 ~~"Department" means the Department of State Police of this~~
3 ~~State or its successor agency.~~

4 "Director" means the Director of the Illinois State Police
5 or his or her designated agents.

6 "Financial institution" means any bank; savings and loan
7 association; trust company; agency or branch of a foreign bank
8 in the United States; currency exchange; credit union; mortgage
9 banking institution; pawnbroker; loan or finance company;
10 operator of a credit card system; issuer, redeemer, or cashier
11 of travelers checks, checks, or money orders; dealer in
12 precious metals, stones, or jewels; broker or dealer in
13 securities or commodities; investment banker; or investment
14 company.

15 "Financial transaction" means a purchase, sale, loan,
16 pledge, gift, transfer, delivery, or other disposition
17 utilizing criminally derived property, and with respect to
18 financial institutions, includes a deposit, withdrawal,
19 transfer between accounts, exchange of currency, loan,
20 extension of credit, purchase or sale of any stock, bond,
21 certificate of deposit or other monetary instrument, use of
22 safe deposit box, or any other payment, transfer or delivery
23 by, through, or to a financial institution. "Financial
24 transaction" also means a transaction which without regard to
25 whether the funds, monetary instruments, or real or personal
26 property involved in the transaction are criminally derived,

1 any transaction which in any way or degree: (1) involves the
2 movement of funds by wire or any other means; (2) involves one
3 or more monetary instruments; or (3) the transfer of title to
4 any real or personal property. The receipt by an attorney of
5 bona fide fees for the purpose of legal representation is not a
6 financial transaction for purposes of this Article.

7 "Form 4-64" means the Illinois State Police
8 Notice/Inventory of Seized Property (Form 4-64).

9 "Knowing that the property involved in a financial
10 transaction represents the proceeds of some form of unlawful
11 activity" means that the person knew the property involved in
12 the transaction represented proceeds from some form, though not
13 necessarily which form, of activity that constitutes a felony
14 under State, federal, or foreign law.

15 "Monetary instrument" means United States coins and
16 currency; coins and currency of a foreign country; travelers
17 checks; personal checks, bank checks, and money orders;
18 investment securities; bearer negotiable instruments; bearer
19 investment securities; or bearer securities and certificates
20 of stock in a form that title passes upon delivery.

21 "Specified criminal activity" means any violation of
22 Section 29D-15.1 and any violation of Article 29D of this Code.

23 "Transaction reporting requirement under State law" means
24 any violation as defined under the Currency Reporting Act.

25 (Source: P.A. 100-699, eff. 8-3-18; 100-1163, eff. 12-20-18.)

1 (720 ILCS 5/29B-3)

2 Sec. 29B-3. Duty to enforce this Article.

3 (a) It is the duty of the Illinois ~~Department of State~~
4 Police, and its agents, officers, and investigators, to enforce
5 this Article, except those provisions otherwise specifically
6 delegated, and to cooperate with all agencies charged with the
7 enforcement of the laws of the United States, or of any state,
8 relating to money laundering. Only an agent, officer, or
9 investigator designated by the Director may be authorized in
10 accordance with this Section to serve seizure notices,
11 warrants, subpoenas, and summonses under the authority of this
12 State.

13 (b) An agent, officer, investigator, or peace officer
14 designated by the Director may: (1) make seizure of property
15 under this Article; and (2) perform other law enforcement
16 duties as the Director designates. It is the duty of all
17 State's Attorneys to prosecute violations of this Article and
18 institute legal proceedings as authorized under this Article.

19 (Source: P.A. 100-699, eff. 8-3-18.)

20 (720 ILCS 5/29B-4)

21 Sec. 29B-4. Protective orders and warrants for forfeiture
22 purposes.

23 (a) Upon application of the State, the court may enter a
24 restraining order or injunction, require the execution of a
25 satisfactory performance bond, or take any other action to

1 preserve the availability of property described in Section
2 29B-5 of this Article for forfeiture under this Article:

3 (1) upon the filing of an indictment, information, or
4 complaint charging a violation of this Article for which
5 forfeiture may be ordered under this Article and alleging
6 that the property with respect to which the order is sought
7 would be subject to forfeiture under this Article; or

8 (2) prior to the filing of the indictment, information,
9 or complaint, if, after notice to persons appearing to have
10 an interest in the property and opportunity for a hearing,
11 the court determines that:

12 (A) there is probable cause to believe that the
13 State will prevail on the issue of forfeiture and that
14 failure to enter the order will result in the property
15 being destroyed, removed from the jurisdiction of the
16 court, or otherwise made unavailable for forfeiture;
17 and

18 (B) the need to preserve the availability of the
19 property through the entry of the requested order
20 outweighs the hardship on any party against whom the
21 order is to be entered.

22 Provided, however, that an order entered under
23 paragraph (2) of this Section shall be effective for not
24 more 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 (b) A temporary restraining order under this subsection (b)
2 may be entered upon application of the State without notice or
3 opportunity for a hearing when an indictment, information,
4 complaint, or administrative notice has not yet been filed with
5 respect to the property, if the State demonstrates that there
6 is probable cause to believe that the property with respect to
7 which the order is sought would be subject to forfeiture under
8 this Article and that provision of notice will jeopardize the
9 availability of the property for forfeiture. The temporary
10 order shall expire not more than 30 days after the date on
11 which it is entered, unless extended for good cause shown or
12 unless the party against whom it is entered consents to an
13 extension for a longer period. A hearing requested concerning
14 an order entered under this subsection (b) shall be held at the
15 earliest possible time and prior to the expiration of the
16 temporary order.

17 (c) The court may receive and consider, at a hearing held
18 under this Section, evidence and information that would be
19 inadmissible under the Illinois rules of evidence.

20 (d) Under its authority to enter a pretrial restraining
21 order under this Section, the court may order a defendant to
22 repatriate any property that may be seized and forfeited and to
23 deposit that property pending trial with the Illinois
24 ~~Department of~~ State Police or another law enforcement agency
25 designated by the Illinois ~~Department of~~ State Police. Failure
26 to comply with an order under this Section is punishable as a

1 civil or criminal contempt of court.

2 (e) The State may request the issuance of a warrant
3 authorizing the seizure of property described in Section 29B-5
4 of this Article in the same manner as provided for a search
5 warrant. If the court determines that there is probable cause
6 to believe that the property to be seized would be subject to
7 forfeiture, the court shall issue a warrant authorizing the
8 seizure of that property.

9 (Source: P.A. 100-699, eff. 8-3-18.)

10 (720 ILCS 5/29B-12)

11 Sec. 29B-12. Non-judicial forfeiture. If non-real
12 property that exceeds \$20,000 in value excluding the value of
13 any conveyance, or if real property is seized under the
14 provisions of this Article, the State's Attorney shall
15 institute judicial in rem forfeiture proceedings as described
16 in Section 29B-13 of this Article within 28 days from receipt
17 of notice of seizure from the seizing agency under Section
18 29B-8 of this Article. However, if non-real property that does
19 not exceed \$20,000 in value excluding the value of any
20 conveyance is seized, the following procedure shall be used:

21 (1) If, after review of the facts surrounding the
22 seizure, the State's Attorney is of the opinion that the
23 seized property is subject to forfeiture, then, within 28
24 days after the receipt of notice of seizure from the
25 seizing agency, the State's Attorney shall cause notice of

1 pending forfeiture to be given to the owner of the property
2 and all known interest holders of the property in
3 accordance with Section 29B-10 of this Article.

4 (2) The notice of pending forfeiture shall include a
5 description of the property, the estimated value of the
6 property, the date and place of seizure, the conduct giving
7 rise to forfeiture or the violation of law alleged, and a
8 summary of procedures and procedural rights applicable to
9 the forfeiture action.

10 (3) (A) Any person claiming an interest in property that
11 is the subject of notice under paragraph (1) of this
12 Section, must, in order to preserve any rights or claims to
13 the property, within 45 days after the effective date of
14 notice as described in Section 29B-10 of this Article, file
15 a verified claim with the State's Attorney expressing his
16 or her interest in the property. The claim shall set forth:

17 (i) the caption of the proceedings as set forth on
18 the notice of pending forfeiture and the name of the
19 claimant;

20 (ii) the address at which the claimant will accept
21 mail;

22 (iii) the nature and extent of the claimant's
23 interest in the property;

24 (iv) the date, identity of the transferor, and
25 circumstances of the claimant's acquisition of the
26 interest in the property;

1 (v) the names and addresses of all other persons
2 known to have an interest in the property;

3 (vi) the specific provision of law relied on in
4 asserting the property is not subject to forfeiture;

5 (vii) all essential facts supporting each
6 assertion; and

7 (viii) the relief sought.

8 (B) If a claimant files the claim, then the State's
9 Attorney shall institute judicial in rem forfeiture
10 proceedings with the clerk of the court as described in
11 Section 29B-13 of this Article within 28 days after receipt
12 of the claim.

13 (4) If no claim is filed within the 28-day period as
14 described in paragraph (3) of this Section, the State's
15 Attorney shall declare the property forfeited and shall
16 promptly notify the owner and all known interest holders of
17 the property and the Director of the Illinois State Police
18 of the declaration of forfeiture and the Director shall
19 dispose of the property in accordance with law.

20 (Source: P.A. 100-699, eff. 8-3-18; 100-1163, eff. 12-20-18.)

21 (720 ILCS 5/29B-20)

22 Sec. 29B-20. Settlement of claims. Notwithstanding other
23 provisions of this Article, the State's Attorney and a claimant
24 of seized property may enter into an agreed-upon settlement
25 concerning the seized property in such an amount and upon such

1 terms as are set out in writing in a settlement agreement. All
2 proceeds from a settlement agreement shall be tendered to the
3 Illinois ~~Department of~~ State Police and distributed under
4 Section 29B-26 of this Article.

5 (Source: P.A. 100-699, eff. 8-3-18.)

6 (720 ILCS 5/29B-25)

7 Sec. 29B-25. Return of property, damages, and costs.

8 (a) The law enforcement agency that holds custody of
9 property seized for forfeiture shall deliver property ordered
10 by the court to be returned or conveyed to the claimant within
11 a reasonable time not to exceed 7 days, unless the order is
12 stayed by the trial court or a reviewing court pending an
13 appeal, motion to reconsider, or other reason.

14 (b) The law enforcement agency that holds custody of
15 property is responsible for any damages, storage fees, and
16 related costs applicable to property returned. The claimant
17 shall not be subject to any charges by the State for storage of
18 the property or expenses incurred in the preservation of the
19 property. Charges for the towing of a conveyance shall be borne
20 by the claimant unless the conveyance was towed for the sole
21 reason of seizure for forfeiture. This Section does not
22 prohibit the imposition of any fees or costs by a home rule
23 unit of local government related to the impoundment of a
24 conveyance under an ordinance enacted by the unit of
25 government.

1 (c) A law enforcement agency shall not retain forfeited
2 property for its own use or transfer the property to any person
3 or entity, except as provided under this Section. A law
4 enforcement agency may apply in writing to the Director of the
5 Illinois State Police to request that forfeited property be
6 awarded to the agency for a specifically articulated official
7 law enforcement use in an investigation. The Director shall
8 provide a written justification in each instance detailing the
9 reasons why the forfeited property was placed into official use
10 and the justification shall be retained for a period of not
11 less than 3 years.

12 (d) 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 a non-judicial forfeiture action, or a
15 motion with the court in a judicial forfeiture action for the
16 return of any personal property contained within a conveyance
17 that is seized under this Article. 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. Any 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 it is
24 returned to an improper party.

25 (Source: P.A. 100-699, eff. 8-3-18.)

1 (720 ILCS 5/29B-26)

2 Sec. 29B-26. Distribution of proceeds. All moneys and the
3 sale proceeds of all other property forfeited and seized under
4 this Article shall be distributed as follows:

5 (1) 65% shall be distributed to the metropolitan
6 enforcement group, local, municipal, county, or State law
7 enforcement agency or agencies that conducted or
8 participated in the investigation resulting in the
9 forfeiture. The distribution shall bear a reasonable
10 relationship to the degree of direct participation of the
11 law enforcement agency in the effort resulting in the
12 forfeiture, taking into account the total value of the
13 property forfeited and the total law enforcement effort
14 with respect to the violation of the law upon which the
15 forfeiture is based. Amounts distributed to the agency or
16 agencies shall be used for the enforcement of laws.

17 (2) (i) 12.5% shall be distributed to the Office of the
18 State's Attorney of the county in which the prosecution
19 resulting in the forfeiture was instituted, deposited in a
20 special fund in the county treasury and appropriated to the
21 State's Attorney for use in the enforcement of laws. In
22 counties over 3,000,000 population, 25% shall be
23 distributed to the Office of the State's Attorney for use
24 in the enforcement of laws. If the prosecution is
25 undertaken solely by the Attorney General, the portion
26 provided under this subparagraph (i) shall be distributed

1 to the Attorney General for use in the enforcement of laws.

2 (ii) 12.5% shall be distributed to the Office of the
3 State's Attorneys Appellate Prosecutor and deposited in
4 the Narcotics Profit Forfeiture Fund of that office to be
5 used for additional expenses incurred in the
6 investigation, prosecution, and appeal of cases arising
7 under laws. The Office of the State's Attorneys Appellate
8 Prosecutor shall not receive distribution from cases
9 brought in counties with over 3,000,000 population.

10 (3) 10% shall be retained by the Illinois ~~Department of~~
11 State Police for expenses related to the administration and
12 sale of seized and forfeited property.

13 Moneys and the sale proceeds distributed to the Illinois
14 ~~Department of~~ State Police under this Article shall be
15 deposited in the Money Laundering Asset Recovery Fund created
16 in the State treasury and shall be used by the Illinois
17 ~~Department of~~ State Police for State law enforcement purposes.
18 All moneys and sale proceeds of property forfeited and seized
19 under this Article and distributed according to this Section
20 may also be used to purchase opioid antagonists as defined in
21 Section 5-23 of the Substance Use Disorder Act.

22 (Source: P.A. 100-699, eff. 8-3-18; 100-1163, eff. 12-20-18.)

23 (720 ILCS 5/32-2) (from Ch. 38, par. 32-2)

24 Sec. 32-2. Perjury.

25 (a) A person commits perjury when, under oath or

1 affirmation, in a proceeding or in any other matter where by
2 law the oath or affirmation is required, he or she makes a
3 false statement, material to the issue or point in question,
4 knowing the statement is false.

5 (b) Proof of Falsity.

6 An indictment or information for perjury alleging that the
7 offender, under oath, has knowingly made contradictory
8 statements, material to the issue or point in question, in the
9 same or in different proceedings, where the oath or affirmation
10 is required, need not specify which statement is false. At the
11 trial, the prosecution need not establish which statement is
12 false.

13 (c) Admission of Falsity.

14 Where the contradictory statements are made in the same
15 continuous trial, an admission by the offender in that same
16 continuous trial of the falsity of a contradictory statement
17 shall bar prosecution therefor under any provisions of this
18 Code.

19 (d) A person shall be exempt from prosecution under
20 subsection (a) of this Section if he or she is a peace officer
21 who uses a false or fictitious name in the enforcement of the
22 criminal laws, and this use is approved in writing as provided
23 in Section 10-1 of "The Liquor Control Act of 1934", as
24 amended, Section 5 of "An Act in relation to the use of an
25 assumed name in the conduct or transaction of business in this
26 State", approved July 17, 1941, as amended, or Section 2605-200

1 of the Illinois ~~Department of~~ State Police Law. However, this
2 exemption shall not apply to testimony in judicial proceedings
3 where the identity of the peace officer is material to the
4 issue, and he or she is ordered by the court to disclose his or
5 her identity.

6 (e) Sentence.

7 Perjury is a Class 3 felony.

8 (Source: P.A. 97-1108, eff. 1-1-13.)

9 (720 ILCS 5/32-8) (from Ch. 38, par. 32-8)

10 Sec. 32-8. Tampering with public records.

11 (a) A person commits tampering with public records when he
12 or she knowingly, without lawful authority, and with the intent
13 to defraud any party, public officer or entity, alters,
14 destroys, defaces, removes or conceals any public record.

15 (b) (Blank).

16 (c) A judge, circuit clerk or clerk of court, public
17 official or employee, court reporter, or other person commits
18 tampering with public records when he or she knowingly, without
19 lawful authority, and with the intent to defraud any party,
20 public officer or entity, alters, destroys, defaces, removes,
21 or conceals any public record received or held by any judge or
22 by a clerk of any court.

23 (c-5) "Public record" expressly includes, but is not
24 limited to, court records, or documents, evidence, or exhibits
25 filed with the clerk of the court and which have become a part

1 of the official court record, pertaining to any civil or
2 criminal proceeding in any court.

3 (d) Sentence. A violation of subsection (a) is a Class 4
4 felony. A violation of subsection (c) is a Class 3 felony. Any
5 person convicted under subsection (c) who at the time of the
6 violation was responsible for making, keeping, storing, or
7 reporting the record for which the tampering occurred:

8 (1) shall forfeit his or her public office or public
9 employment, if any, and shall thereafter be ineligible for
10 both State and local public office and public employment in
11 this State for a period of 5 years after completion of any
12 term of probation, conditional discharge, or incarceration
13 in a penitentiary including the period of mandatory
14 supervised release;

15 (2) shall forfeit all retirement, pension, and other
16 benefits arising out of public office or public employment
17 as may be determined by the court in accordance with the
18 applicable provisions of the Illinois Pension Code;

19 (3) shall be subject to termination of any professional
20 licensure or registration in this State as may be
21 determined by the court in accordance with the provisions
22 of the applicable professional licensing or registration
23 laws;

24 (4) may be ordered by the court, after a hearing in
25 accordance with applicable law and in addition to any other
26 penalty or fine imposed by the court, to forfeit to the

1 State an amount equal to any financial gain or the value of
2 any advantage realized by the person as a result of the
3 offense; and

4 (5) may be ordered by the court, after a hearing in
5 accordance with applicable law and in addition to any other
6 penalty or fine imposed by the court, to pay restitution to
7 the victim in an amount equal to any financial loss or the
8 value of any advantage lost by the victim as a result of
9 the offense.

10 For the purposes of this subsection (d), an offense under
11 subsection (c) committed by a person holding public office or
12 public employment shall be rebuttably presumed to relate to or
13 arise out of or in connection with that public office or public
14 employment.

15 (e) Any party litigant who believes a violation of this
16 Section has occurred may seek the restoration of the court
17 record as provided in the Court Records Restoration Act. Any
18 order of the court denying the restoration of the court record
19 may be appealed as any other civil judgment.

20 (f) When the sheriff or local law enforcement agency having
21 jurisdiction declines to investigate, or inadequately
22 investigates, the court or any interested party, shall notify
23 the Illinois State Police of a suspected violation of
24 subsection (a) or (c), who shall have the authority to
25 investigate, and may investigate, the same, without regard to
26 whether the local law enforcement agency has requested the

1 Illinois State Police to do so.

2 (g) If the State's Attorney having jurisdiction declines to
3 prosecute a violation of subsection (a) or (c), the court or
4 interested party shall notify the Attorney General of the
5 refusal. The Attorney General shall, thereafter, have the
6 authority to prosecute, and may prosecute, the violation,
7 without a referral from the State's Attorney.

8 (h) Prosecution of a violation of subsection (c) shall be
9 commenced within 3 years after the act constituting the
10 violation is discovered or reasonably should have been
11 discovered.

12 (Source: P.A. 96-1217, eff. 1-1-11; 96-1508, eff. 6-1-11;
13 97-1108, eff. 1-1-13.)

14 (720 ILCS 5/33-2) (from Ch. 38, par. 33-2)

15 Sec. 33-2. Failure to report a bribe. Any public officer,
16 public employee or juror who fails to report forthwith to the
17 local State's Attorney, or in the case of a State employee to
18 the Illinois ~~Department of~~ State Police, any offer made to him
19 in violation of Section 33-1 commits a Class A misdemeanor.

20 In the case of a State employee, the making of such report
21 to the Illinois ~~Department of~~ State Police shall discharge such
22 employee from any further duty under this Section. Upon
23 receiving any such report, the Illinois ~~Department of~~ State
24 Police shall forthwith transmit a copy thereof to the
25 appropriate State's Attorney.

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

2 (720 ILCS 5/33-3.1)

3 Sec. 33-3.1. Solicitation misconduct (State government).

4 (a) An employee of an executive branch constitutional
5 officer commits solicitation misconduct (State government)
6 when, at any time, he or she knowingly solicits or receives
7 contributions, as that term is defined in Section 9-1.4 of the
8 Election Code, from a person engaged in a business or activity
9 over which the person has regulatory authority.

10 (b) For the purpose of this Section, "employee of an
11 executive branch constitutional officer" means a full-time or
12 part-time salaried employee, full-time or part-time salaried
13 appointee, or any contractual employee of any office, board,
14 commission, agency, department, authority, administrative
15 unit, or corporate outgrowth under the jurisdiction of an
16 executive branch constitutional officer; and "regulatory
17 authority" means having the responsibility to investigate,
18 inspect, license, or enforce regulatory measures necessary to
19 the requirements of any State or federal statute or regulation
20 relating to the business or activity.

21 (c) An employee of an executive branch constitutional
22 officer, including one who does not have regulatory authority,
23 commits a violation of this Section if that employee knowingly
24 acts in concert with an employee of an executive branch
25 constitutional officer who does have regulatory authority to

1 solicit or receive contributions in violation of this Section.

2 (d) Solicitation misconduct (State government) is a Class A
3 misdemeanor. An employee of an executive branch constitutional
4 officer convicted of committing solicitation misconduct (State
5 government) forfeits his or her employment.

6 (e) An employee of an executive branch constitutional
7 officer who is discharged, demoted, suspended, threatened,
8 harassed, or in any other manner discriminated against in the
9 terms and conditions of employment because of lawful acts done
10 by the employee or on behalf of the employee or others in
11 furtherance of the enforcement of this Section shall be
12 entitled to all relief necessary to make the employee whole.

13 (f) Any person who knowingly makes a false report of
14 solicitation misconduct (State government) to the Illinois
15 State Police, the Attorney General, a State's Attorney, or any
16 law enforcement official is guilty of a Class C misdemeanor.

17 (Source: P.A. 92-853, eff. 8-28-02.)

18 (720 ILCS 5/33-3.2)

19 Sec. 33-3.2. Solicitation misconduct (local government).

20 (a) An employee of a chief executive officer of a local
21 government commits solicitation misconduct (local government)
22 when, at any time, he or she knowingly solicits or receives
23 contributions, as that term is defined in Section 9-1.4 of the
24 Election Code, from a person engaged in a business or activity
25 over which the person has regulatory authority.

1 (b) For the purpose of this Section, "chief executive
2 officer of a local government" means an executive officer of a
3 county, township or municipal government or any administrative
4 subdivision under jurisdiction of the county, township, or
5 municipal government including but not limited to: chairman or
6 president of a county board or commission, mayor or village
7 president, township supervisor, county executive, municipal
8 manager, assessor, auditor, clerk, coroner, recorder, sheriff
9 or State's Attorney; "employee of a chief executive officer of
10 a local government" means a full-time or part-time salaried
11 employee, full-time or part-time salaried appointee, or any
12 contractual employee of any office, board, commission, agency,
13 department, authority, administrative unit, or corporate
14 outgrowth under the jurisdiction of a chief executive officer
15 of a local government; and "regulatory authority" means having
16 the responsibility to investigate, inspect, license, or
17 enforce regulatory measures necessary to the requirements of
18 any State, local, or federal statute or regulation relating to
19 the business or activity.

20 (c) An employee of a chief executive officer of a local
21 government, including one who does not have regulatory
22 authority, commits a violation of this Section if that employee
23 knowingly acts in concert with an employee of a chief executive
24 officer of a local government who does have regulatory
25 authority to solicit or receive contributions in violation of
26 this Section.

1 (d) Solicitation misconduct (local government) is a Class A
2 misdemeanor. An employee of a chief executive officer of a
3 local government convicted of committing solicitation
4 misconduct (local government) forfeits his or her employment.

5 (e) An employee of a chief executive officer of a local
6 government who is discharged, demoted, suspended, threatened,
7 harassed, or in any other manner discriminated against in the
8 terms and conditions of employment because of lawful acts done
9 by the employee or on behalf of the employee or others in
10 furtherance of the enforcement of this Section shall be
11 entitled to all relief necessary to make the employee whole.

12 (f) Any person who knowingly makes a false report of
13 solicitation misconduct (local government) to the Illinois
14 State Police, the Attorney General, a State's Attorney, or any
15 law enforcement official is guilty of a Class C misdemeanor.

16 (Source: P.A. 92-853, eff. 8-28-02.)

17 (720 ILCS 5/36-1.1)

18 Sec. 36-1.1. Seizure.

19 (a) Any property subject to forfeiture under this Article
20 may be seized and impounded by the Director of the Illinois
21 State Police or any peace officer upon process or seizure
22 warrant issued by any court having jurisdiction over the
23 property.

24 (b) Any property subject to forfeiture under this Article
25 may be seized and impounded by the Director of the Illinois

1 State Police or any peace officer without process if there is
2 probable cause to believe that the property is subject to
3 forfeiture under Section 36-1 of this Article and the property
4 is seized under circumstances in which a warrantless seizure or
5 arrest would be reasonable.

6 (c) If the seized property is a conveyance, an
7 investigation shall be made by the law enforcement agency as to
8 any person whose right, title, interest, or lien is of record
9 in the office of the agency or official in which title to or
10 interest in the conveyance is required by law to be recorded.

11 (d) After seizure under this Section, notice shall be given
12 to all known interest holders that forfeiture proceedings,
13 including a preliminary review, may be instituted and the
14 proceedings may be instituted under this Article.

15 (Source: P.A. 100-512, eff. 7-1-18; 100-699, eff. 8-3-18.)

16 (720 ILCS 5/36-1.3)

17 Sec. 36-1.3. Safekeeping of seized property pending
18 disposition.

19 (a) Property seized under this Article is deemed to be in
20 the custody of the Director of the Illinois State Police,
21 subject only to the order and judgments of the circuit court
22 having jurisdiction over the forfeiture proceedings and the
23 decisions of the State's Attorney under this Article.

24 (b) If property is seized under this Article, the seizing
25 agency shall promptly conduct an inventory of the seized

1 property and estimate the property's value and shall forward a
2 copy of the inventory of seized property and the estimate of
3 the property's value to the Director of the Illinois State
4 Police. Upon receiving notice of seizure, the Director of the
5 Illinois State Police may:

6 (1) place the property under seal;

7 (2) remove the property to a place designated by the
8 Director of the Illinois State Police;

9 (3) keep the property in the possession of the seizing
10 agency;

11 (4) remove the property to a storage area for
12 safekeeping;

13 (5) place the property under constructive seizure by
14 posting notice of pending forfeiture on it, by giving
15 notice of pending forfeiture to its owners and interest
16 holders, or by filing notice of pending forfeiture in any
17 appropriate public record relating to the property; or

18 (6) provide for another agency or custodian, including
19 an owner, secured party, or lienholder, to take custody of
20 the property upon the terms and conditions set by the
21 seizing agency.

22 (c) The seizing agency shall exercise ordinary care to
23 protect the subject of the forfeiture from negligent loss,
24 damage, or destruction.

25 (d) Property seized or forfeited under this Article is
26 subject to reporting under the Seizure and Forfeiture Reporting

1 Act.

2 (Source: P.A. 100-512, eff. 7-1-18; 100-699, eff. 8-3-18;
3 100-1163, eff. 12-20-18.)

4 (720 ILCS 5/36-2.2)

5 Sec. 36-2.2. Replevin prohibited; return of personal
6 property inside seized conveyance.

7 (a) Property seized under this Article shall not be subject
8 to replevin, but is deemed to be in the custody of the Director
9 of the Illinois State Police, 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.

13 (b) A claimant or a party interested in personal property
14 contained within a seized conveyance may file a motion with the
15 court in a judicial forfeiture action for the return of any
16 personal property contained within a conveyance seized under
17 this Article. The return of personal property shall not be
18 unreasonably withheld if the personal property is not
19 mechanically or electrically coupled to the conveyance, needed
20 for evidentiary purposes, or otherwise contraband. A law
21 enforcement agency that returns property under a court order
22 under this Section shall not be liable to any person who claims
23 ownership to the property if the property is returned to an
24 improper party.

25 (Source: P.A. 100-512, eff. 7-1-18; 100-699, eff. 8-3-18.)

1 (720 ILCS 5/36-7)

2 Sec. 36-7. Distribution of proceeds; selling or retaining
3 seized property prohibited.

4 (a) Except as otherwise provided in this Section, the court
5 shall order that property forfeited under this Article be
6 delivered to the Illinois ~~Department of~~ State Police within 60
7 days.

8 (b) The Illinois ~~Department of~~ State Police or its designee
9 shall dispose of all property at public auction and shall
10 distribute the proceeds of the sale, together with any moneys
11 forfeited or seized, under subsection (c) of this Section.

12 (c) All moneys and the sale proceeds of all other property
13 forfeited and seized under this Act shall be distributed as
14 follows:

15 (1) 65% shall be distributed to the drug task force,
16 metropolitan enforcement group, local, municipal, county,
17 or State law enforcement agency or agencies that conducted
18 or participated in the investigation resulting in the
19 forfeiture. The distribution shall bear a reasonable
20 relationship to the degree of direct participation of the
21 law enforcement agency in the effort resulting in the
22 forfeiture, taking into account the total value of the
23 property forfeited and the total law enforcement effort
24 with respect to the violation of the law upon which the
25 forfeiture is based. Amounts distributed to the agency or

1 agencies shall be used, at the discretion of the agency,
2 for the enforcement of criminal laws; or for public
3 education in the community or schools in the prevention or
4 detection of the abuse of drugs or alcohol; or for security
5 cameras used for the prevention or detection of violence,
6 except that amounts distributed to the Secretary of State
7 shall be deposited into the Secretary of State Evidence
8 Fund to be used as provided in Section 2-115 of the
9 Illinois Vehicle Code.

10 Any local, municipal, or county law enforcement agency
11 entitled to receive a monetary distribution of forfeiture
12 proceeds may share those forfeiture proceeds pursuant to
13 the terms of an intergovernmental agreement with a
14 municipality that has a population in excess of 20,000 if:

15 (A) the receiving agency has entered into an
16 intergovernmental agreement with the municipality to
17 provide police services;

18 (B) the intergovernmental agreement for police
19 services provides for consideration in an amount of not
20 less than \$1,000,000 per year;

21 (C) the seizure took place within the geographical
22 limits of the municipality; and

23 (D) the funds are used only for the enforcement of
24 criminal laws; for public education in the community or
25 schools in the prevention or detection of the abuse of
26 drugs or alcohol; or for security cameras used for the

1 prevention or detection of violence or the
2 establishment of a municipal police force, including
3 the training of officers, construction of a police
4 station, the purchase of law enforcement equipment, or
5 vehicles.

6 (2) 12.5% shall be distributed to the Office of the
7 State's Attorney of the county in which the prosecution
8 resulting in the forfeiture was instituted, deposited in a
9 special fund in the county treasury and appropriated to the
10 State's Attorney for use, at the discretion of the State's
11 Attorney, in the enforcement of criminal laws; or for
12 public education in the community or schools in the
13 prevention or detection of the abuse of drugs or alcohol;
14 or at the discretion of the State's Attorney, in addition
15 to other authorized purposes, to make grants to local
16 substance abuse treatment facilities and half-way houses.
17 In counties over 3,000,000 population, 25% will be
18 distributed to the Office of the State's Attorney for use,
19 at the discretion of the State's Attorney, in the
20 enforcement of criminal laws; or for public education in
21 the community or schools in the prevention or detection of
22 the abuse of drugs or alcohol; or at the discretion of the
23 State's Attorney, in addition to other authorized
24 purposes, to make grants to local substance abuse treatment
25 facilities and half-way houses. If the prosecution is
26 undertaken solely by the Attorney General, the portion

1 provided shall be distributed to the Attorney General for
2 use in the enforcement of criminal laws governing cannabis
3 and controlled substances or for public education in the
4 community or schools in the prevention or detection of the
5 abuse of drugs or alcohol.

6 12.5% shall be distributed to the Office of the State's
7 Attorneys Appellate Prosecutor and shall be used at the
8 discretion of the State's Attorneys Appellate Prosecutor
9 for additional expenses incurred in the investigation,
10 prosecution and appeal of cases arising in the enforcement
11 of criminal laws; or for public education in the community
12 or schools in the prevention or detection of the abuse of
13 drugs or alcohol. The Office of the State's Attorneys
14 Appellate Prosecutor shall not receive distribution from
15 cases brought in counties with over 3,000,000 population.

16 (3) 10% shall be retained by the Illinois ~~Department of~~
17 State Police for expenses related to the administration and
18 sale of seized and forfeited property.

19 (d) A law enforcement agency shall not retain forfeited
20 property for its own use or transfer the property to any person
21 or entity, except as provided under this Section. A law
22 enforcement agency may apply in writing to the Director of the
23 Illinois State Police to request that forfeited property be
24 awarded to the agency for a specifically articulated official
25 law enforcement use in an investigation. The Director of the
26 Illinois State Police shall provide a written justification in

1 each 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 (Source: P.A. 100-512, eff. 7-1-18; 100-699, eff. 8-3-18.)

5 Section 985. The Cannabis Control Act is amended by
6 changing Sections 3, 4, 8, 10.2, 11, 15.2, 16.2, and 17 as
7 follows:

8 (720 ILCS 550/3) (from Ch. 56 1/2, par. 703)

9 Sec. 3. As used in this Act, unless the context otherwise
10 requires:

11 (a) "Cannabis" includes marihuana, hashish and other
12 substances which are identified as including any parts of the
13 plant Cannabis Sativa, whether growing or not; the seeds
14 thereof, the resin extracted from any part of such plant; and
15 any compound, manufacture, salt, derivative, mixture, or
16 preparation of such plant, its seeds, or resin, including
17 tetrahydrocannabinol (THC) and all other cannabinol
18 derivatives, including its naturally occurring or
19 synthetically produced ingredients, whether produced directly
20 or indirectly by extraction, or independently by means of
21 chemical synthesis or by a combination of extraction and
22 chemical synthesis; but shall not include the mature stalks of
23 such plant, fiber produced from such stalks, oil or cake made
24 from the seeds of such plant, any other compound, manufacture,

1 salt, derivative, mixture, or preparation of such mature stalks
2 (except the resin extracted therefrom), fiber, oil or cake, or
3 the sterilized seed of such plant which is incapable of
4 germination.

5 (b) "Casual delivery" means the delivery of not more than
6 10 grams of any substance containing cannabis without
7 consideration.

8 (c) "Department" means the Illinois Department of Human
9 Services (as successor to the Department of Alcoholism and
10 Substance Abuse) or its successor agency.

11 (d) "Deliver" or "delivery" means the actual, constructive
12 or attempted transfer of possession of cannabis, with or
13 without consideration, whether or not there is an agency
14 relationship.

15 (e) (Blank). ~~"Department of State Police" means the~~
16 ~~Department of State Police of the State of Illinois or its~~
17 ~~successor agency.~~

18 (f) "Director" means the Director of the Illinois
19 ~~Department of State Police~~ or his designated agent.

20 (g) "Local authorities" means a duly organized State,
21 county, or municipal peace unit or police force.

22 (h) "Manufacture" means the production, preparation,
23 propagation, compounding, conversion or processing of
24 cannabis, either directly or indirectly, by extraction from
25 substances of natural origin, or independently by means of
26 chemical synthesis, or by a combination of extraction and

1 chemical synthesis, and includes any packaging or repackaging
2 of cannabis or labeling of its container, except that this term
3 does not include the preparation, compounding, packaging, or
4 labeling of cannabis as an incident to lawful research,
5 teaching, or chemical analysis and not for sale.

6 (i) "Person" means any individual, corporation, government
7 or governmental subdivision or agency, business trust, estate,
8 trust, partnership or association, or any other entity.

9 (j) "Produce" or "production" means planting, cultivating,
10 tending or harvesting.

11 (k) "State" includes the State of Illinois and any state,
12 district, commonwealth, territory, insular possession thereof,
13 and any area subject to the legal authority of the United
14 States of America.

15 (l) "Subsequent offense" means an offense under this Act,
16 the offender of which, prior to his conviction of the offense,
17 has at any time been convicted under this Act or under any laws
18 of the United States or of any state relating to cannabis, or
19 any controlled substance as defined in the Illinois Controlled
20 Substances Act.

21 (Source: P.A. 100-1091, eff. 8-26-18; 101-593, eff. 12-4-19.)

22 (720 ILCS 550/4) (from Ch. 56 1/2, par. 704)

23 Sec. 4. Except as otherwise provided in the Cannabis
24 Regulation and Tax Act and the Industrial Hemp Act, it is
25 unlawful for any person knowingly to possess cannabis.

1 Any person who violates this Section with respect to:

2 (a) not more than 10 grams of any substance containing
3 cannabis is guilty of a civil law violation punishable by a
4 minimum fine of \$100 and a maximum fine of \$200. The
5 proceeds of the fine shall be payable to the clerk of the
6 circuit court. Within 30 days after the deposit of the
7 fine, the clerk shall distribute the proceeds of the fine
8 as follows:

9 (1) \$10 of the fine to the circuit clerk and \$10 of
10 the fine to the law enforcement agency that issued the
11 citation; the proceeds of each \$10 fine distributed to
12 the circuit clerk and each \$10 fine distributed to the
13 law enforcement agency that issued the citation for the
14 violation shall be used to defer the cost of automatic
15 expungements under paragraph (2.5) of subsection (a)
16 of Section 5.2 of the Criminal Identification Act;

17 (2) \$15 to the county to fund drug addiction
18 services;

19 (3) \$10 to the Office of the State's Attorneys
20 Appellate Prosecutor for use in training programs;

21 (4) \$10 to the State's Attorney; and

22 (5) any remainder of the fine to the law
23 enforcement agency that issued the citation for the
24 violation.

25 With respect to funds designated for the Illinois
26 ~~Department of State Police~~, the moneys shall be remitted by

1 the circuit court clerk to the Illinois ~~Department of~~ State
2 Police within one month after receipt for deposit into the
3 State Police Operations Assistance Fund. With respect to
4 funds designated for the Department of Natural Resources,
5 the Department of Natural Resources shall deposit the
6 moneys into the Conservation Police Operations Assistance
7 Fund;

8 (b) more than 10 grams but not more than 30 grams of
9 any substance containing cannabis is guilty of a Class B
10 misdemeanor;

11 (c) more than 30 grams but not more than 100 grams of
12 any substance containing cannabis is guilty of a Class A
13 misdemeanor; provided, that if any offense under this
14 subsection (c) is a subsequent offense, the offender shall
15 be guilty of a Class 4 felony;

16 (d) more than 100 grams but not more than 500 grams of
17 any substance containing cannabis is guilty of a Class 4
18 felony; provided that if any offense under this subsection
19 (d) is a subsequent offense, the offender shall be guilty
20 of a Class 3 felony;

21 (e) more than 500 grams but not more than 2,000 grams
22 of any substance containing cannabis is guilty of a Class 3
23 felony;

24 (f) more than 2,000 grams but not more than 5,000 grams
25 of any substance containing cannabis is guilty of a Class 2
26 felony;

1 (g) more than 5,000 grams of any substance containing
2 cannabis is guilty of a Class 1 felony.

3 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

4 (720 ILCS 550/8) (from Ch. 56 1/2, par. 708)

5 Sec. 8. Except as otherwise provided in the Cannabis
6 Regulation and Tax Act and the Industrial Hemp Act, it is
7 unlawful for any person knowingly to produce the Cannabis
8 sativa plant or to possess such plants unless production or
9 possession has been authorized pursuant to the provisions of
10 Section 11 or 15.2 of the Act. Any person who violates this
11 Section with respect to production or possession of:

12 (a) Not more than 5 plants is guilty of a civil
13 violation punishable by a minimum fine of \$100 and a
14 maximum fine of \$200. The proceeds of the fine are payable
15 to the clerk of the circuit court. Within 30 days after the
16 deposit of the fine, the clerk shall distribute the
17 proceeds of the fine as follows:

18 (1) \$10 of the fine to the circuit clerk and \$10 of
19 the fine to the law enforcement agency that issued the
20 citation; the proceeds of each \$10 fine distributed to
21 the circuit clerk and each \$10 fine distributed to the
22 law enforcement agency that issued the citation for the
23 violation shall be used to defer the cost of automatic
24 expungements under paragraph (2.5) of subsection (a)
25 of Section 5.2 of the Criminal Identification Act;

1 (2) \$15 to the county to fund drug addiction
2 services;

3 (3) \$10 to the Office of the State's Attorneys
4 Appellate Prosecutor for use in training programs;

5 (4) \$10 to the State's Attorney; and

6 (5) any remainder of the fine to the law
7 enforcement agency that issued the citation for the
8 violation.

9 With respect to funds designated for the Illinois
10 ~~Department of State Police~~, the moneys shall be remitted by
11 the circuit court clerk to the Illinois ~~Department of State~~
12 Police within one month after receipt for deposit into the
13 State Police Operations Assistance Fund. With respect to
14 funds designated for the Department of Natural Resources,
15 the Department of Natural Resources shall deposit the
16 moneys into the Conservation Police Operations Assistance
17 Fund.

18 (b) More than 5, but not more than 20 plants, is guilty
19 of a Class 4 felony.

20 (c) More than 20, but not more than 50 plants, is
21 guilty of a Class 3 felony.

22 (d) More than 50, but not more than 200 plants, is
23 guilty of a Class 2 felony for which a fine not to exceed
24 \$100,000 may be imposed and for which liability for the
25 cost of conducting the investigation and eradicating such
26 plants may be assessed. Compensation for expenses incurred

1 in the enforcement of this provision shall be transmitted
2 to and deposited in the treasurer's office at the level of
3 government represented by the Illinois law enforcement
4 agency whose officers or employees conducted the
5 investigation or caused the arrest or arrests leading to
6 the prosecution, to be subsequently made available to that
7 law enforcement agency as expendable receipts for use in
8 the enforcement of laws regulating controlled substances
9 and cannabis. If such seizure was made by a combination of
10 law enforcement personnel representing different levels of
11 government, the court levying the assessment shall
12 determine the allocation of such assessment. The proceeds
13 of assessment awarded to the State treasury shall be
14 deposited in a special fund known as the Drug Traffic
15 Prevention Fund.

16 (e) More than 200 plants is guilty of a Class 1 felony
17 for which a fine not to exceed \$100,000 may be imposed and
18 for which liability for the cost of conducting the
19 investigation and eradicating such plants may be assessed.
20 Compensation for expenses incurred in the enforcement of
21 this provision shall be transmitted to and deposited in the
22 treasurer's office at the level of government represented
23 by the Illinois law enforcement agency whose officers or
24 employees conducted the investigation or caused the arrest
25 or arrests leading to the prosecution, to be subsequently
26 made available to that law enforcement agency as expendable

1 receipts for use in the enforcement of laws regulating
2 controlled substances and cannabis. If such seizure was
3 made by a combination of law enforcement personnel
4 representing different levels of government, the court
5 levying the assessment shall determine the allocation of
6 such assessment. The proceeds of assessment awarded to the
7 State treasury shall be deposited in a special fund known
8 as the Drug Traffic Prevention Fund.

9 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

10 (720 ILCS 550/10.2) (from Ch. 56 1/2, par. 710.2)

11 Sec. 10.2. (a) Twelve and one-half percent of all amounts
12 collected as fines pursuant to the provisions of this Act shall
13 be paid into the Youth Drug Abuse Prevention Fund, which is
14 hereby created in the State treasury, to be used by the
15 Department of Human Services for the funding of programs and
16 services for drug-abuse treatment, and prevention and
17 education services, for juveniles.

18 (b) Eighty-seven and one-half percent of the proceeds of
19 all fines received under the provisions of this Act shall be
20 transmitted to and deposited in the treasurer's office at the
21 level of government as follows:

22 (1) If such seizure was made by a combination of law
23 enforcement personnel representing differing units of
24 local government, the court levying the fine shall
25 equitably allocate 50% of the fine among these units of

1 local government and shall allocate 37 1/2% to the county
2 general corporate fund. In the event that the seizure was
3 made by law enforcement personnel representing a unit of
4 local government from a municipality where the number of
5 inhabitants exceeds 2 million in population, the court
6 levying the fine shall allocate 87 1/2% of the fine to that
7 unit of local government. If the seizure was made by a
8 combination of law enforcement personnel representing
9 differing units of local government, and at least one of
10 those units represents a municipality where the number of
11 inhabitants exceeds 2 million in population, the court
12 shall equitably allocate 87 1/2% of the proceeds of the
13 fines received among the differing units of local
14 government.

15 (2) If such seizure was made by State law enforcement
16 personnel, then the court shall allocate 37 1/2% to the
17 State treasury and 50% to the county general corporate
18 fund.

19 (3) If a State law enforcement agency in combination
20 with a law enforcement agency or agencies of a unit or
21 units of local government conducted the seizure, the court
22 shall equitably allocate 37 1/2% of the fines to or among
23 the law enforcement agency or agencies of the unit or units
24 of local government which conducted the seizure and shall
25 allocate 50% to the county general corporate fund.

26 (c) The proceeds of all fines allocated to the law

1 enforcement agency or agencies of the unit or units of local
2 government pursuant to subsection (b) shall be made available
3 to that law enforcement agency as expendable receipts for use
4 in the enforcement of laws regulating controlled substances and
5 cannabis. The proceeds of fines awarded to the State treasury
6 shall be deposited in a special fund known as the Drug Traffic
7 Prevention Fund, except that amounts distributed to the
8 Secretary of State shall be deposited into the Secretary of
9 State Evidence Fund to be used as provided in Section 2-115 of
10 the Illinois Vehicle Code. Monies from this fund may be used by
11 the Illinois ~~Department of~~ State Police for use in the
12 enforcement of laws regulating controlled substances and
13 cannabis; to satisfy funding provisions of the
14 Intergovernmental Drug Laws Enforcement Act; to defray costs
15 and expenses associated with returning violators of this Act,
16 the Illinois Controlled Substances Act, and the
17 Methamphetamine Control and Community Protection Act only, as
18 provided in such Acts, when punishment of the crime shall be
19 confinement of the criminal in the penitentiary; and all other
20 monies shall be paid into the general revenue fund in the State
21 treasury.

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

23 (720 ILCS 550/11) (from Ch. 56 1/2, par. 711)

24 Sec. 11. (a) The Department, with the written approval of
25 the Illinois ~~Department of~~ State Police, may authorize the

1 possession, production, manufacture and delivery of substances
2 containing cannabis by persons engaged in research and when
3 such authorization is requested by a physician licensed to
4 practice medicine in all its branches, such authorization shall
5 issue without unnecessary delay where the Department finds that
6 such physician licensed to practice medicine in all its
7 branches has certified that such possession, production,
8 manufacture or delivery of such substance is necessary for the
9 treatment of glaucoma, the side effects of chemotherapy or
10 radiation therapy in cancer patients or such other procedure
11 certified to be medically necessary; such authorization shall
12 be, upon such terms and conditions as may be consistent with
13 the public health and safety. To the extent of the applicable
14 authorization, persons are exempt from prosecution in this
15 State for possession, production, manufacture or delivery of
16 cannabis.

17 (b) Persons registered under Federal law to conduct
18 research with cannabis may conduct research with cannabis
19 including, but not limited to treatment by a physician licensed
20 to practice medicine in all its branches for glaucoma, the side
21 effects of chemotherapy or radiation therapy in cancer patients
22 or such other procedure which is medically necessary within
23 this State upon furnishing evidence of that Federal
24 registration and notification of the scope and purpose of such
25 research to the Department and to the Illinois ~~Department of~~
26 State Police of that Federal registration.

1 (c) Persons authorized to engage in research may be
2 authorized by the Department to protect the privacy of
3 individuals who are the subjects of such research by
4 withholding from all persons not connected with the conduct of
5 the research the names and other identifying characteristics of
6 such individuals. Persons who are given this authorization
7 shall not be compelled in any civil, criminal, administrative,
8 legislative or other proceeding to identify the individuals who
9 are the subjects of research for which the authorization was
10 granted, except to the extent necessary to permit the
11 Department to determine whether the research is being conducted
12 in accordance with the authorization.

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

14 (720 ILCS 550/15.2)

15 Sec. 15.2. Industrial hemp pilot program.

16 (a) Pursuant to Section 7606 of the federal Agricultural
17 Act of 2014, an institution of higher education or the
18 Department of Agriculture may grow or cultivate industrial hemp
19 if:

20 (1) the industrial hemp is grown or cultivated for
21 purposes of research conducted under an agricultural pilot
22 program or other agricultural or academic research;

23 (2) the pilot program studies the growth, cultivation,
24 or marketing of industrial hemp; and

25 (3) any site used for the growing or cultivating of

1 industrial hemp is certified by, and registered with, the
2 Department of Agriculture.

3 (b) Before conducting industrial hemp research, an
4 institution of higher education shall notify the Department of
5 Agriculture and any local law enforcement agency in writing.

6 (c) The institution of higher education shall provide
7 quarterly reports and an annual report to the Department of
8 Agriculture on the research and the research program shall be
9 subject to random inspection by the Department of Agriculture,
10 the Illinois ~~Department of~~ State Police, or local law
11 enforcement agencies. The institution of higher education
12 shall submit the annual report to the Department of Agriculture
13 on or before October 1.

14 (d) The Department of Agriculture may adopt rules to
15 implement this Section. In order to provide for the expeditious
16 and timely implementation of this Section, upon notification by
17 an institution of higher education that the institution wishes
18 to engage in the growth or cultivation of industrial hemp for
19 agricultural research purposes, the Department of Agriculture
20 may adopt emergency rules under Section 5-45 of the Illinois
21 Administrative Procedure Act to implement the provisions of
22 this Section. If changes to the rules are required to comply
23 with federal rules, the Department of Agriculture may adopt
24 peremptory rules as necessary to comply with changes to
25 corresponding federal rules. All other rules that the
26 Department of Agriculture deems necessary to adopt in

1 connection with this Section must proceed through the ordinary
2 rule-making process. The adoption of emergency rules
3 authorized by this Section shall be deemed to be necessary for
4 the public interest, safety, and welfare.

5 The Department of Agriculture may determine, by rule, the
6 duration of an institution of higher education's pilot program
7 or industrial hemp research. If the institution of higher
8 education has not completed its program within the timeframe
9 established by rule, then the Department of Agriculture may
10 grant an extension to the pilot program if unanticipated
11 circumstances arose that impacted the program.

12 (e) As used in this Section:

13 "Industrial hemp" means cannabis sativa L. having no more
14 than 0.3% total THC available, upon heating, or maximum delta-9
15 tetrahydrocannabinol content possible.

16 "Institution of higher education" means a State
17 institution of higher education that offers a 4-year degree in
18 agricultural science.

19 (Source: P.A. 98-1072, eff. 1-1-15; 99-78, eff. 7-20-15.)

20 (720 ILCS 550/16.2)

21 Sec. 16.2. Preservation of cannabis or cannabis sativa
22 plants for laboratory testing.

23 (a) Before or after the trial in a prosecution for a
24 violation of Section 4, 5, 5.1, 5.2, 8, or 9 of this Act, a law
25 enforcement agency or an agent acting on behalf of the law

1 enforcement agency must preserve, subject to a continuous chain
2 of custody, not less than 6,001 grams of any substance
3 containing cannabis and not less than 51 cannabis sativa plants
4 with respect to the offenses enumerated in this subsection (a)
5 and must maintain sufficient documentation to locate that
6 evidence. Excess quantities with respect to the offenses
7 enumerated in this subsection (a) cannot practicably be
8 retained by a law enforcement agency because of its size, bulk,
9 and physical character.

10 (b) The court may before trial transfer excess quantities
11 of any substance containing cannabis or cannabis sativa plants
12 with respect to a prosecution for any offense enumerated in
13 subsection (a) to the sheriff of the county, or may in its
14 discretion transfer such evidence to the Illinois ~~Department of~~
15 State Police, for destruction after notice is given to the
16 defendant's attorney of record or to the defendant if the
17 defendant is proceeding pro se.

18 (c) After a judgment of conviction is entered and the
19 charged quantity is no longer needed for evidentiary purposes
20 with respect to a prosecution for any offense enumerated in
21 subsection (a), the court may transfer any substance containing
22 cannabis or cannabis sativa plants to the sheriff of the
23 county, or may in its discretion transfer such evidence to the
24 Illinois ~~Department of~~ State Police, for destruction after
25 notice is given to the defendant's attorney of record or to the
26 defendant if the defendant is proceeding pro se. No evidence

1 shall be disposed of until 30 days after the judgment is
2 entered, and if a notice of appeal is filed, no evidence shall
3 be disposed of until the mandate has been received by the
4 circuit court from the Appellate Court.

5 (Source: P.A. 94-180, eff. 7-12-05.)

6 (720 ILCS 550/17) (from Ch. 56 1/2, par. 717)

7 Sec. 17. It is hereby made the duty of the Illinois
8 ~~Department of~~ State Police, all peace officers within the State
9 and of all State's attorneys, to enforce all provisions of this
10 Act and to cooperate with all agencies charged with the
11 enforcement of the laws of the United States, of this State,
12 and of all other states, relating to cannabis.

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

14 Section 990. The Illinois Controlled Substances Act is
15 amended by changing Section 102 as follows:

16 (720 ILCS 570/102) (from Ch. 56 1/2, par. 1102)

17 Sec. 102. Definitions. As used in this Act, unless the
18 context otherwise requires:

19 (a) "Addict" means any person who habitually uses any drug,
20 chemical, substance or dangerous drug other than alcohol so as
21 to endanger the public morals, health, safety or welfare or who
22 is so far addicted to the use of a dangerous drug or controlled
23 substance other than alcohol as to have lost the power of self

1 control with reference to his or her addiction.

2 (b) "Administer" means the direct application of a
3 controlled substance, whether by injection, inhalation,
4 ingestion, or any other means, to the body of a patient,
5 research subject, or animal (as defined by the Humane
6 Euthanasia in Animal Shelters Act) by:

7 (1) a practitioner (or, in his or her presence, by his
8 or her authorized agent),

9 (2) the patient or research subject pursuant to an
10 order, or

11 (3) a euthanasia technician as defined by the Humane
12 Euthanasia in Animal Shelters Act.

13 (c) "Agent" means an authorized person who acts on behalf
14 of or at the direction of a manufacturer, distributor,
15 dispenser, prescriber, or practitioner. It does not include a
16 common or contract carrier, public warehouseman or employee of
17 the carrier or warehouseman.

18 (c-1) "Anabolic Steroids" means any drug or hormonal
19 substance, chemically and pharmacologically related to
20 testosterone (other than estrogens, progestins,
21 corticosteroids, and dehydroepiandrosterone), and includes:

22 (i) 3[beta],17-dihydroxy-5a-androstane,

23 (ii) 3[alpha],17[beta]-dihydroxy-5a-androstane,

24 (iii) 5[alpha]-androstan-3,17-dione,

25 (iv) 1-androstenediol (3[beta],

26 17[beta]-dihydroxy-5[alpha]-androst-1-ene),

- 1 (v) 1-androstenediol (3[alpha],
2 17[beta]-dihydroxy-5[alpha]-androst-1-ene),
3 (vi) 4-androstenediol
4 (3[beta],17[beta]-dihydroxy-androst-4-ene),
5 (vii) 5-androstenediol
6 (3[beta],17[beta]-dihydroxy-androst-5-ene),
7 (viii) 1-androstenedione
8 ([5alpha]-androst-1-en-3,17-dione),
9 (ix) 4-androstenedione
10 (androst-4-en-3,17-dione),
11 (x) 5-androstenedione
12 (androst-5-en-3,17-dione),
13 (xi) bolasterone (7[alpha],17a-dimethyl-17[beta]-
14 hydroxyandrost-4-en-3-one),
15 (xii) boldenone (17[beta]-hydroxyandrost-
16 1,4,-diene-3-one),
17 (xiii) boldione (androsta-1,4-
18 diene-3,17-dione),
19 (xiv) calusterone (7[beta],17[alpha]-dimethyl-17
20 [beta]-hydroxyandrost-4-en-3-one),
21 (xv) clostebol (4-chloro-17[beta]-
22 hydroxyandrost-4-en-3-one),
23 (xvi) dehydrochloromethyltestosterone (4-chloro-
24 17[beta]-hydroxy-17[alpha]-methyl-
25 androst-1,4-dien-3-one),
26 (xvii) desoxymethyltestosterone

1 (17[alpha]-methyl-5[alpha]
2 -androst-2-en-17[beta]-ol) (a.k.a., madol),
3 (xviii) [delta]1-dihydrotestosterone (a.k.a.
4 '1-testosterone') (17[beta]-hydroxy-
5 5[alpha]-androst-1-en-3-one),
6 (xix) 4-dihydrotestosterone (17[beta]-hydroxy-
7 androstan-3-one),
8 (xx) drostanolone (17[beta]-hydroxy-2[alpha]-methyl-
9 5[alpha]-androstan-3-one),
10 (xxi) ethylestrenol (17[alpha]-ethyl-17[beta]-
11 hydroxyestr-4-ene),
12 (xxii) fluoxymesterone (9-fluoro-17[alpha]-methyl-
13 1[beta],17[beta]-dihydroxyandrost-4-en-3-one),
14 (xxiii) formebolone (2-formyl-17[alpha]-methyl-11[alpha],
15 17[beta]-dihydroxyandrost-1,4-dien-3-one),
16 (xxiv) furazabol (17[alpha]-methyl-17[beta]-
17 hydroxyandrostan[2,3-c]-furan),
18 (xxv) 13[beta]-ethyl-17[beta]-hydroxygon-4-en-3-one,
19 (xxvi) 4-hydroxytestosterone (4,17[beta]-dihydroxy-
20 androst-4-en-3-one),
21 (xxvii) 4-hydroxy-19-nortestosterone (4,17[beta]-
22 dihydroxy-estr-4-en-3-one),
23 (xxviii) mestanolone (17[alpha]-methyl-17[beta]-
24 hydroxy-5-androstan-3-one),
25 (xxix) mesterolone (17[alpha]-methyl-17[beta]-hydroxy-
26 [5a]-androstan-3-one),

1 (xxx) methandienone (17[alpha]-methyl-17[beta]-
2 hydroxyandrost-1,4-dien-3-one),
3 (xxxi) methandriol (17[alpha]-methyl-3[beta],17[beta]-
4 dihydroxyandrost-5-ene),
5 (xxxii) methenolone (1-methyl-17[beta]-hydroxy-
6 5[alpha]-androst-1-en-3-one),
7 (xxxiii) 17[alpha]-methyl-3[beta], 17[beta]-
8 dihydroxy-5a-androstane,
9 (xxxiv) 17[alpha]-methyl-3[alpha],17[beta]-dihydroxy
10 -5a-androstane,
11 (xxxv) 17[alpha]-methyl-3[beta],17[beta]-
12 dihydroxyandrost-4-ene),
13 (xxxvi) 17[alpha]-methyl-4-hydroxynandrolone (17[alpha]-
14 methyl-4-hydroxy-17[beta]-hydroxyestr-4-en-3-one),
15 (xxxvii) methyldienolone (17[alpha]-methyl-17[beta]-
16 hydroxyestra-4,9(10)-dien-3-one),
17 (xxxviii) methyltrienolone (17[alpha]-methyl-17[beta]-
18 hydroxyestra-4,9-11-trien-3-one),
19 (xxxix) methyltestosterone (17[alpha]-methyl-17[beta]-
20 hydroxyandrost-4-en-3-one),
21 (xl) mibolerone (7[alpha],17a-dimethyl-17[beta]-
22 hydroxyestr-4-en-3-one),
23 (xli) 17[alpha]-methyl-[delta]1-dihydrotestosterone
24 (17b[beta]-hydroxy-17[alpha]-methyl-5[alpha]-
25 androst-1-en-3-one) (a.k.a. '17-[alpha]-methyl-
26 1-testosterone'),

- 1 (xlii) nandrolone (17[beta]-hydroxyestr-4-en-3-one),
2 (xliii) 19-nor-4-androstenediol (3[beta], 17[beta]-
3 dihydroxyestr-4-ene),
4 (xliv) 19-nor-4-androstenediol (3[alpha], 17[beta]-
5 dihydroxyestr-4-ene),
6 (xlv) 19-nor-5-androstenediol (3[beta], 17[beta]-
7 dihydroxyestr-5-ene),
8 (xlvi) 19-nor-5-androstenediol (3[alpha], 17[beta]-
9 dihydroxyestr-5-ene),
10 (xlvii) 19-nor-4,9(10)-androstadienedione
11 (estra-4,9(10)-diene-3,17-dione),
12 (xlviii) 19-nor-4-androstenedione (estr-4-
13 en-3,17-dione),
14 (xlix) 19-nor-5-androstenedione (estr-5-
15 en-3,17-dione),
16 (l) norbolethone (13[beta], 17a-diethyl-17[beta]-
17 hydroxygon-4-en-3-one),
18 (li) norclostebol (4-chloro-17[beta]-
19 hydroxyestr-4-en-3-one),
20 (lii) norethandrolone (17[alpha]-ethyl-17[beta]-
21 hydroxyestr-4-en-3-one),
22 (liii) normethandrolone (17[alpha]-methyl-17[beta]-
23 hydroxyestr-4-en-3-one),
24 (liv) oxandrolone (17[alpha]-methyl-17[beta]-hydroxy-
25 2-oxa-5[alpha]-androstan-3-one),
26 (lv) oxymesterone (17[alpha]-methyl-4,17[beta]-

- 1 dihydroxyandrost-4-en-3-one),
2 (lvi) oxymetholone (17[alpha]-methyl-2-hydroxymethylene-
3 17[beta]-hydroxy-(5[alpha]-androst-3-one),
4 (lvii) stanozolol (17[alpha]-methyl-17[beta]-hydroxy-
5 (5[alpha]-androst-2-eno[3,2-c]-pyrazole),
6 (lviii) stenbolone (17[beta]-hydroxy-2-methyl-
7 (5[alpha]-androst-1-en-3-one),
8 (lix) testolactone (13-hydroxy-3-oxo-13,17-
9 secoandrosta-1,4-dien-17-oic
10 acid lactone),
11 (lx) testosterone (17[beta]-hydroxyandrost-
12 4-en-3-one),
13 (lxi) tetrahydrogestrinone (13[beta], 17[alpha]-
14 diethyl-17[beta]-hydroxygon-
15 4,9,11-trien-3-one),
16 (lxii) trenbolone (17[beta]-hydroxyestr-4,9,
17 11-trien-3-one).

18 Any person who is otherwise lawfully in possession of an
19 anabolic steroid, or who otherwise lawfully manufactures,
20 distributes, dispenses, delivers, or possesses with intent to
21 deliver an anabolic steroid, which anabolic steroid is
22 expressly intended for and lawfully allowed to be administered
23 through implants to livestock or other nonhuman species, and
24 which is approved by the Secretary of Health and Human Services
25 for such administration, and which the person intends to
26 administer or have administered through such implants, shall

1 not be considered to be in unauthorized possession or to
2 unlawfully manufacture, distribute, dispense, deliver, or
3 possess with intent to deliver such anabolic steroid for
4 purposes of this Act.

5 (d) "Administration" means the Drug Enforcement
6 Administration, United States Department of Justice, or its
7 successor agency.

8 (d-5) "Clinical Director, Prescription Monitoring Program"
9 means a Department of Human Services administrative employee
10 licensed to either prescribe or dispense controlled substances
11 who shall run the clinical aspects of the Department of Human
12 Services Prescription Monitoring Program and its Prescription
13 Information Library.

14 (d-10) "Compounding" means the preparation and mixing of
15 components, excluding flavorings, (1) as the result of a
16 prescriber's prescription drug order or initiative based on the
17 prescriber-patient-pharmacist relationship in the course of
18 professional practice or (2) for the purpose of, or incident
19 to, research, teaching, or chemical analysis and not for sale
20 or dispensing. "Compounding" includes the preparation of drugs
21 or devices in anticipation of receiving prescription drug
22 orders based on routine, regularly observed dispensing
23 patterns. Commercially available products may be compounded
24 for dispensing to individual patients only if both of the
25 following conditions are met: (i) the commercial product is not
26 reasonably available from normal distribution channels in a

1 timely manner to meet the patient's needs and (ii) the
2 prescribing practitioner has requested that the drug be
3 compounded.

4 (e) "Control" means to add a drug or other substance, or
5 immediate precursor, to a Schedule whether by transfer from
6 another Schedule or otherwise.

7 (f) "Controlled Substance" means (i) a drug, substance,
8 immediate precursor, or synthetic drug in the Schedules of
9 Article II of this Act or (ii) a drug or other substance, or
10 immediate precursor, designated as a controlled substance by
11 the Department through administrative rule. The term does not
12 include distilled spirits, wine, malt beverages, or tobacco, as
13 those terms are defined or used in the Liquor Control Act of
14 1934 and the Tobacco Products Tax Act of 1995.

15 (f-5) "Controlled substance analog" means a substance:

16 (1) the chemical structure of which is substantially
17 similar to the chemical structure of a controlled substance
18 in Schedule I or II;

19 (2) which has a stimulant, depressant, or
20 hallucinogenic effect on the central nervous system that is
21 substantially similar to or greater than the stimulant,
22 depressant, or hallucinogenic effect on the central
23 nervous system of a controlled substance in Schedule I or
24 II; or

25 (3) with respect to a particular person, which such
26 person represents or intends to have a stimulant,

1 depressant, or hallucinogenic effect on the central
2 nervous system that is substantially similar to or greater
3 than the stimulant, depressant, or hallucinogenic effect
4 on the central nervous system of a controlled substance in
5 Schedule I or II.

6 (g) "Counterfeit substance" means a controlled substance,
7 which, or the container or labeling of which, without
8 authorization bears the trademark, trade name, or other
9 identifying mark, imprint, number or device, or any likeness
10 thereof, of a manufacturer, distributor, or dispenser other
11 than the person who in fact manufactured, distributed, or
12 dispensed the substance.

13 (h) "Deliver" or "delivery" means the actual, constructive
14 or attempted transfer of possession of a controlled substance,
15 with or without consideration, whether or not there is an
16 agency relationship.

17 (i) "Department" means the Illinois Department of Human
18 Services (as successor to the Department of Alcoholism and
19 Substance Abuse) or its successor agency.

20 (j) (Blank).

21 (k) "Department of Corrections" means the Department of
22 Corrections of the State of Illinois or its successor agency.

23 (l) "Department of Financial and Professional Regulation"
24 means the Department of Financial and Professional Regulation
25 of the State of Illinois or its successor agency.

26 (m) "Depressant" means any drug that (i) causes an overall

1 depression of central nervous system functions, (ii) causes
2 impaired consciousness and awareness, and (iii) can be
3 habit-forming or lead to a substance abuse problem, including
4 but not limited to alcohol, cannabis and its active principles
5 and their analogs, benzodiazepines and their analogs,
6 barbiturates and their analogs, opioids (natural and
7 synthetic) and their analogs, and chloral hydrate and similar
8 sedative hypnotics.

9 (n) (Blank).

10 (o) "Director" means the Director of the Illinois State
11 Police or his or her designated agents.

12 (p) "Dispense" means to deliver a controlled substance to
13 an ultimate user or research subject by or pursuant to the
14 lawful order of a prescriber, including the prescribing,
15 administering, packaging, labeling, or compounding necessary
16 to prepare the substance for that delivery.

17 (q) "Dispenser" means a practitioner who dispenses.

18 (r) "Distribute" means to deliver, other than by
19 administering or dispensing, a controlled substance.

20 (s) "Distributor" means a person who distributes.

21 (t) "Drug" means (1) substances recognized as drugs in the
22 official United States Pharmacopoeia, Official Homeopathic
23 Pharmacopoeia of the United States, or official National
24 Formulary, or any supplement to any of them; (2) substances
25 intended for use in diagnosis, cure, mitigation, treatment, or
26 prevention of disease in man or animals; (3) substances (other

1 than food) intended to affect the structure of any function of
2 the body of man or animals and (4) substances intended for use
3 as a component of any article specified in clause (1), (2), or
4 (3) of this subsection. It does not include devices or their
5 components, parts, or accessories.

6 (t-3) "Electronic health record" or "EHR" means an
7 electronic record of health-related information on an
8 individual that is created, gathered, managed, and consulted by
9 authorized health care clinicians and staff.

10 (t-4) "Emergency medical services personnel" has the
11 meaning ascribed to it in the Emergency Medical Services (EMS)
12 Systems Act.

13 (t-5) "Euthanasia agency" means an entity certified by the
14 Department of Financial and Professional Regulation for the
15 purpose of animal euthanasia that holds an animal control
16 facility license or animal shelter license under the Animal
17 Welfare Act. A euthanasia agency is authorized to purchase,
18 store, possess, and utilize Schedule II nonnarcotic and
19 Schedule III nonnarcotic drugs for the sole purpose of animal
20 euthanasia.

21 (t-10) "Euthanasia drugs" means Schedule II or Schedule III
22 substances (nonnarcotic controlled substances) that are used
23 by a euthanasia agency for the purpose of animal euthanasia.

24 (u) "Good faith" means the prescribing or dispensing of a
25 controlled substance by a practitioner in the regular course of
26 professional treatment to or for any person who is under his or

1 her treatment for a pathology or condition other than that
2 individual's physical or psychological dependence upon or
3 addiction to a controlled substance, except as provided herein:
4 and application of the term to a pharmacist shall mean the
5 dispensing of a controlled substance pursuant to the
6 prescriber's order which in the professional judgment of the
7 pharmacist is lawful. The pharmacist shall be guided by
8 accepted professional standards including, but not limited to
9 the following, in making the judgment:

10 (1) lack of consistency of prescriber-patient
11 relationship,

12 (2) frequency of prescriptions for same drug by one
13 prescriber for large numbers of patients,

14 (3) quantities beyond those normally prescribed,

15 (4) unusual dosages (recognizing that there may be
16 clinical circumstances where more or less than the usual
17 dose may be used legitimately),

18 (5) unusual geographic distances between patient,
19 pharmacist and prescriber,

20 (6) consistent prescribing of habit-forming drugs.

21 (u-0.5) "Hallucinogen" means a drug that causes markedly
22 altered sensory perception leading to hallucinations of any
23 type.

24 (u-1) "Home infusion services" means services provided by a
25 pharmacy in compounding solutions for direct administration to
26 a patient in a private residence, long-term care facility, or

1 hospice setting by means of parenteral, intravenous,
2 intramuscular, subcutaneous, or intraspinal infusion.

3 (u-5) "Illinois State Police" means the Illinois State
4 Police ~~of the State of Illinois~~, or its successor agency.

5 (v) "Immediate precursor" means a substance:

6 (1) which the Department has found to be and by rule
7 designated as being a principal compound used, or produced
8 primarily for use, in the manufacture of a controlled
9 substance;

10 (2) which is an immediate chemical intermediary used or
11 likely to be used in the manufacture of such controlled
12 substance; and

13 (3) the control of which is necessary to prevent,
14 curtail or limit the manufacture of such controlled
15 substance.

16 (w) "Instructional activities" means the acts of teaching,
17 educating or instructing by practitioners using controlled
18 substances within educational facilities approved by the State
19 Board of Education or its successor agency.

20 (x) "Local authorities" means a duly organized State,
21 County or Municipal peace unit or police force.

22 (y) "Look-alike substance" means a substance, other than a
23 controlled substance which (1) by overall dosage unit
24 appearance, including shape, color, size, markings or lack
25 thereof, taste, consistency, or any other identifying physical
26 characteristic of the substance, would lead a reasonable person

1 to believe that the substance is a controlled substance, or (2)
2 is expressly or impliedly represented to be a controlled
3 substance or is distributed under circumstances which would
4 lead a reasonable person to believe that the substance is a
5 controlled substance. For the purpose of determining whether
6 the representations made or the circumstances of the
7 distribution would lead a reasonable person to believe the
8 substance to be a controlled substance under this clause (2) of
9 subsection (y), the court or other authority may consider the
10 following factors in addition to any other factor that may be
11 relevant:

12 (a) statements made by the owner or person in control
13 of the substance concerning its nature, use or effect;

14 (b) statements made to the buyer or recipient that the
15 substance may be resold for profit;

16 (c) whether the substance is packaged in a manner
17 normally used for the illegal distribution of controlled
18 substances;

19 (d) whether the distribution or attempted distribution
20 included an exchange of or demand for money or other
21 property as consideration, and whether the amount of the
22 consideration was substantially greater than the
23 reasonable retail market value of the substance.

24 Clause (1) of this subsection (y) shall not apply to a
25 noncontrolled substance in its finished dosage form that was
26 initially introduced into commerce prior to the initial

1 introduction into commerce of a controlled substance in its
2 finished dosage form which it may substantially resemble.

3 Nothing in this subsection (y) prohibits the dispensing or
4 distributing of noncontrolled substances by persons authorized
5 to dispense and distribute controlled substances under this
6 Act, provided that such action would be deemed to be carried
7 out in good faith under subsection (u) if the substances
8 involved were controlled substances.

9 Nothing in this subsection (y) or in this Act prohibits the
10 manufacture, preparation, propagation, compounding,
11 processing, packaging, advertising or distribution of a drug or
12 drugs by any person registered pursuant to Section 510 of the
13 Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360).

14 (y-1) "Mail-order pharmacy" means a pharmacy that is
15 located in a state of the United States that delivers,
16 dispenses or distributes, through the United States Postal
17 Service or other common carrier, to Illinois residents, any
18 substance which requires a prescription.

19 (z) "Manufacture" means the production, preparation,
20 propagation, compounding, conversion or processing of a
21 controlled substance other than methamphetamine, either
22 directly or indirectly, by extraction from substances of
23 natural origin, or independently by means of chemical
24 synthesis, or by a combination of extraction and chemical
25 synthesis, and includes any packaging or repackaging of the
26 substance or labeling of its container, except that this term

1 does not include:

2 (1) by an ultimate user, the preparation or compounding
3 of a controlled substance for his or her own use; or

4 (2) by a practitioner, or his or her authorized agent
5 under his or her supervision, the preparation,
6 compounding, packaging, or labeling of a controlled
7 substance:

8 (a) as an incident to his or her administering or
9 dispensing of a controlled substance in the course of
10 his or her professional practice; or

11 (b) as an incident to lawful research, teaching or
12 chemical analysis and not for sale.

13 (z-1) (Blank).

14 (z-5) "Medication shopping" means the conduct prohibited
15 under subsection (a) of Section 314.5 of this Act.

16 (z-10) "Mid-level practitioner" means (i) a physician
17 assistant who has been delegated authority to prescribe through
18 a written delegation of authority by a physician licensed to
19 practice medicine in all of its branches, in accordance with
20 Section 7.5 of the Physician Assistant Practice Act of 1987,
21 (ii) an advanced practice registered nurse who has been
22 delegated authority to prescribe through a written delegation
23 of authority by a physician licensed to practice medicine in
24 all of its branches or by a podiatric physician, in accordance
25 with Section 65-40 of the Nurse Practice Act, (iii) an advanced
26 practice registered nurse certified as a nurse practitioner,

1 nurse midwife, or clinical nurse specialist who has been
2 granted authority to prescribe by a hospital affiliate in
3 accordance with Section 65-45 of the Nurse Practice Act, (iv)
4 an animal euthanasia agency, or (v) a prescribing psychologist.

5 (aa) "Narcotic drug" means any of the following, whether
6 produced directly or indirectly by extraction from substances
7 of vegetable origin, or independently by means of chemical
8 synthesis, or by a combination of extraction and chemical
9 synthesis:

10 (1) opium, opiates, derivatives of opium and opiates,
11 including their isomers, esters, ethers, salts, and salts
12 of isomers, esters, and ethers, whenever the existence of
13 such isomers, esters, ethers, and salts is possible within
14 the specific chemical designation; however the term
15 "narcotic drug" does not include the isoquinoline
16 alkaloids of opium;

17 (2) (blank);

18 (3) opium poppy and poppy straw;

19 (4) coca leaves, except coca leaves and extracts of
20 coca leaves from which substantially all of the cocaine and
21 ecgonine, and their isomers, derivatives and salts, have
22 been removed;

23 (5) cocaine, its salts, optical and geometric isomers,
24 and salts of isomers;

25 (6) ecgonine, its derivatives, their salts, isomers,
26 and salts of isomers;

1 (7) any compound, mixture, or preparation which
2 contains any quantity of any of the substances referred to
3 in subparagraphs (1) through (6).

4 (bb) "Nurse" means a registered nurse licensed under the
5 Nurse Practice Act.

6 (cc) (Blank).

7 (dd) "Opiate" means any substance having an addiction
8 forming or addiction sustaining liability similar to morphine
9 or being capable of conversion into a drug having addiction
10 forming or addiction sustaining liability.

11 (ee) "Opium poppy" means the plant of the species *Papaver*
12 *somniferum* L., except its seeds.

13 (ee-5) "Oral dosage" means a tablet, capsule, elixir, or
14 solution or other liquid form of medication intended for
15 administration by mouth, but the term does not include a form
16 of medication intended for buccal, sublingual, or transmucosal
17 administration.

18 (ff) "Parole and Pardon Board" means the Parole and Pardon
19 Board of the State of Illinois or its successor agency.

20 (gg) "Person" means any individual, corporation,
21 mail-order pharmacy, government or governmental subdivision or
22 agency, business trust, estate, trust, partnership or
23 association, or any other entity.

24 (hh) "Pharmacist" means any person who holds a license or
25 certificate of registration as a registered pharmacist, a local
26 registered pharmacist or a registered assistant pharmacist

1 under the Pharmacy Practice Act.

2 (ii) "Pharmacy" means any store, ship or other place in
3 which pharmacy is authorized to be practiced under the Pharmacy
4 Practice Act.

5 (ii-5) "Pharmacy shopping" means the conduct prohibited
6 under subsection (b) of Section 314.5 of this Act.

7 (ii-10) "Physician" (except when the context otherwise
8 requires) means a person licensed to practice medicine in all
9 of its branches.

10 (jj) "Poppy straw" means all parts, except the seeds, of
11 the opium poppy, after mowing.

12 (kk) "Practitioner" means a physician licensed to practice
13 medicine in all its branches, dentist, optometrist, podiatric
14 physician, veterinarian, scientific investigator, pharmacist,
15 physician assistant, advanced practice registered nurse,
16 licensed practical nurse, registered nurse, emergency medical
17 services personnel, hospital, laboratory, or pharmacy, or
18 other person licensed, registered, or otherwise lawfully
19 permitted by the United States or this State to distribute,
20 dispense, conduct research with respect to, administer or use
21 in teaching or chemical analysis, a controlled substance in the
22 course of professional practice or research.

23 (ll) "Pre-printed prescription" means a written
24 prescription upon which the designated drug has been indicated
25 prior to the time of issuance; the term does not mean a written
26 prescription that is individually generated by machine or

1 computer in the prescriber's office.

2 (mm) "Prescriber" means a physician licensed to practice
3 medicine in all its branches, dentist, optometrist,
4 prescribing psychologist licensed under Section 4.2 of the
5 Clinical Psychologist Licensing Act with prescriptive
6 authority delegated under Section 4.3 of the Clinical
7 Psychologist Licensing Act, podiatric physician, or
8 veterinarian who issues a prescription, a physician assistant
9 who issues a prescription for a controlled substance in
10 accordance with Section 303.05, a written delegation, and a
11 written collaborative agreement required under Section 7.5 of
12 the Physician Assistant Practice Act of 1987, an advanced
13 practice registered nurse with prescriptive authority
14 delegated under Section 65-40 of the Nurse Practice Act and in
15 accordance with Section 303.05, a written delegation, and a
16 written collaborative agreement under Section 65-35 of the
17 Nurse Practice Act, an advanced practice registered nurse
18 certified as a nurse practitioner, nurse midwife, or clinical
19 nurse specialist who has been granted authority to prescribe by
20 a hospital affiliate in accordance with Section 65-45 of the
21 Nurse Practice Act and in accordance with Section 303.05, or an
22 advanced practice registered nurse certified as a nurse
23 practitioner, nurse midwife, or clinical nurse specialist who
24 has full practice authority pursuant to Section 65-43 of the
25 Nurse Practice Act.

26 (nn) "Prescription" means a written, facsimile, or oral

1 order, or an electronic order that complies with applicable
2 federal requirements, of a physician licensed to practice
3 medicine in all its branches, dentist, podiatric physician or
4 veterinarian for any controlled substance, of an optometrist in
5 accordance with Section 15.1 of the Illinois Optometric
6 Practice Act of 1987, of a prescribing psychologist licensed
7 under Section 4.2 of the Clinical Psychologist Licensing Act
8 with prescriptive authority delegated under Section 4.3 of the
9 Clinical Psychologist Licensing Act, of a physician assistant
10 for a controlled substance in accordance with Section 303.05, a
11 written delegation, and a written collaborative agreement
12 required under Section 7.5 of the Physician Assistant Practice
13 Act of 1987, of an advanced practice registered nurse with
14 prescriptive authority delegated under Section 65-40 of the
15 Nurse Practice Act who issues a prescription for a controlled
16 substance in accordance with Section 303.05, a written
17 delegation, and a written collaborative agreement under
18 Section 65-35 of the Nurse Practice Act, of an advanced
19 practice registered nurse certified as a nurse practitioner,
20 nurse midwife, or clinical nurse specialist who has been
21 granted authority to prescribe by a hospital affiliate in
22 accordance with Section 65-45 of the Nurse Practice Act and in
23 accordance with Section 303.05 when required by law, or of an
24 advanced practice registered nurse certified as a nurse
25 practitioner, nurse midwife, or clinical nurse specialist who
26 has full practice authority pursuant to Section 65-43 of the

1 Nurse Practice Act.

2 (nn-5) "Prescription Information Library" (PIL) means an
3 electronic library that contains reported controlled substance
4 data.

5 (nn-10) "Prescription Monitoring Program" (PMP) means the
6 entity that collects, tracks, and stores reported data on
7 controlled substances and select drugs pursuant to Section 316.

8 (oo) "Production" or "produce" means manufacture,
9 planting, cultivating, growing, or harvesting of a controlled
10 substance other than methamphetamine.

11 (pp) "Registrant" means every person who is required to
12 register under Section 302 of this Act.

13 (qq) "Registry number" means the number assigned to each
14 person authorized to handle controlled substances under the
15 laws of the United States and of this State.

16 (qq-5) "Secretary" means, as the context requires, either
17 the Secretary of the Department or the Secretary of the
18 Department of Financial and Professional Regulation, and the
19 Secretary's designated agents.

20 (rr) "State" includes the State of Illinois and any state,
21 district, commonwealth, territory, insular possession thereof,
22 and any area subject to the legal authority of the United
23 States of America.

24 (rr-5) "Stimulant" means any drug that (i) causes an
25 overall excitation of central nervous system functions, (ii)
26 causes impaired consciousness and awareness, and (iii) can be

1 habit-forming or lead to a substance abuse problem, including
2 but not limited to amphetamines and their analogs,
3 methylphenidate and its analogs, cocaine, and phencyclidine
4 and its analogs.

5 (rr-10) "Synthetic drug" includes, but is not limited to,
6 any synthetic cannabinoids or piperazines or any synthetic
7 cathinones as provided for in Schedule I.

8 (ss) "Ultimate user" means a person who lawfully possesses
9 a controlled substance for his or her own use or for the use of
10 a member of his or her household or for administering to an
11 animal owned by him or her or by a member of his or her
12 household.

13 (Source: P.A. 99-78, eff. 7-20-15; 99-173, eff. 7-29-15;
14 99-371, eff. 1-1-16; 99-480, eff. 9-9-15; 99-642, eff. 7-28-16;
15 100-280, eff. 1-1-18; 100-453, eff. 8-25-17; 100-513, eff.
16 1-1-18; 100-789, eff. 1-1-19; 100-863, eff. 8-14-18.)

17 Section 1000. The Methamphetamine Control and Community
18 Protection Act is amended by changing Sections 10, 90, and 95
19 as follows:

20 (720 ILCS 646/10)

21 Sec. 10. Definitions. As used in this Act:

22 "Anhydrous ammonia" has the meaning provided in subsection
23 (d) of Section 3 of the Illinois Fertilizer Act of 1961.

24 "Anhydrous ammonia equipment" means all items used to

1 store, hold, contain, handle, transfer, transport, or apply
2 anhydrous ammonia for lawful purposes.

3 "Booby trap" means any device designed to cause physical
4 injury when triggered by an act of a person approaching,
5 entering, or moving through a structure, a vehicle, or any
6 location where methamphetamine has been manufactured, is being
7 manufactured, or is intended to be manufactured.

8 "Deliver" or "delivery" has the meaning provided in
9 subsection (h) of Section 102 of the Illinois Controlled
10 Substances Act.

11 "Director" means the Director of the Illinois State Police
12 or the Director's designated agents.

13 "Dispose" or "disposal" means to abandon, discharge,
14 release, deposit, inject, dump, spill, leak, or place
15 methamphetamine waste onto or into any land, water, or well of
16 any type so that the waste has the potential to enter the
17 environment, be emitted into the air, or be discharged into the
18 soil or any waters, including groundwater.

19 "Emergency response" means the act of collecting evidence
20 from or securing a methamphetamine laboratory site,
21 methamphetamine waste site or other methamphetamine-related
22 site and cleaning up the site, whether these actions are
23 performed by public entities or private contractors paid by
24 public entities.

25 "Emergency service provider" means a local, State, or
26 federal peace officer, firefighter, emergency medical

1 technician-ambulance, emergency medical
2 technician-intermediate, emergency medical
3 technician-paramedic, ambulance driver, or other medical or
4 first aid personnel rendering aid, or any agent or designee of
5 the foregoing.

6 "Finished methamphetamine" means methamphetamine in a form
7 commonly used for personal consumption.

8 "Firearm" has the meaning provided in Section 1.1 of the
9 Firearm Owners Identification Card Act.

10 "Manufacture" means to produce, prepare, compound,
11 convert, process, synthesize, concentrate, purify, separate,
12 extract, or package any methamphetamine, methamphetamine
13 precursor, methamphetamine manufacturing catalyst,
14 methamphetamine manufacturing reagent, methamphetamine
15 manufacturing solvent, or any substance containing any of the
16 foregoing.

17 "Methamphetamine" means the chemical methamphetamine (a
18 Schedule II controlled substance under the Illinois Controlled
19 Substances Act) or any salt, optical isomer, salt of optical
20 isomer, or analog thereof, with the exception of
21 3,4-Methylenedioxymethamphetamine (MDMA) or any other
22 scheduled substance with a separate listing under the Illinois
23 Controlled Substances Act.

24 "Methamphetamine manufacturing catalyst" means any
25 substance that has been used, is being used, or is intended to
26 be used to activate, accelerate, extend, or improve a chemical

1 reaction involved in the manufacture of methamphetamine.

2 "Methamphetamine manufacturing environment" means a
3 structure or vehicle in which:

4 (1) methamphetamine is being or has been manufactured;

5 (2) chemicals that are being used, have been used, or
6 are intended to be used to manufacture methamphetamine are
7 stored;

8 (3) methamphetamine manufacturing materials that have
9 been used to manufacture methamphetamine are stored; or

10 (4) methamphetamine manufacturing waste is stored.

11 "Methamphetamine manufacturing material" means any
12 methamphetamine precursor, substance containing any
13 methamphetamine precursor, methamphetamine manufacturing
14 catalyst, substance containing any methamphetamine
15 manufacturing catalyst, methamphetamine manufacturing reagent,
16 substance containing any methamphetamine manufacturing
17 reagent, methamphetamine manufacturing solvent, substance
18 containing any methamphetamine manufacturing solvent, or any
19 other chemical, substance, ingredient, equipment, apparatus,
20 or item that is being used, has been used, or is intended to be
21 used in the manufacture of methamphetamine.

22 "Methamphetamine manufacturing reagent" means any
23 substance other than a methamphetamine manufacturing catalyst
24 that has been used, is being used, or is intended to be used to
25 react with and chemically alter any methamphetamine precursor.

26 "Methamphetamine manufacturing solvent" means any

1 substance that has been used, is being used, or is intended to
2 be used as a medium in which any methamphetamine precursor,
3 methamphetamine manufacturing catalyst, methamphetamine
4 manufacturing reagent, or any substance containing any of the
5 foregoing is dissolved, diluted, or washed during any part of
6 the methamphetamine manufacturing process.

7 "Methamphetamine manufacturing waste" means any chemical,
8 substance, ingredient, equipment, apparatus, or item that is
9 left over from, results from, or is produced by the process of
10 manufacturing methamphetamine, other than finished
11 methamphetamine.

12 "Methamphetamine precursor" means ephedrine,
13 pseudoephedrine, benzyl methyl ketone, methyl benzyl ketone,
14 phenylacetone, phenyl-2-propanone, P2P, or any salt, optical
15 isomer, or salt of an optical isomer of any of these chemicals.

16 "Multi-unit dwelling" means a unified structure used or
17 intended for use as a habitation, home, or residence that
18 contains 2 or more condominiums, apartments, hotel rooms, motel
19 rooms, or other living units.

20 "Package" means an item marked for retail sale that is not
21 designed to be further broken down or subdivided for the
22 purpose of retail sale.

23 "Participate" or "participation" in the manufacture of
24 methamphetamine means to produce, prepare, compound, convert,
25 process, synthesize, concentrate, purify, separate, extract,
26 or package any methamphetamine, methamphetamine precursor,

1 methamphetamine manufacturing catalyst, methamphetamine
2 manufacturing reagent, methamphetamine manufacturing solvent,
3 or any substance containing any of the foregoing, or to assist
4 in any of these actions, or to attempt to take any of these
5 actions, regardless of whether this action or these actions
6 result in the production of finished methamphetamine.

7 "Person with a disability" means a person who suffers from
8 a permanent physical or mental impairment resulting from
9 disease, injury, functional disorder, or congenital condition
10 which renders the person incapable of adequately providing for
11 his or her own health and personal care.

12 "Procure" means to purchase, steal, gather, or otherwise
13 obtain, by legal or illegal means, or to cause another to take
14 such action.

15 "Second or subsequent offense" means an offense under this
16 Act committed by an offender who previously committed an
17 offense under this Act, the Illinois Controlled Substances Act,
18 the Cannabis Control Act, or another Act of this State, another
19 state, or the United States relating to methamphetamine,
20 cannabis, or any other controlled substance.

21 "Standard dosage form", as used in relation to any
22 methamphetamine precursor, means that the methamphetamine
23 precursor is contained in a pill, tablet, capsule, caplet, gel
24 cap, or liquid cap that has been manufactured by a lawful
25 entity and contains a standard quantity of methamphetamine
26 precursor.

1 "Unauthorized container", as used in relation to anhydrous
2 ammonia, means any container that is not designed for the
3 specific and sole purpose of holding, storing, transporting, or
4 applying anhydrous ammonia. "Unauthorized container" includes,
5 but is not limited to, any propane tank, fire extinguisher,
6 oxygen cylinder, gasoline can, food or beverage cooler, or
7 compressed gas cylinder used in dispensing fountain drinks.
8 "Unauthorized container" does not encompass anhydrous ammonia
9 manufacturing plants, refrigeration systems where anhydrous
10 ammonia is used solely as a refrigerant, anhydrous ammonia
11 transportation pipelines, anhydrous ammonia tankers, or
12 anhydrous ammonia barges.

13 (Source: P.A. 97-434, eff. 1-1-12.)

14 (720 ILCS 646/90)

15 Sec. 90. Methamphetamine restitution.

16 (a) If a person commits a violation of this Act in a manner
17 that requires an emergency response, the person shall be
18 required to make restitution to all public entities involved in
19 the emergency response, to cover the reasonable cost of their
20 participation in the emergency response, including but not
21 limited to regular and overtime costs incurred by local law
22 enforcement agencies and private contractors paid by the public
23 agencies in securing the site. The convicted person shall make
24 this restitution in addition to any other fine or penalty
25 required by law.

1 (b) Any restitution payments made under this Section shall
2 be disbursed equitably by the circuit clerk in the following
3 order:

4 (1) first, to the agency responsible for the mitigation
5 of the incident;

6 (2) second, to the local agencies involved in the
7 emergency response;

8 (3) third, to the State agencies involved in the
9 emergency response; and

10 (4) fourth, to the federal agencies involved in the
11 emergency response.

12 (c) In addition to any other penalties and liabilities, a
13 person who is convicted of violating any Section of this Act,
14 whose violation proximately caused any incident resulting in an
15 appropriate emergency response, shall be assessed a fine of
16 \$2,500, payable to the circuit clerk, who shall distribute the
17 money to the law enforcement agency responsible for the
18 mitigation of the incident. If the person has been previously
19 convicted of violating any Section of this Act, the fine shall
20 be \$5,000 and the circuit clerk shall distribute the money to
21 the law enforcement agency responsible for the mitigation of
22 the incident. In the event that more than one agency is
23 responsible for an arrest which does not require mitigation,
24 the amount payable to law enforcement agencies shall be shared
25 equally. Any moneys received by a law enforcement agency under
26 this Section shall be used for law enforcement expenses.

1 Any moneys collected for the Illinois State Police shall be
2 remitted to the State Treasurer and deposited into the State
3 Police Operations Assistance Fund.

4 (Source: P.A. 100-987, eff. 7-1-19.)

5 (720 ILCS 646/95)

6 Sec. 95. Youth Drug Abuse Prevention Fund.

7 (a) Twelve and one-half percent of all amounts collected as
8 fines pursuant to the provisions of this Article shall be paid
9 into the Youth Drug Abuse Prevention Fund created by the
10 Controlled Substances Act in the State treasury, to be used by
11 the Department for the funding of programs and services for
12 drug-abuse treatment, and prevention and education services,
13 for juveniles.

14 (b) Eighty-seven and one-half percent of the proceeds of
15 all fines received under the provisions of this Act shall be
16 transmitted to and deposited into the State treasury and
17 distributed as follows:

18 (1) If such seizure was made by a combination of law
19 enforcement personnel representing differing units of
20 local government, the court levying the fine shall
21 equitably allocate 50% of the fine among these units of
22 local government and shall allocate 37.5% to the county
23 general corporate fund. If the seizure was made by law
24 enforcement personnel representing a unit of local
25 government from a municipality where the number of

1 inhabitants exceeds 2 million in population, the court
2 levying the fine shall allocate 87.5% of the fine to that
3 unit of local government. If the seizure was made by a
4 combination of law enforcement personnel representing
5 differing units of local government and if at least one of
6 those units represents a municipality where the number of
7 inhabitants exceeds 2 million in population, the court
8 shall equitably allocate 87.5% of the proceeds of the fines
9 received among the differing units of local government.

10 (2) If such seizure was made by State law enforcement
11 personnel, then the court shall allocate 37.5% to the State
12 treasury and 50% to the county general corporate fund.

13 (3) If a State law enforcement agency in combination
14 with any law enforcement agency or agencies of a unit or
15 units of local government conducted the seizure, the court
16 shall equitably allocate 37.5% of the fines to or among the
17 law enforcement agency or agencies of the unit or units of
18 local government that conducted the seizure and shall
19 allocate 50% to the county general corporate fund.

20 (c) The proceeds of all fines allocated to the law
21 enforcement agency or agencies of the unit or units of local
22 government pursuant to subsection (b) shall be made available
23 to that law enforcement agency as expendable receipts for use
24 in the enforcement of laws regulating controlled substances and
25 cannabis. The proceeds of fines awarded to the State treasury
26 shall be deposited in a special fund known as the Drug Traffic

1 Prevention Fund, except that amounts distributed to the
2 Secretary of State shall be deposited into the Secretary of
3 State Evidence Fund to be used as provided in Section 2-115 of
4 the Illinois Vehicle Code. Moneys from this Fund may be used by
5 the Illinois ~~Department of~~ State Police for use in the
6 enforcement of laws regulating controlled substances and
7 cannabis; to satisfy funding provisions of the
8 Intergovernmental Drug Laws Enforcement Act; to defray costs
9 and expenses associated with returning violators of the
10 Cannabis Control Act and this Act only, as provided in those
11 Acts, when punishment of the crime shall be confinement of the
12 criminal in the penitentiary; and all other moneys shall be
13 paid into the General Revenue Fund in the State treasury.

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

15 Section 1005. The Methamphetamine Precursor Control Act is
16 amended by changing Section 10 as follows:

17 (720 ILCS 648/10)

18 Sec. 10. Definitions. In this Act:

19 "Administer" or "administration" has the meaning provided
20 in Section 102 of the Illinois Controlled Substances Act.

21 "Agent" has the meaning provided in Section 102 of the
22 Illinois Controlled Substances Act.

23 "Authorized representative" means an employee or agent of a
24 qualified outside entity who has been authorized in writing by

1 his or her agency or office to receive confidential information
2 from the Central Repository.

3 "Central Repository" means the entity chosen by the
4 Illinois State Police to handle electronic transaction records
5 as described in this Act.

6 "Convenience package" means any package that contains 360
7 milligrams or less of ephedrine or pseudoephedrine, their salts
8 or optical isomers, or salts of optical isomers in liquid or
9 liquid-filled capsule form.

10 "Covered pharmacy" means any pharmacy that distributes any
11 amount of targeted methamphetamine precursor that is
12 physically located in Illinois.

13 "Deliver" has the meaning provided in Section 102 of the
14 Illinois Controlled Substances Act.

15 "Dispense" has the meaning provided in Section 102 of the
16 Illinois Controlled Substances Act.

17 "Distribute" has the meaning provided in Section 102 of the
18 Illinois Controlled Substances Act.

19 "Electronic transaction record" means, with respect to the
20 distribution of a targeted methamphetamine precursor by a
21 pharmacy to a recipient under Section 25 of this Act, an
22 electronic record that includes: the name and address of the
23 recipient; date and time of the transaction; brand and product
24 name and total quantity distributed of ephedrine or
25 pseudoephedrine, their salts, or optical isomers, or salts of
26 optical isomers; identification type and identification number

1 of the identification presented by the recipient; and the name
2 and address of the pharmacy.

3 "Identification information" means identification type and
4 identification number.

5 "Identification number" means the number that appears on
6 the identification furnished by the recipient of a targeted
7 methamphetamine precursor.

8 "Identification type" means the type of identification
9 furnished by the recipient of a targeted methamphetamine
10 precursor such as, by way of example only, an Illinois driver's
11 license or United States passport.

12 "List I chemical" has the meaning provided in 21 U.S.C.
13 Section 802.

14 "Methamphetamine precursor" has the meaning provided in
15 Section 10 of the Methamphetamine Control and Community
16 Protection Act.

17 "Package" means an item packaged and marked for retail sale
18 that is not designed to be further broken down or subdivided
19 for the purpose of retail sale.

20 "Pharmacist" has the meaning provided in Section 102 of the
21 Illinois Controlled Substances Act.

22 "Pharmacy" has the meaning provided in Section 102 of the
23 Illinois Controlled Substances Act.

24 "Practitioner" has the meaning provided in Section 102 of
25 the Illinois Controlled Substances Act.

26 "Prescriber" has the meaning provided in Section 102 of the

1 Illinois Controlled Substances Act.

2 "Prescription" has the meaning provided in Section 102 of
3 the Illinois Controlled Substances Act.

4 "Procure" means to purchase, steal, gather, or otherwise
5 obtain, for oneself or another person, by legal or illegal
6 means, or to cause another to take that action.

7 "Qualified outside entity" means a law enforcement agency
8 or prosecutor's office with authority to identify,
9 investigate, or prosecute violations of this Act or any other
10 State or federal law or rule involving a methamphetamine
11 precursor, methamphetamine, or any other controlled substance.

12 "Readily retrievable" has the meaning provided in 21 C.F.R.
13 part 1300.

14 "Recipient" means a person purchasing, receiving, or
15 otherwise acquiring a targeted methamphetamine precursor from
16 a pharmacy in Illinois, as described in Section 25 of this Act.

17 "Retail distributor" means a grocery store, general
18 merchandise store, drug store, other merchandise store, or
19 other entity or person whose activities as a distributor
20 relating to drug products containing targeted methamphetamine
21 precursor are limited exclusively or almost exclusively to
22 sales for personal use by an ultimate user, both in number of
23 sales and volume of sales, either directly to walk-in customers
24 or in face-to-face transactions by direct sales.

25 "Sales employee" means any employee or agent, other than a
26 pharmacist or pharmacy technician who at any time (a) operates

1 a cash register at which convenience packages may be sold, (b)
2 stocks shelves containing convenience packages, or (c) trains
3 or supervises any other employee or agent who engages in any of
4 the preceding activities.

5 "Single retail transaction" means a sale by a retail
6 distributor to a recipient at a specific time.

7 "Targeted methamphetamine precursor" means any compound,
8 mixture, or preparation that contains any detectable quantity
9 of ephedrine or pseudoephedrine, their salts or optical
10 isomers, or salts of optical isomers.

11 "Targeted package" means a package, including a
12 convenience package, containing any amount of targeted
13 methamphetamine precursor.

14 "Ultimate user" has the meaning provided in Section 102 of
15 the Illinois Controlled Substances Act.

16 (Source: P.A. 97-670, eff. 1-19-12; 98-371, eff. 8-16-13.)

17 Section 1010. The Methamphetamine Precursor Tracking Act
18 is amended by changing Sections 10, 15, 20, and 25 as follows:

19 (720 ILCS 649/10)

20 Sec. 10. Definitions. In this Act:

21 "Administer" or "administration" has the meaning provided
22 in Section 102 of the Illinois Controlled Substances Act.

23 "Agent" has the meaning provided in Section 102 of the
24 Illinois Controlled Substances Act.

1 "Authorized representative" means an employee or agent of a
2 qualified outside entity who has been authorized in writing by
3 his or her agency or office to receive confidential information
4 from the central repository.

5 "Central Repository" means the entity chosen by the
6 Illinois State Police to handle electronic transaction records
7 as described in this Act.

8 "Convenience package" means any package that contains 360
9 milligrams or less of ephedrine or pseudoephedrine, their salts
10 or optical isomers, or salts of optical isomers in liquid or
11 liquid filled capsule form.

12 "Covered pharmacy" means any pharmacy that distributes any
13 amount of targeted methamphetamine precursor that is
14 physically located in Illinois.

15 "Deliver" has the meaning provided in Section 102 of the
16 Illinois Controlled Substances Act.

17 "Dispense" has the meaning provided in Section 102 of the
18 Illinois Controlled Substances Act.

19 "Distribute" has the meaning provided in Section 102 of the
20 Illinois Controlled Substances Act.

21 "Electronic transaction record" means, with respect to the
22 distribution of a targeted methamphetamine precursor by a
23 pharmacy to a recipient under Section 25 of the Methamphetamine
24 Precursor Control Act, an electronic record that includes: the
25 name and address of the recipient; date and time of the
26 transaction; brand and product name and total quantity

1 distributed of ephedrine or pseudoephedrine, their salts, or
2 optical isomers, or salts of optical isomers; identification
3 type and identification number of the identification presented
4 by the recipient; and the name and address of the pharmacy.

5 "Identification information" means identification type and
6 identification number.

7 "Identification number" means the number that appears on
8 the identification furnished by the recipient of a targeted
9 methamphetamine precursor.

10 "Identification type" means the type of identification
11 furnished by the recipient of a targeted methamphetamine
12 precursor such as, by way of example only, an Illinois driver's
13 license or United States passport.

14 "List I chemical" has the meaning provided in 21 U.S.C.
15 802.

16 "Methamphetamine precursor" has the meaning provided in
17 Section 10 of the Methamphetamine Control and Community
18 Protection Act.

19 "Package" means an item packaged and marked for retail sale
20 that is not designed to be further broken down or subdivided
21 for the purpose of retail sale.

22 "Pharmacist" has the meaning provided in Section 102 of the
23 Illinois Controlled Substances Act.

24 "Pharmacy" has the meaning provided in Section 102 of the
25 Illinois Controlled Substances Act.

26 "Practitioner" has the meaning provided in Section 102 of

1 the Illinois Controlled Substances Act.

2 "Prescriber" has the meaning provided in Section 102 of the
3 Illinois Controlled Substances Act.

4 "Prescription" has the meaning provided in Section 102 of
5 the Illinois Controlled Substances Act.

6 "Qualified outside entity" means:

7 (1) a law enforcement agency or prosecutor's office
8 with authority to identify, investigate, or prosecute
9 violations of this Act or any other State or federal law or
10 rule involving a methamphetamine precursor,
11 methamphetamine, or any other controlled substance;

12 (2) any probation and court services department
13 authorized by the Probation and Probation Officers Act;

14 (3) the Department of Corrections;

15 (4) the Department of Juvenile Justice;

16 (5) the U.S. Probation and Pretrial Services System; or

17 (6) the U.S. Parole Commission.

18 "Readily retrievable" has the meaning provided in 21 C.F.R.
19 part 1300.

20 "Recipient" means a person purchasing, receiving, or
21 otherwise acquiring a targeted methamphetamine precursor from
22 a pharmacy in Illinois, as described in Section 25 of the
23 Methamphetamine Precursor Control Act.

24 "Retail distributor" means a grocery store, general
25 merchandise store, drug store, other merchandise store, or
26 other entity or person whose activities as a distributor

1 relating to drug products containing targeted methamphetamine
2 precursor are limited exclusively or almost exclusively to
3 sales for personal use by an ultimate user, both in number of
4 sales and volume of sales, either directly to walk-in customers
5 or in face-to-face transactions by direct sales.

6 "Sales employee" means any employee or agent, other than a
7 pharmacist or pharmacy technician who at any time (1) operates
8 a cash register at which convenience packages may be sold, (2)
9 stocks shelves containing convenience packages, or (3) trains
10 or supervises any other employee or agent who engages in any of
11 the preceding activities.

12 "Single retail transaction" means a sale by a retail
13 distributor to a recipient at a specific time.

14 "Targeted methamphetamine precursor" means any compound,
15 mixture, or preparation that contains any detectable quantity
16 of ephedrine or pseudoephedrine, their salts or optical
17 isomers, or salts of optical isomers.

18 "Targeted package" means a package, including a
19 convenience package, containing any amount of targeted
20 methamphetamine precursor.

21 "Ultimate user" has the meaning provided in Section 102 of
22 the Illinois Controlled Substances Act.

23 (Source: P.A. 97-670, eff. 1-19-12; 98-208, eff. 8-9-13.)

24 (720 ILCS 649/15)

25 Sec. 15. General provisions.

1 (a) Structure. There is established a statewide precursor
2 tracking program coordinated and administered by the Illinois
3 State Police to track purchases of targeted methamphetamine
4 precursors across multiple locations for the purposes stated in
5 Section 5 of this Act. Every covered pharmacy must comply with
6 this Act. The tracking program created by this Act shall be the
7 sole methamphetamine precursor tracking program in Illinois.

8 (b) Transmission of electronic transaction records. Unless
9 otherwise provided in this Act, each time a covered pharmacy
10 distributes a targeted methamphetamine precursor to a
11 recipient, the pharmacy shall transmit an electronic
12 transaction record to the Central Repository.

13 (c) Notification. The Illinois Department of Financial and
14 Professional Regulation shall notify pharmacies seeking
15 licensure in Illinois of their obligation to comply with the
16 requirements of this Act.

17 (d) Electronic transmission. Starting on the effective
18 date of this Act and continuing thereafter, covered pharmacies
19 shall transmit all electronic transaction records as required
20 by this Act.

21 (e) Funding. Funding for the tracking program shall be
22 provided by the Illinois State Police drawing upon federal and
23 State grant money and other available sources.

24 (Source: P.A. 97-670, eff. 1-19-12.)

1 Sec. 20. Secure website.

2 (a) The Illinois State Police, in consultation with the
3 Department of Innovation and Technology, shall establish a
4 secure website for the transmission of electronic transaction
5 records and make it available free of charge to covered
6 pharmacies.

7 (b) The secure website shall enable covered pharmacies to
8 transmit to the Central Repository an electronic transaction
9 record each time the pharmacy distributes a targeted
10 methamphetamine precursor to a recipient.

11 (c) If the secure website becomes unavailable to a covered
12 pharmacy, the covered pharmacy may, during the period in which
13 the secure website is not available, continue to distribute
14 targeted methamphetamine precursor without using the secure
15 website if, during this period, the covered pharmacy maintains
16 and transmits handwritten logs as described in Sections 20 and
17 25 of the Methamphetamine Precursor Control Act.

18 (Source: P.A. 100-611, eff. 7-20-18.)

19 (720 ILCS 649/25)

20 Sec. 25. Confidentiality of records.

21 (a) The Central Repository may delete each electronic
22 transaction record and handwritten log entry 48 months after
23 the date of the transaction it describes.

24 (b) The Illinois State Police and Central Repository shall
25 carry out a program to protect the confidentiality of

1 electronic transaction records created pursuant to this Act and
2 shall ensure that this information remains completely
3 confidential except as specifically provided in subsections
4 (c) through (f) of this Section.

5 (c) Any employee or agent of the Central Repository may
6 have access to electronic transaction records and handwritten
7 log entries solely for the purpose of receiving, processing,
8 storing or analyzing this information.

9 (d) The Illinois State Police may grant qualified outside
10 agencies access to electronic transaction records or
11 handwritten log entries for the purpose of identifying,
12 investigating, or prosecuting violations of this Act or any
13 other State or federal law or rule involving a methamphetamine
14 precursor, methamphetamine, or any other controlled substance.

15 (e) The Illinois State Police may release electronic
16 transaction records or handwritten log entries to the
17 authorized representative of a qualified outside entity only if
18 the Illinois State Police verifies that the entity receiving
19 electronic transaction records or handwritten log entries is a
20 qualified outside entity as defined in this Act and that
21 outside entity agrees or has previously agreed in writing that
22 it will use electronic transaction records and handwritten log
23 entries solely for the purpose of identifying, investigating,
24 or prosecuting violations of this Act or any other State or
25 federal law or rule involving a methamphetamine precursor,
26 methamphetamine, or any other controlled substance.

1 (f) The Illinois State Police may release to the recipient
2 any electronic transaction records clearly relating to that
3 recipient, upon sufficient proof of identity.

4 (Source: P.A. 97-670, eff. 1-19-12.)

5 Section 1015. The Prevention of Tobacco Use by Minors and
6 Sale and Distribution of Tobacco Products Act is amended by
7 changing Section 1 as follows:

8 (720 ILCS 675/1) (from Ch. 23, par. 2357)

9 Sec. 1. Prohibition on sale of tobacco products, electronic
10 cigarettes, and alternative nicotine products to persons under
11 21 years of age; prohibition on the distribution of tobacco
12 product samples, electronic cigarette samples, and alternative
13 nicotine product samples to any person; use of identification
14 cards; vending machines; lunch wagons; out-of-package sales.

15 (a) No person under 21 years of age shall buy any tobacco
16 product, electronic cigarette, or alternative nicotine
17 product. No person shall sell, buy for, distribute samples of
18 or furnish any tobacco product, electronic cigarette, or any
19 alternative nicotine product to any person under 21 years of
20 age.

21 (a-5) No person under 16 years of age may sell any tobacco
22 product, electronic cigarette, or alternative nicotine product
23 at a retail establishment selling tobacco products, electronic
24 cigarettes, or alternative nicotine products. This subsection

1 does not apply to a sales clerk in a family-owned business
2 which can prove that the sales clerk is in fact a son or
3 daughter of the owner.

4 (a-5.1) Before selling, offering for sale, giving, or
5 furnishing a tobacco product, electronic cigarette, or
6 alternative nicotine product to another person, the person
7 selling, offering for sale, giving, or furnishing the tobacco
8 product, electronic cigarette, or alternative nicotine product
9 shall verify that the person is at least 21 years of age by:

10 (1) examining from any person that appears to be under
11 30 years of age a government-issued photographic
12 identification that establishes the person to be 21 years
13 of age or older; or

14 (2) for sales of tobacco products, electronic
15 cigarettes, or alternative nicotine products made through
16 the Internet or other remote sales methods, performing an
17 age verification through an independent, third party age
18 verification service that compares information available
19 from public records to the personal information entered by
20 the person during the ordering process that establishes the
21 person is 21 years of age or older.

22 (a-6) No person under 21 years of age in the furtherance or
23 facilitation of obtaining any tobacco product, electronic
24 cigarette, or alternative nicotine product shall display or use
25 a false or forged identification card or transfer, alter, or
26 deface an identification card.

1 (a-7) (Blank).

2 (a-8) A person shall not distribute without charge samples
3 of any tobacco product to any other person, regardless of age,
4 except for smokeless tobacco in an adult-only facility.

5 This subsection (a-8) does not apply to the distribution of
6 a tobacco product, electronic cigarette, or alternative
7 nicotine product sample in any adult-only facility.

8 (a-9) For the purpose of this Section:

9 "Adult-only facility" means a facility or restricted
10 area (whether open-air or enclosed) where the operator
11 ensures or has a reasonable basis to believe (such as by
12 checking identification as required under State law, or by
13 checking the identification of any person appearing to be
14 under the age of 30) that no person under legal age is
15 present. A facility or restricted area need not be
16 permanently restricted to persons under 21 years of age to
17 constitute an adult-only facility, provided that the
18 operator ensures or has a reasonable basis to believe that
19 no person under 21 years of age is present during the event
20 or time period in question.

21 "Alternative nicotine product" means a product or
22 device not consisting of or containing tobacco that
23 provides for the ingestion into the body of nicotine,
24 whether by chewing, smoking, absorbing, dissolving,
25 inhaling, snorting, sniffing, or by any other means.

26 "Alternative nicotine product" does not include:

1 cigarettes as defined in Section 1 of the Cigarette Tax Act
2 and tobacco products as defined in Section 10-5 of the
3 Tobacco Products Tax Act of 1995; tobacco product and
4 electronic cigarette as defined in this Section; or any
5 product approved by the United States Food and Drug
6 Administration for sale as a tobacco cessation product, as
7 a tobacco dependence product, or for other medical
8 purposes, and is being marketed and sold solely for that
9 approved purpose.

10 "Electronic cigarette" means:

11 (1) any device that employs a battery or other
12 mechanism to heat a solution or substance to produce a
13 vapor or aerosol intended for inhalation;

14 (2) any cartridge or container of a solution or
15 substance intended to be used with or in the device or
16 to refill the device; or

17 (3) any solution or substance, whether or not it
18 contains nicotine intended for use in the device.

19 "Electronic cigarette" includes, but is not limited
20 to, any electronic nicotine delivery system, electronic
21 cigar, electronic cigarillo, electronic pipe, electronic
22 hookah, vape pen, or similar product or device, and any
23 components or parts that can be used to build the product
24 or device. "Electronic cigarette" does not include:
25 cigarettes as defined in Section 1 of the Cigarette Tax Act
26 and tobacco products as defined in Section 10-5 of the

1 Tobacco Products Tax Act of 1995; tobacco product and
2 alternative nicotine product as defined in this Section;
3 any product approved by the United States Food and Drug
4 Administration for sale as a tobacco cessation product, as
5 a tobacco dependence product, or for other medical
6 purposes, and is being marketed and sold solely for that
7 approved purpose; any asthma inhaler prescribed by a
8 physician for that condition and is being marketed and sold
9 solely for that approved purpose; or any therapeutic
10 product approved for use under the Compassionate Use of
11 Medical Cannabis Pilot Program Act.

12 "Lunch wagon" means a mobile vehicle designed and
13 constructed to transport food and from which food is sold
14 to the general public.

15 "Nicotine" means any form of the chemical nicotine,
16 including any salt or complex, regardless of whether the
17 chemical is naturally or synthetically derived.

18 "Tobacco product" means any product containing or made
19 from tobacco that is intended for human consumption,
20 whether smoked, heated, chewed, absorbed, dissolved,
21 inhaled, snorted, sniffed, or ingested by any other means,
22 including, but not limited to, cigarettes, cigars, little
23 cigars, chewing tobacco, pipe tobacco, snuff, snus, and any
24 other smokeless tobacco product which contains tobacco
25 that is finely cut, ground, powdered, or leaf and intended
26 to be placed in the oral cavity. "Tobacco product" includes

1 any component, part, or accessory of a tobacco product,
2 whether or not sold separately. "Tobacco product" does not
3 include: an electronic cigarette and alternative nicotine
4 product as defined in this Section; or any product that has
5 been approved by the United States Food and Drug
6 Administration for sale as a tobacco cessation product, as
7 a tobacco dependence product, or for other medical
8 purposes, and is being marketed and sold solely for that
9 approved purpose.

10 (b) Tobacco products, electronic cigarettes, and
11 alternative nicotine products may be sold through a vending
12 machine only if such tobacco products, electronic cigarettes,
13 and alternative nicotine products are not placed together with
14 any non-tobacco product, other than matches, in the vending
15 machine and the vending machine is in any of the following
16 locations:

17 (1) (Blank).

18 (2) Places to which persons under 21 years of age are
19 not permitted access at any time.

20 (3) Places where alcoholic beverages are sold and
21 consumed on the premises and vending machine operation is
22 under the direct supervision of the owner or manager.

23 (4) (Blank).

24 (5) (Blank).

25 (c) (Blank).

26 (d) The sale or distribution by any person of a tobacco

1 product as defined in this Section, including but not limited
2 to a single or loose cigarette, that is not contained within a
3 sealed container, pack, or package as provided by the
4 manufacturer, which container, pack, or package bears the
5 health warning required by federal law, is prohibited.

6 (e) It is not a violation of this Act for a person under 21
7 years of age to purchase a tobacco product, electronic
8 cigarette, or alternative nicotine product if the person under
9 the age of 21 purchases or is given the tobacco product,
10 electronic cigarette, or alternative nicotine product in any of
11 its forms from a retail seller of tobacco products, electronic
12 cigarettes, or alternative nicotine products or an employee of
13 the retail seller pursuant to a plan or action to investigate,
14 patrol, or otherwise conduct a "sting operation" or enforcement
15 action against a retail seller of tobacco products, electronic
16 cigarettes, or alternative nicotine products or a person
17 employed by the retail seller of tobacco products, electronic
18 cigarettes, or alternative nicotine products or on any premises
19 authorized to sell tobacco products, electronic cigarettes, or
20 alternative nicotine products to determine if tobacco
21 products, electronic cigarettes, or alternative nicotine
22 products are being sold or given to persons under 21 years of
23 age if the "sting operation" or enforcement action is approved
24 by, conducted by, or conducted on behalf of the Illinois
25 ~~Department of~~ State Police, the county sheriff, a municipal
26 police department, the Department of Revenue, the Department of

1 Public Health, or a local health department. The results of any
2 sting operation or enforcement action, including the name of
3 the clerk, shall be provided to the retail seller within 7
4 business days.

5 (Source: P.A. 101-2, eff. 7-1-19.)

6 Section 1020. The Code of Criminal Procedure of 1963 is
7 amended by changing Sections 104-26, 107-4, 108A-11, 108B-1,
8 108B-2, 108B-5, 108B-13, 108B-14, 110-7, 112A-11.1, 112A-11.2,
9 112A-14, 112A-14.7, 112A-17.5, 112A-20, 112A-22, 112A-28,
10 115-15, 116-3, 116-4, 116-5, 124B-605, 124B-705, 124B-710,
11 124B-930, and 124B-935 as follows:

12 (725 ILCS 5/104-26) (from Ch. 38, par. 104-26)

13 Sec. 104-26. Disposition of Defendants suffering
14 disabilities.

15 (a) A defendant convicted following a trial conducted under
16 the provisions of Section 104-22 shall not be sentenced before
17 a written presentence report of investigation is presented to
18 and considered by the court. The presentence report shall be
19 prepared pursuant to Sections 5-3-2, 5-3-3 and 5-3-4 of the
20 Unified Code of Corrections, as now or hereafter amended, and
21 shall include a physical and mental examination unless the
22 court finds that the reports of prior physical and mental
23 examinations conducted pursuant to this Article are adequate
24 and recent enough so that additional examinations would be

1 unnecessary.

2 (b) A defendant convicted following a trial under Section
3 104-22 shall not be subject to the death penalty.

4 (c) A defendant convicted following a trial under Section
5 104-22 shall be sentenced according to the procedures and
6 dispositions authorized under the Unified Code of Corrections,
7 as now or hereafter amended, subject to the following
8 provisions:

9 (1) The court shall not impose a sentence of
10 imprisonment upon the offender if the court believes that
11 because of his disability a sentence of imprisonment would
12 not serve the ends of justice and the interests of society
13 and the offender or that because of his disability a
14 sentence of imprisonment would subject the offender to
15 excessive hardship. In addition to any other conditions of
16 a sentence of conditional discharge or probation the court
17 may require that the offender undergo treatment
18 appropriate to his mental or physical condition.

19 (2) After imposing a sentence of imprisonment upon an
20 offender who has a mental disability, the court may remand
21 him to the custody of the Department of Human Services and
22 order a hearing to be conducted pursuant to the provisions
23 of the Mental Health and Developmental Disabilities Code,
24 as now or hereafter amended. If the offender is committed
25 following such hearing, he shall be treated in the same
26 manner as any other civilly committed patient for all

1 purposes except as provided in this Section. If the
2 defendant is not committed pursuant to such hearing, he
3 shall be remanded to the sentencing court for disposition
4 according to the sentence imposed.

5 (3) If the court imposes a sentence of imprisonment
6 upon an offender who has a mental disability but does not
7 proceed under subparagraph (2) of paragraph (c) of this
8 Section, it shall order the Department of Corrections to
9 proceed pursuant to Section 3-8-5 of the Unified Code of
10 Corrections, as now or hereafter amended.

11 (3.5) If the court imposes a sentence of imprisonment
12 upon an offender who has a mental disability, the court
13 shall direct the circuit court clerk to immediately notify
14 the Illinois ~~Department of~~ State Police, Firearm Owner's
15 Identification (FOID) Office, in a form and manner
16 prescribed by the Illinois ~~Department of~~ State Police and
17 shall forward a copy of the court order to the Department.

18 (4) If the court imposes a sentence of imprisonment
19 upon an offender who has a physical disability, it may
20 authorize the Department of Corrections to place the
21 offender in a public or private facility which is able to
22 provide care or treatment for the offender's disability and
23 which agrees to do so.

24 (5) When an offender is placed with the Department of
25 Human Services or another facility pursuant to
26 subparagraph (2) or (4) of this paragraph (c), the

1 Department or private facility shall not discharge or allow
2 the offender to be at large in the community without prior
3 approval of the court. If the defendant is placed in the
4 custody of the Department of Human Services, the defendant
5 shall be placed in a secure setting unless the court
6 determines that there are compelling reasons why such
7 placement is not necessary. The offender shall accrue good
8 time and shall be eligible for parole in the same manner as
9 if he were serving his sentence within the Department of
10 Corrections. When the offender no longer requires
11 hospitalization, care, or treatment, the Department of
12 Human Services or the facility shall transfer him, if his
13 sentence has not expired, to the Department of Corrections.
14 If an offender is transferred to the Department of
15 Corrections, the Department of Human Services shall
16 transfer to the Department of Corrections all related
17 records pertaining to length of custody and treatment
18 services provided during the time the offender was held.

19 (6) The Department of Corrections shall notify the
20 Department of Human Services or a facility in which an
21 offender has been placed pursuant to subparagraph (2) or
22 (4) of paragraph (c) of this Section of the expiration of
23 his sentence. Thereafter, an offender in the Department of
24 Human Services shall continue to be treated pursuant to his
25 commitment order and shall be considered a civilly
26 committed patient for all purposes including discharge. An

1 offender who is in a facility pursuant to subparagraph (4)
2 of paragraph (c) of this Section shall be informed by the
3 facility of the expiration of his sentence, and shall
4 either consent to the continuation of his care or treatment
5 by the facility or shall be discharged.

6 (Source: P.A. 97-1131, eff. 1-1-13.)

7 (725 ILCS 5/107-4) (from Ch. 38, par. 107-4)
8 Sec. 107-4. Arrest by peace officer from other
9 jurisdiction.

10 (a) As used in this Section:

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

13 (2) "Peace Officer" means any peace officer or member
14 of any duly organized State, County, or Municipal peace
15 unit, any police force of another State, the United States
16 Department of Defense, or any police force whose members,
17 by statute, are granted and authorized to exercise powers
18 similar to those conferred upon any peace officer employed
19 by a law enforcement agency of this State.

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

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

24 (a-3) Any peace officer employed by a law enforcement
25 agency of this State may conduct temporary questioning pursuant

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

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

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

1 custody on the ground that he has committed an offense in this
2 State.

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

14 (Source: P.A. 98-576, eff. 1-1-14.)

15 (725 ILCS 5/108A-11) (from Ch. 38, par. 108A-11)

16 Sec. 108A-11. Reports concerning use of eavesdropping
17 devices.

18 (a) In January of each year the State's Attorney of each
19 county in which eavesdropping devices were used pursuant to the
20 provisions of this Article shall report to the Illinois
21 ~~Department of~~ State Police the following with respect to each
22 application for an order authorizing the use of an
23 eavesdropping device, or an extension thereof, made during the
24 preceding calendar year:

25 (1) the fact that such an order, extension, or

- 1 subsequent approval of an emergency was applied for;
- 2 (2) the kind of order or extension applied for;
- 3 (3) a statement as to whether the order or extension
4 was granted as applied for was modified, or was denied;
- 5 (4) the period authorized by the order or extensions in
6 which an eavesdropping device could be used;
- 7 (5) the felony specified in the order extension or
8 denied application;
- 9 (6) the identity of the applying investigative or law
10 enforcement officer and agency making the application and
11 the State's Attorney authorizing the application; and
- 12 (7) the nature of the facilities from which or the
13 place where the eavesdropping device was to be used.
- 14 (b) Such report shall also include the following:
- 15 (1) a general description of the uses of eavesdropping
16 devices actually made under such order to overheard or
17 record conversations, including: (a) the approximate
18 nature and frequency of incriminating conversations
19 overheard, (b) the approximate nature and frequency of
20 other conversations overheard, (c) the approximate number
21 of persons whose conversations were overheard, and (d) the
22 approximate nature, amount, and cost of the manpower and
23 other resources used pursuant to the authorization to use
24 an eavesdropping device;
- 25 (2) the number of arrests resulting from authorized
26 uses of eavesdropping devices and the offenses for which

1 arrests were made;

2 (3) the number of trials resulting from such uses of
3 eavesdropping devices;

4 (4) the number of motions to suppress made with respect
5 to such uses, and the number granted or denied; and

6 (5) the number of convictions resulting from such uses
7 and the offenses for which the convictions were obtained
8 and a general assessment of the importance of the
9 convictions.

10 (c) In April of each year, the Illinois ~~Department of State~~
11 Police shall transmit to the General Assembly a report
12 including information on the number of applications for orders
13 authorizing the use of eavesdropping devices, the number of
14 orders and extensions granted or denied during the preceding
15 calendar year, and the convictions arising out of such uses.

16 The requirement for reporting to the General Assembly shall
17 be satisfied by filing copies of the report as required by
18 Section 3.1 of the General Assembly Organization Act, and
19 filing such additional copies with the State Government Report
20 Distribution Center for the General Assembly as is required
21 under paragraph (t) of Section 7 of the State Library Act.

22 (Source: P.A. 100-1148, eff. 12-10-18.)

23 (725 ILCS 5/108B-1) (from Ch. 38, par. 108B-1)

24 Sec. 108B-1. Definitions. For the purpose of this Article:

25 (a) "Aggrieved person" means a person who was a party to

1 any intercepted private communication or any person against
2 whom the intercept was directed.

3 (b) "Chief Judge" means, when referring to a judge
4 authorized to receive application for, and to enter orders
5 authorizing, interceptions of private communications, the
6 Chief Judge of the Circuit Court wherein the application for
7 order of interception is filed, or a Circuit Judge designated
8 by the Chief Judge to enter these orders. In circuits other
9 than the Cook County Circuit, "Chief Judge" also means, when
10 referring to a judge authorized to receive application for, and
11 to enter orders authorizing, interceptions of private
12 communications, an Associate Judge authorized by Supreme Court
13 Rule to try felony cases who is assigned by the Chief Judge to
14 enter these orders. After assignment by the Chief Judge, an
15 Associate Judge shall have plenary authority to issue orders
16 without additional authorization for each specific application
17 made to him by the State's Attorney until the time the
18 Associate Judge's power is rescinded by the Chief Judge.

19 (c) "Communications common carrier" means any person
20 engaged as a common carrier in the transmission of
21 communications by wire or radio, not including radio
22 broadcasting.

23 (d) "Contents" includes information obtained from a
24 private communication concerning the existence, substance,
25 purport or meaning of the communication, or the identity of a
26 party of the communication.

1 (e) "Court of competent jurisdiction" means any circuit
2 court.

3 (f) (Blank). ~~"Department" means Illinois Department of~~
4 ~~State Police.~~

5 (g) "Director" means Director of the Illinois ~~Department of~~
6 State Police.

7 (g-1) "Electronic communication" means any transfer of
8 signs, signals, writing, images, sounds, data, or intelligence
9 of any nature transmitted in whole or part by a wire, radio,
10 pager, computer, or electromagnetic, photo electronic, or
11 photo optical system where the sending and receiving parties
12 intend the electronic communication to be private and the
13 interception, recording, or transcription of the electronic
14 communication is accomplished by a device in a surreptitious
15 manner contrary to the provisions of this Article. "Electronic
16 communication" does not include:

17 (1) any wire or oral communication; or

18 (2) any communication from a tracking device.

19 (h) "Electronic criminal surveillance device" or
20 "eavesdropping device" means any device or apparatus, or
21 computer program including an induction coil, that can be used
22 to intercept private communication other than:

23 (1) Any telephone, telegraph or telecommunication
24 instrument, equipment or facility, or any component of it,
25 furnished to the subscriber or user by a communication
26 common carrier in the ordinary course of its business, or

1 purchased by any person and being used by the subscriber,
2 user or person in the ordinary course of his business, or
3 being used by a communications common carrier in the
4 ordinary course of its business, or by an investigative or
5 law enforcement officer in the ordinary course of his
6 duties; or

7 (2) A hearing aid or similar device being used to
8 correct subnormal hearing to not better than normal.

9 (i) "Electronic criminal surveillance officer" means any
10 law enforcement officer or retired law enforcement officer of
11 the United States or of the State or political subdivision of
12 it, or of another State, or of a political subdivision of it,
13 who is certified by the Illinois ~~Department of~~ State Police to
14 intercept private communications. A retired law enforcement
15 officer may be certified by the Illinois State Police only to
16 (i) prepare petitions for the authority to intercept private
17 communications in accordance with the provisions of this Act;
18 (ii) intercept and supervise the interception of private
19 communications; (iii) handle, safeguard, and use evidence
20 derived from such private communications; and (iv) operate and
21 maintain equipment used to intercept private communications.

22 (j) "In-progress trace" means to determine the origin of a
23 wire communication to a telephone or telegraph instrument,
24 equipment or facility during the course of the communication.

25 (k) "Intercept" means the aural or other acquisition of the
26 contents of any private communication through the use of any

1 electronic criminal surveillance device.

2 (l) "Journalist" means a person engaged in, connected with,
3 or employed by news media, including newspapers, magazines,
4 press associations, news agencies, wire services, radio,
5 television or other similar media, for the purpose of
6 gathering, processing, transmitting, compiling, editing or
7 disseminating news for the general public.

8 (m) "Law enforcement agency" means any law enforcement
9 agency of the United States, or the State or a political
10 subdivision of it.

11 (n) "Oral communication" means human speech used to
12 communicate by one party to another, in person, by wire
13 communication or by any other means.

14 (o) "Private communication" means a wire, oral, or
15 electronic communication uttered or transmitted by a person
16 exhibiting an expectation that the communication is not subject
17 to interception, under circumstances reasonably justifying the
18 expectation. Circumstances that reasonably justify the
19 expectation that a communication is not subject to interception
20 include the use of a cordless telephone or cellular
21 communication device.

22 (p) "Wire communication" means any human speech used to
23 communicate by one party to another in whole or in part through
24 the use of facilities for the transmission of communications by
25 wire, cable or other like connection between the point of
26 origin and the point of reception furnished or operated by a

1 communications common carrier.

2 (q) "Privileged communications" means a private
3 communication between:

4 (1) a licensed and practicing physician and a patient
5 within the scope of the profession of the physician;

6 (2) a licensed and practicing psychologist to a patient
7 within the scope of the profession of the psychologist;

8 (3) a licensed and practicing attorney-at-law and a
9 client within the scope of the profession of the lawyer;

10 (4) a practicing clergyman and a confidant within the
11 scope of the profession of the clergyman;

12 (5) a practicing journalist within the scope of his
13 profession;

14 (6) spouses within the scope of their marital
15 relationship; or

16 (7) a licensed and practicing social worker to a client
17 within the scope of the profession of the social worker.

18 (r) "Retired law enforcement officer" means a person: (1)
19 who is a graduate of a police training institute or academy,
20 who after graduating served for at least 15 consecutive years
21 as a sworn, full-time peace officer qualified to carry firearms
22 for any federal or State department or agency or for any unit
23 of local government of Illinois; (2) who has retired as a
24 local, State, or federal peace officer in a publicly created
25 peace officer retirement system; and (3) whose service in law
26 enforcement was honorably terminated through retirement or

1 disability and not as a result of discipline, suspension, or
2 discharge.

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

4 (725 ILCS 5/108B-2) (from Ch. 38, par. 108B-2)

5 Sec. 108B-2. Request for application for interception.

6 (a) A State's Attorney may apply for an order authorizing
7 interception of private communications in accordance with the
8 provisions of this Article.

9 (b) The head of a law enforcement agency, including, for
10 purposes of this subsection, the acting head of such law
11 enforcement agency if the head of such agency is absent or
12 unable to serve, may request that a State's Attorney apply for
13 an order authorizing interception of private communications in
14 accordance with the provisions of this Article.

15 Upon request of a law enforcement agency, the Illinois
16 State Police Department ~~Department~~ may provide technical assistance to
17 such an agency which is authorized to conduct an interception.

18 (Source: P.A. 92-854, eff. 12-5-02.)

19 (725 ILCS 5/108B-5) (from Ch. 38, par. 108B-5)

20 Sec. 108B-5. Requirements for order of interception.

21 (a) Upon consideration of an application, the chief judge
22 may enter an ex parte order, as requested or as modified,
23 authorizing the interception of a private communication, if the
24 chief judge determines on the basis of the application

1 submitted by the applicant, that:

2 (1) There is probable cause for belief that (A) the
3 person whose private communication is to be intercepted is
4 committing, has committed, or is about to commit an offense
5 enumerated in Section 108B-3, or (B) the facilities from
6 which, or the place where, the private communication is to
7 be intercepted, is, has been, or is about to be used in
8 connection with the commission of the offense, or is leased
9 to, listed in the name of, or commonly used by, the person;
10 and

11 (2) There is probable cause for belief that a
12 particular private communication concerning such offense
13 may be obtained through the interception; and

14 (3) Normal investigative procedures with respect to
15 the offense have been tried and have failed or reasonably
16 appear to be unlikely to succeed if tried or too dangerous
17 to employ; and

18 (4) The electronic criminal surveillance officers to
19 be authorized to supervise the interception of the private
20 communication have been certified by the Illinois State
21 Police Department.

22 (b) In the case of an application, other than for an
23 extension, for an order to intercept a communication of a
24 person or on a wire communication facility that was the subject
25 of a previous order authorizing interception, the application
26 shall be based upon new evidence or information different from

1 and in addition to the evidence or information offered to
2 support the prior order, regardless of whether the evidence was
3 derived from prior interceptions or from other sources.

4 (c) The chief judge may authorize interception of a private
5 communication anywhere in the judicial circuit. If the court
6 authorizes the use of an eavesdropping device with respect to a
7 vehicle, watercraft, or aircraft that is within the judicial
8 circuit at the time the order is issued, the order may provide
9 that the interception may continue anywhere within the State if
10 the vehicle, watercraft, or aircraft leaves the judicial
11 circuit.

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

13 (725 ILCS 5/108B-13) (from Ch. 38, par. 108B-13)

14 Sec. 108B-13. Reports concerning use of eavesdropping
15 devices.

16 (a) Within 30 days after the expiration of an order and
17 each extension thereof authorizing an interception, or within
18 30 days after the denial of an application or disapproval of an
19 application subsequent to any alleged emergency situation, the
20 State's Attorney shall report to the Illinois ~~Department of~~
21 State Police the following:

22 (1) the fact that such an order, extension, or
23 subsequent approval of an emergency was applied for;

24 (2) the kind of order or extension applied for;

25 (3) a statement as to whether the order or extension

1 was granted as applied for was modified, or was denied;

2 (4) the period authorized by the order or extensions in
3 which an eavesdropping device could be used;

4 (5) the offense enumerated in Section 108B-3 which is
5 specified in the order or extension or in the denied
6 application;

7 (6) the identity of the applying electronic criminal
8 surveillance officer and agency making the application and
9 the State's Attorney authorizing the application; and

10 (7) the nature of the facilities from which or the
11 place where the eavesdropping device was to be used.

12 (b) In January of each year the State's Attorney of each
13 county in which an interception occurred pursuant to the
14 provisions of this Article shall report to the Illinois
15 ~~Department of~~ State Police the following:

16 (1) a general description of the uses of eavesdropping
17 devices actually made under such order to overhear or
18 record conversations, including: (a) the approximate
19 nature and frequency of incriminating conversations
20 overheard, (b) the approximate nature and frequency of
21 other conversations overheard, (c) the approximate number
22 of persons whose conversations were overheard, and (d) the
23 approximate nature, amount, and cost of the manpower and
24 other resources used pursuant to the authorization to use
25 an eavesdropping device;

26 (2) the number of arrests resulting from authorized

1 uses of eavesdropping devices and the offenses for which
2 arrests were made;

3 (3) the number of trials resulting from such uses of
4 eavesdropping devices;

5 (4) the number of motions to suppress made with respect
6 to such uses, and the number granted or denied; and

7 (5) the number of convictions resulting from such uses
8 and the offenses for which the convictions were obtained
9 and a general assessment of the importance of the
10 convictions.

11 On or before March 1 of each year, the Director of the
12 Illinois ~~Department of~~ State Police shall submit to the
13 Governor a report of all intercepts as defined herein conducted
14 pursuant to this Article and terminated during the preceding
15 calendar year. Such report shall include:

16 (1) the reports of State's Attorneys forwarded to the
17 Director as required in this Section;

18 (2) the number of Illinois State Police ~~Department~~
19 personnel authorized to possess, install, or operate
20 electronic, mechanical, or other devices;

21 (3) the number of Illinois State Police ~~Department~~ and
22 other law enforcement personnel who participated or
23 engaged in the seizure of intercepts pursuant to this
24 Article during the preceding calendar year;

25 (4) the number of electronic criminal surveillance
26 officers trained by the Illinois State Police ~~Department~~;

1 (5) the total cost to the Illinois State Police
2 ~~Department~~ of all activities and procedures relating to the
3 seizure of intercepts during the preceding calendar year,
4 including costs of equipment, manpower, and expenses
5 incurred as compensation for use of facilities or technical
6 assistance provided to or by the Illinois State Police
7 ~~Department~~; and

8 (6) a summary of the use of eavesdropping devices
9 pursuant to orders of interception including (a) the
10 frequency of use in each county, (b) the frequency of use
11 for each crime enumerated in Section 108B-3 of the Code of
12 Criminal Procedure of 1963, as amended, (c) the type and
13 frequency of eavesdropping device use, and (d) the
14 frequency of use by each police department or law
15 enforcement agency of this State.

16 (d) In April of each year, the Director of the Illinois
17 ~~Department of~~ State Police and the Governor shall each transmit
18 to the General Assembly reports including information on the
19 number of applications for orders authorizing the use of
20 eavesdropping devices, the number of orders and extensions
21 granted or denied during the preceding calendar year, the
22 convictions arising out of such uses, and a summary of the
23 information required by subsections (a) and (b) of this
24 Section.

25 The requirement for reporting to the General Assembly shall
26 be satisfied by filing copies of the report as required by

1 Section 3.1 of the General Assembly Organization Act, and
2 filing such additional copies with the State Government Report
3 Distribution Center for the General Assembly as is required
4 under paragraph (t) of Section 7 of the State Library Act.
5 (Source: P.A. 100-1148, eff. 12-10-18.)

6 (725 ILCS 5/108B-14) (from Ch. 38, par. 108B-14)

7 Sec. 108B-14. Training.

8 (a) The Director of the Illinois ~~Department of~~ State Police
9 shall:

10 (1) Establish a course of training in the legal,
11 practical, and technical aspects of the interception of
12 private communications and related investigation and
13 prosecution techniques;

14 (2) Issue regulations as he finds necessary for the
15 training program;

16 (3) In cooperation with the Illinois Law Enforcement
17 Training Standards Board, set minimum standards for
18 certification and periodic recertification of electronic
19 criminal surveillance officers as eligible to apply for
20 orders authorizing the interception of private
21 communications, to conduct the interceptions, and to use
22 the private communications or evidence derived from them in
23 official proceedings; and

24 (4) In cooperation with the Illinois Law Enforcement
25 Training Standards Board, revoke or suspend the

1 certification of any electronic criminal surveillance
2 officer who has violated any law relating to electronic
3 criminal surveillance, or any of the guidelines
4 established by the Illinois State Police Department for
5 conducting electronic criminal surveillance.

6 (b) The Executive Director of the Illinois Law Enforcement
7 Training Standards Board shall:

8 (1) Pursuant to the Illinois Police Training Act,
9 review the course of training prescribed by the Illinois
10 State Police Department for the purpose of certification
11 relating to reimbursement of expenses incurred by local law
12 enforcement agencies participating in the electronic
13 criminal surveillance officer training process, and

14 (2) Assist the Illinois State Police Department in
15 establishing minimum standards for certification and
16 periodic recertification of electronic criminal
17 surveillance officers as being eligible to apply for orders
18 authorizing the interception of private communications, to
19 conduct the interpretations, and to use the communications
20 or evidence derived from them in official proceedings.

21 (Source: P.A. 92-854, eff. 12-5-02.)

22 (725 ILCS 5/110-7) (from Ch. 38, par. 110-7)

23 Sec. 110-7. Deposit of bail security.

24 (a) The person for whom bail has been set shall execute the
25 bail bond and deposit with the clerk of the court before which

1 the proceeding is pending a sum of money equal to 10% of the
2 bail, but in no event shall such deposit be less than \$25. The
3 clerk of the court shall provide a space on each form for a
4 person other than the accused who has provided the money for
5 the posting of bail to so indicate and a space signed by an
6 accused who has executed the bail bond indicating whether a
7 person other than the accused has provided the money for the
8 posting of bail. The form shall also include a written notice
9 to such person who has provided the defendant with the money
10 for the posting of bail indicating that the bail may be used to
11 pay costs, attorney's fees, fines, or other purposes authorized
12 by the court and if the defendant fails to comply with the
13 conditions of the bail bond, the court shall enter an order
14 declaring the bail to be forfeited. The written notice must be:
15 (1) distinguishable from the surrounding text; (2) in bold type
16 or underscored; and (3) in a type size at least 2 points larger
17 than the surrounding type. When a person for whom bail has been
18 set is charged with an offense under the Illinois Controlled
19 Substances Act or the Methamphetamine Control and Community
20 Protection Act which is a Class X felony, or making a terrorist
21 threat in violation of Section 29D-20 of the Criminal Code of
22 1961 or the Criminal Code of 2012 or an attempt to commit the
23 offense of making a terrorist threat, the court may require the
24 defendant to deposit a sum equal to 100% of the bail. Where any
25 person is charged with a forcible felony while free on bail and
26 is the subject of proceedings under Section 109-3 of this Code

1 the judge conducting the preliminary examination may also
2 conduct a hearing upon the application of the State pursuant to
3 the provisions of Section 110-6 of this Code to increase or
4 revoke the bail for that person's prior alleged offense.

5 (b) Upon depositing this sum and any bond fee authorized by
6 law, the person shall be released from custody subject to the
7 conditions of the bail bond.

8 (c) Once bail has been given and a charge is pending or is
9 thereafter filed in or transferred to a court of competent
10 jurisdiction the latter court shall continue the original bail
11 in that court subject to the provisions of Section 110-6 of
12 this Code.

13 (d) After conviction the court may order that the original
14 bail stand as bail pending appeal or deny, increase or reduce
15 bail subject to the provisions of Section 110-6.2.

16 (e) After the entry of an order by the trial court allowing
17 or denying bail pending appeal either party may apply to the
18 reviewing court having jurisdiction or to a justice thereof
19 sitting in vacation for an order increasing or decreasing the
20 amount of bail or allowing or denying bail pending appeal
21 subject to the provisions of Section 110-6.2.

22 (f) When the conditions of the bail bond have been
23 performed and the accused has been discharged from all
24 obligations in the cause the clerk of the court shall return to
25 the accused or to the defendant's designee by an assignment
26 executed at the time the bail amount is deposited, unless the

1 court orders otherwise, 90% of the sum which had been deposited
2 and shall retain as bail bond costs 10% of the amount
3 deposited. However, in no event shall the amount retained by
4 the clerk as bail bond costs be less than \$5. Notwithstanding
5 the foregoing, in counties with a population of 3,000,000 or
6 more, in no event shall the amount retained by the clerk as
7 bail bond costs exceed \$100. Bail bond deposited by or on
8 behalf of a defendant in one case may be used, in the court's
9 discretion, to satisfy financial obligations of that same
10 defendant incurred in a different case due to a fine, court
11 costs, restitution or fees of the defendant's attorney of
12 record. In counties with a population of 3,000,000 or more, the
13 court shall not order bail bond deposited by or on behalf of a
14 defendant in one case to be used to satisfy financial
15 obligations of that same defendant in a different case until
16 the bail bond is first used to satisfy court costs and
17 attorney's fees in the case in which the bail bond has been
18 deposited and any other unpaid child support obligations are
19 satisfied. In counties with a population of less than
20 3,000,000, the court shall not order bail bond deposited by or
21 on behalf of a defendant in one case to be used to satisfy
22 financial obligations of that same defendant in a different
23 case until the bail bond is first used to satisfy court costs
24 in the case in which the bail bond has been deposited.

25 At the request of the defendant the court may order such
26 90% of defendant's bail deposit, or whatever amount is

1 repayable to defendant from such deposit, to be paid to
2 defendant's attorney of record.

3 (g) If the accused does not comply with the conditions of
4 the bail bond the court having jurisdiction shall enter an
5 order declaring the bail to be forfeited. Notice of such order
6 of forfeiture shall be mailed forthwith to the accused at his
7 last known address. If the accused does not appear and
8 surrender to the court having jurisdiction within 30 days from
9 the date of the forfeiture or within such period satisfy the
10 court that appearance and surrender by the accused is
11 impossible and without his fault the court shall enter judgment
12 for the State if the charge for which the bond was given was a
13 felony or misdemeanor, or if the charge was quasi-criminal or
14 traffic, judgment for the political subdivision of the State
15 which prosecuted the case, against the accused for the amount
16 of the bail and costs of the court proceedings; however, in
17 counties with a population of less than 3,000,000, instead of
18 the court entering a judgment for the full amount of the bond
19 the court may, in its discretion, enter judgment for the cash
20 deposit on the bond, less costs, retain the deposit for further
21 disposition or, if a cash bond was posted for failure to appear
22 in a matter involving enforcement of child support or
23 maintenance, the amount of the cash deposit on the bond, less
24 outstanding costs, may be awarded to the person or entity to
25 whom the child support or maintenance is due. The deposit made
26 in accordance with paragraph (a) shall be applied to the

1 payment of costs. If judgment is entered and any amount of such
2 deposit remains after the payment of costs it shall be applied
3 to payment of the judgment and transferred to the treasury of
4 the municipal corporation wherein the bond was taken if the
5 offense was a violation of any penal ordinance of a political
6 subdivision of this State, or to the treasury of the county
7 wherein the bond was taken if the offense was a violation of
8 any penal statute of this State. The balance of the judgment
9 may be enforced and collected in the same manner as a judgment
10 entered in a civil action.

11 (h) After a judgment for a fine and court costs or either
12 is entered in the prosecution of a cause in which a deposit had
13 been made in accordance with paragraph (a) the balance of such
14 deposit, after deduction of bail bond costs, shall be applied
15 to the payment of the judgment.

16 (i) When a court appearance is required for an alleged
17 violation of the Criminal Code of 1961, the Criminal Code of
18 2012, the Illinois Vehicle Code, the Wildlife Code, the Fish
19 and Aquatic Life Code, the Child Passenger Protection Act, or a
20 comparable offense of a unit of local government as specified
21 in Supreme Court Rule 551, and if the accused does not appear
22 in court on the date set for appearance or any date to which
23 the case may be continued and the court issues an arrest
24 warrant for the accused, based upon his or her failure to
25 appear when having so previously been ordered to appear by the
26 court, the accused upon his or her admission to bail shall be

1 assessed by the court a fee of \$75. Payment of the fee shall be
2 a condition of release unless otherwise ordered by the court.
3 The fee shall be in addition to any bail that the accused is
4 required to deposit for the offense for which the accused has
5 been charged and may not be used for the payment of court costs
6 or fines assessed for the offense. The clerk of the court shall
7 remit \$70 of the fee assessed to the arresting agency who
8 brings the offender in on the arrest warrant. If the Illinois
9 ~~Department of~~ State Police is the arresting agency, \$70 of the
10 fee assessed shall be remitted by the clerk of the court to the
11 State Treasurer within one month after receipt for deposit into
12 the State Police Operations Assistance Fund. The clerk of the
13 court shall remit \$5 of the fee assessed to the Circuit Court
14 Clerk Operation and Administrative Fund as provided in Section
15 27.3d of the Clerks of Courts Act.

16 (Source: P.A. 99-412, eff. 1-1-16.)

17 (725 ILCS 5/112A-11.1)

18 Sec. 112A-11.1. Procedure for determining whether certain
19 misdemeanor crimes are crimes of domestic violence for purposes
20 of federal law.

21 (a) When a defendant has been charged with a violation of
22 Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or 12-3.5 of the
23 Criminal Code of 1961 or the Criminal Code of 2012, the State
24 may, at arraignment or no later than 45 days after arraignment,
25 for the purpose of notification to the Illinois ~~Department of~~

1 State Police Firearm Owner's Identification Card Office, serve
2 on the defendant and file with the court a notice alleging that
3 conviction of the offense would subject the defendant to the
4 prohibitions of 18 U.S.C. 922(g) (9) because of the relationship
5 between the defendant and the alleged victim and the nature of
6 the alleged offense.

7 (b) The notice shall include the name of the person alleged
8 to be the victim of the crime and shall specify the nature of
9 the alleged relationship as set forth in 18 U.S.C.
10 921(a) (33) (A) (ii). It shall also specify the element of the
11 charged offense which requires the use or attempted use of
12 physical force, or the threatened use of a deadly weapon, as
13 set forth 18 U.S.C. 921(a) (33) (A) (ii). It shall also include
14 notice that the defendant is entitled to a hearing on the
15 allegation contained in the notice and that if the allegation
16 is sustained, that determination and conviction shall be
17 reported to the Illinois ~~Department of~~ State Police Firearm
18 Owner's Identification Card Office.

19 (c) After having been notified as provided in subsection
20 (b) of this Section, the defendant may stipulate or admit,
21 orally on the record or in writing, that conviction of the
22 offense would subject the defendant to the prohibitions of 18
23 U.S.C. 922(g) (9). In that case, the applicability of 18 U.S.C.
24 922(g) (9) shall be deemed established for purposes of Section
25 112A-11.2. If the defendant denies the applicability of 18
26 U.S.C. 922(g) (9) as alleged in the notice served by the State,

1 or stands mute with respect to that allegation, then the State
2 shall bear the burden to prove beyond a reasonable doubt that
3 the offense is one to which the prohibitions of 18 U.S.C.
4 922(g)(9) apply. The court may consider reliable hearsay
5 evidence submitted by either party provided that it is relevant
6 to the determination of the allegation. Facts previously proven
7 at trial or elicited at the time of entry of a plea of guilty
8 shall be deemed established beyond a reasonable doubt and shall
9 not be relitigated. At the conclusion of the hearing, or upon a
10 stipulation or admission, as applicable, the court shall make a
11 specific written determination with respect to the allegation.
12 (Source: P.A. 97-1131, eff. 1-1-13; 97-1150, eff. 1-25-13.)

13 (725 ILCS 5/112A-11.2)

14 Sec. 112A-11.2. Notification to the Illinois ~~Department of~~
15 State Police Firearm Owner's Identification Card Office of
16 determinations in certain misdemeanor cases. Upon judgment of
17 conviction of a violation of Section 12-1, 12-2, 12-3, 12-3.2,
18 12-3.4, or 12-3.5 of the Criminal Code of 1961 or the Criminal
19 Code of 2012 when the defendant has been determined, under
20 Section 112A-11.1, to be subject to the prohibitions of 18
21 U.S.C. 922(g)(9), the circuit court clerk shall include
22 notification and a copy of the written determination in a
23 report of the conviction to the Illinois ~~Department of~~ State
24 Police Firearm Owner's Identification Card Office to enable the
25 office to report that determination to the Federal Bureau of

1 Investigation and assist the Bureau in identifying persons
2 prohibited from purchasing and possessing a firearm pursuant to
3 the provisions of 18 U.S.C. 922.

4 (Source: P.A. 97-1131, eff. 1-1-13; 97-1150, eff. 1-25-13.)

5 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

6 Sec. 112A-14. Domestic violence order of protection;
7 remedies.

8 (a) (Blank).

9 (b) The court may order any of the remedies listed in this
10 subsection (b). The remedies listed in this subsection (b)
11 shall be in addition to other civil or criminal remedies
12 available to petitioner.

13 (1) Prohibition of abuse. Prohibit respondent's
14 harassment, interference with personal liberty,
15 intimidation of a dependent, physical abuse, or willful
16 deprivation, as defined in this Article, if such abuse has
17 occurred or otherwise appears likely to occur if not
18 prohibited.

19 (2) Grant of exclusive possession of residence.
20 Prohibit respondent from entering or remaining in any
21 residence, household, or premises of the petitioner,
22 including one owned or leased by respondent, if petitioner
23 has a right to occupancy thereof. The grant of exclusive
24 possession of the residence, household, or premises shall
25 not affect title to real property, nor shall the court be

1 limited by the standard set forth in subsection (c-2) of
2 Section 501 of the Illinois Marriage and Dissolution of
3 Marriage Act.

4 (A) Right to occupancy. A party has a right to
5 occupancy of a residence or household if it is solely
6 or jointly owned or leased by that party, that party's
7 spouse, a person with a legal duty to support that
8 party or a minor child in that party's care, or by any
9 person or entity other than the opposing party that
10 authorizes that party's occupancy (e.g., a domestic
11 violence shelter). Standards set forth in subparagraph
12 (B) shall not preclude equitable relief.

13 (B) Presumption of hardships. If petitioner and
14 respondent each has the right to occupancy of a
15 residence or household, the court shall balance (i) the
16 hardships to respondent and any minor child or
17 dependent adult in respondent's care resulting from
18 entry of this remedy with (ii) the hardships to
19 petitioner and any minor child or dependent adult in
20 petitioner's care resulting from continued exposure to
21 the risk of abuse (should petitioner remain at the
22 residence or household) or from loss of possession of
23 the residence or household (should petitioner leave to
24 avoid the risk of abuse). When determining the balance
25 of hardships, the court shall also take into account
26 the accessibility of the residence or household.

1 Hardships need not be balanced if respondent does not
2 have a right to occupancy.

3 The balance of hardships is presumed to favor
4 possession by petitioner unless the presumption is
5 rebutted by a preponderance of the evidence, showing
6 that the hardships to respondent substantially
7 outweigh the hardships to petitioner and any minor
8 child or dependent adult in petitioner's care. The
9 court, on the request of petitioner or on its own
10 motion, may order respondent to provide suitable,
11 accessible, alternate housing for petitioner instead
12 of excluding respondent from a mutual residence or
13 household.

14 (3) Stay away order and additional prohibitions. Order
15 respondent to stay away from petitioner or any other person
16 protected by the domestic violence order of protection, or
17 prohibit respondent from entering or remaining present at
18 petitioner's school, place of employment, or other
19 specified places at times when petitioner is present, or
20 both, if reasonable, given the balance of hardships.
21 Hardships need not be balanced for the court to enter a
22 stay away order or prohibit entry if respondent has no
23 right to enter the premises.

24 (A) If a domestic violence order of protection
25 grants petitioner exclusive possession of the
26 residence, prohibits respondent from entering the

1 residence, or orders respondent to stay away from
2 petitioner or other protected persons, then the court
3 may allow respondent access to the residence to remove
4 items of clothing and personal adornment used
5 exclusively by respondent, medications, and other
6 items as the court directs. The right to access shall
7 be exercised on only one occasion as the court directs
8 and in the presence of an agreed-upon adult third party
9 or law enforcement officer.

10 (B) When the petitioner and the respondent attend
11 the same public, private, or non-public elementary,
12 middle, or high school, the court when issuing a
13 domestic violence order of protection and providing
14 relief shall consider the severity of the act, any
15 continuing physical danger or emotional distress to
16 the petitioner, the educational rights guaranteed to
17 the petitioner and respondent under federal and State
18 law, the availability of a transfer of the respondent
19 to another school, a change of placement or a change of
20 program of the respondent, the expense, difficulty,
21 and educational disruption that would be caused by a
22 transfer of the respondent to another school, and any
23 other relevant facts of the case. The court may order
24 that the respondent not attend the public, private, or
25 non-public elementary, middle, or high school attended
26 by the petitioner, order that the respondent accept a

1 change of placement or change of program, as determined
2 by the school district or private or non-public school,
3 or place restrictions on the respondent's movements
4 within the school attended by the petitioner. The
5 respondent bears the burden of proving by a
6 preponderance of the evidence that a transfer, change
7 of placement, or change of program of the respondent is
8 not available. The respondent also bears the burden of
9 production with respect to the expense, difficulty,
10 and educational disruption that would be caused by a
11 transfer of the respondent to another school. A
12 transfer, change of placement, or change of program is
13 not unavailable to the respondent solely on the ground
14 that the respondent does not agree with the school
15 district's or private or non-public school's transfer,
16 change of placement, or change of program or solely on
17 the ground that the respondent fails or refuses to
18 consent or otherwise does not take an action required
19 to effectuate a transfer, change of placement, or
20 change of program. When a court orders a respondent to
21 stay away from the public, private, or non-public
22 school attended by the petitioner and the respondent
23 requests a transfer to another attendance center
24 within the respondent's school district or private or
25 non-public school, the school district or private or
26 non-public school shall have sole discretion to

1 determine the attendance center to which the
2 respondent is transferred. If the court order results
3 in a transfer of the minor respondent to another
4 attendance center, a change in the respondent's
5 placement, or a change of the respondent's program, the
6 parents, guardian, or legal custodian of the
7 respondent is responsible for transportation and other
8 costs associated with the transfer or change.

9 (C) The court may order the parents, guardian, or
10 legal custodian of a minor respondent to take certain
11 actions or to refrain from taking certain actions to
12 ensure that the respondent complies with the order. If
13 the court orders a transfer of the respondent to
14 another school, the parents, guardian, or legal
15 custodian of the respondent is responsible for
16 transportation and other costs associated with the
17 change of school by the respondent.

18 (4) Counseling. Require or recommend the respondent to
19 undergo counseling for a specified duration with a social
20 worker, psychologist, clinical psychologist, psychiatrist,
21 family service agency, alcohol or substance abuse program,
22 mental health center guidance counselor, agency providing
23 services to elders, program designed for domestic violence
24 abusers, or any other guidance service the court deems
25 appropriate. The court may order the respondent in any
26 intimate partner relationship to report to an Illinois

1 Department of Human Services protocol approved partner
2 abuse intervention program for an assessment and to follow
3 all recommended treatment.

4 (5) Physical care and possession of the minor child. In
5 order to protect the minor child from abuse, neglect, or
6 unwarranted separation from the person who has been the
7 minor child's primary caretaker, or to otherwise protect
8 the well-being of the minor child, the court may do either
9 or both of the following: (i) grant petitioner physical
10 care or possession of the minor child, or both, or (ii)
11 order respondent to return a minor child to, or not remove
12 a minor child from, the physical care of a parent or person
13 in loco parentis.

14 If the respondent is charged with abuse (as defined in
15 Section 112A-3 of this Code) of a minor child, there shall
16 be a rebuttable presumption that awarding physical care to
17 respondent would not be in the minor child's best interest.

18 (6) Temporary allocation of parental responsibilities
19 and significant decision-making responsibilities. Award
20 temporary significant decision-making responsibility to
21 petitioner in accordance with this Section, the Illinois
22 Marriage and Dissolution of Marriage Act, the Illinois
23 Parentage Act of 2015, and this State's Uniform
24 Child-Custody Jurisdiction and Enforcement Act.

25 If the respondent is charged with abuse (as defined in
26 Section 112A-3 of this Code) of a minor child, there shall

1 be a rebuttable presumption that awarding temporary
2 significant decision-making responsibility to respondent
3 would not be in the child's best interest.

4 (7) Parenting time. Determine the parenting time, if
5 any, of respondent in any case in which the court awards
6 physical care or temporary significant decision-making
7 responsibility of a minor child to petitioner. The court
8 shall restrict or deny respondent's parenting time with a
9 minor child if the court finds that respondent has done or
10 is likely to do any of the following:

11 (i) abuse or endanger the minor child during
12 parenting time;

13 (ii) use the parenting time as an opportunity to
14 abuse or harass petitioner or petitioner's family or
15 household members;

16 (iii) improperly conceal or detain the minor
17 child; or

18 (iv) otherwise act in a manner that is not in the
19 best interests of the minor child.

20 The court shall not be limited by the standards set
21 forth in Section 603.10 of the Illinois Marriage and
22 Dissolution of Marriage Act. If the court grants parenting
23 time, the order shall specify dates and times for the
24 parenting time to take place or other specific parameters
25 or conditions that are appropriate. No order for parenting
26 time shall refer merely to the term "reasonable parenting

1 time". Petitioner may deny respondent access to the minor
2 child if, when respondent arrives for parenting time,
3 respondent is under the influence of drugs or alcohol and
4 constitutes a threat to the safety and well-being of
5 petitioner or petitioner's minor children or is behaving in
6 a violent or abusive manner. If necessary to protect any
7 member of petitioner's family or household from future
8 abuse, respondent shall be prohibited from coming to
9 petitioner's residence to meet the minor child for
10 parenting time, and the petitioner and respondent shall
11 submit to the court their recommendations for reasonable
12 alternative arrangements for parenting time. A person may
13 be approved to supervise parenting time only after filing
14 an affidavit accepting that responsibility and
15 acknowledging accountability to the court.

16 (8) Removal or concealment of minor child. Prohibit
17 respondent from removing a minor child from the State or
18 concealing the child within the State.

19 (9) Order to appear. Order the respondent to appear in
20 court, alone or with a minor child, to prevent abuse,
21 neglect, removal or concealment of the child, to return the
22 child to the custody or care of the petitioner, or to
23 permit any court-ordered interview or examination of the
24 child or the respondent.

25 (10) Possession of personal property. Grant petitioner
26 exclusive possession of personal property and, if

1 respondent has possession or control, direct respondent to
2 promptly make it available to petitioner, if:

3 (i) petitioner, but not respondent, owns the
4 property; or

5 (ii) the petitioner and respondent own the
6 property jointly; sharing it would risk abuse of
7 petitioner by respondent or is impracticable; and the
8 balance of hardships favors temporary possession by
9 petitioner.

10 If petitioner's sole claim to ownership of the property
11 is that it is marital property, the court may award
12 petitioner temporary possession thereof under the
13 standards of subparagraph (ii) of this paragraph only if a
14 proper proceeding has been filed under the Illinois
15 Marriage and Dissolution of Marriage Act, as now or
16 hereafter amended.

17 No order under this provision shall affect title to
18 property.

19 (11) Protection of property. Forbid the respondent
20 from taking, transferring, encumbering, concealing,
21 damaging, or otherwise disposing of any real or personal
22 property, except as explicitly authorized by the court, if:

23 (i) petitioner, but not respondent, owns the
24 property; or

25 (ii) the petitioner and respondent own the
26 property jointly, and the balance of hardships favors

1 granting this remedy.

2 If petitioner's sole claim to ownership of the property
3 is that it is marital property, the court may grant
4 petitioner relief under subparagraph (ii) of this
5 paragraph only if a proper proceeding has been filed under
6 the Illinois Marriage and Dissolution of Marriage Act, as
7 now or hereafter amended.

8 The court may further prohibit respondent from
9 improperly using the financial or other resources of an
10 aged member of the family or household for the profit or
11 advantage of respondent or of any other person.

12 (11.5) Protection of animals. Grant the petitioner the
13 exclusive care, custody, or control of any animal owned,
14 possessed, leased, kept, or held by either the petitioner
15 or the respondent or a minor child residing in the
16 residence or household of either the petitioner or the
17 respondent and order the respondent to stay away from the
18 animal and forbid the respondent from taking,
19 transferring, encumbering, concealing, harming, or
20 otherwise disposing of the animal.

21 (12) Order for payment of support. Order respondent to
22 pay temporary support for the petitioner or any child in
23 the petitioner's care or over whom the petitioner has been
24 allocated parental responsibility, when the respondent has
25 a legal obligation to support that person, in accordance
26 with the Illinois Marriage and Dissolution of Marriage Act,

1 which shall govern, among other matters, the amount of
2 support, payment through the clerk and withholding of
3 income to secure payment. An order for child support may be
4 granted to a petitioner with lawful physical care of a
5 child, or an order or agreement for physical care of a
6 child, prior to entry of an order allocating significant
7 decision-making responsibility. Such a support order shall
8 expire upon entry of a valid order allocating parental
9 responsibility differently and vacating petitioner's
10 significant decision-making responsibility unless
11 otherwise provided in the order.

12 (13) Order for payment of losses. Order respondent to
13 pay petitioner for losses suffered as a direct result of
14 the abuse. Such losses shall include, but not be limited
15 to, medical expenses, lost earnings or other support,
16 repair or replacement of property damaged or taken,
17 reasonable attorney's fees, court costs, and moving or
18 other travel expenses, including additional reasonable
19 expenses for temporary shelter and restaurant meals.

20 (i) Losses affecting family needs. If a party is
21 entitled to seek maintenance, child support, or
22 property distribution from the other party under the
23 Illinois Marriage and Dissolution of Marriage Act, as
24 now or hereafter amended, the court may order
25 respondent to reimburse petitioner's actual losses, to
26 the extent that such reimbursement would be

1 "appropriate temporary relief", as authorized by
2 subsection (a) (3) of Section 501 of that Act.

3 (ii) Recovery of expenses. In the case of an
4 improper concealment or removal of a minor child, the
5 court may order respondent to pay the reasonable
6 expenses incurred or to be incurred in the search for
7 and recovery of the minor child, including, but not
8 limited to, legal fees, court costs, private
9 investigator fees, and travel costs.

10 (14) Prohibition of entry. Prohibit the respondent
11 from entering or remaining in the residence or household
12 while the respondent is under the influence of alcohol or
13 drugs and constitutes a threat to the safety and well-being
14 of the petitioner or the petitioner's children.

15 (14.5) Prohibition of firearm possession.

16 (A) A person who is subject to an existing domestic
17 violence order of protection issued under this Code may
18 not lawfully possess weapons under Section 8.2 of the
19 Firearm Owners Identification Card Act.

20 (B) Any firearms in the possession of the
21 respondent, except as provided in subparagraph (C) of
22 this paragraph (14.5), shall be ordered by the court to
23 be turned over to a person with a valid Firearm Owner's
24 Identification Card for safekeeping. The court shall
25 issue an order that the respondent's Firearm Owner's
26 Identification Card be turned over to the local law

1 enforcement agency, which in turn shall immediately
2 mail the card to the Illinois ~~Department of~~ State
3 Police Firearm Owner's Identification Card Office for
4 safekeeping. The period of safekeeping shall be for the
5 duration of the domestic violence order of protection.
6 The firearm or firearms and Firearm Owner's
7 Identification Card, if unexpired, shall at the
8 respondent's request be returned to the respondent at
9 expiration of the domestic violence order of
10 protection.

11 (C) If the respondent is a peace officer as defined
12 in Section 2-13 of the Criminal Code of 2012, the court
13 shall order that any firearms used by the respondent in
14 the performance of his or her duties as a peace officer
15 be surrendered to the chief law enforcement executive
16 of the agency in which the respondent is employed, who
17 shall retain the firearms for safekeeping for the
18 duration of the domestic violence order of protection.

19 (D) Upon expiration of the period of safekeeping,
20 if the firearms or Firearm Owner's Identification Card
21 cannot be returned to respondent because respondent
22 cannot be located, fails to respond to requests to
23 retrieve the firearms, or is not lawfully eligible to
24 possess a firearm, upon petition from the local law
25 enforcement agency, the court may order the local law
26 enforcement agency to destroy the firearms, use the

1 firearms for training purposes, or for any other
2 application as deemed appropriate by the local law
3 enforcement agency; or that the firearms be turned over
4 to a third party who is lawfully eligible to possess
5 firearms, and who does not reside with respondent.

6 (15) Prohibition of access to records. If a domestic
7 violence order of protection prohibits respondent from
8 having contact with the minor child, or if petitioner's
9 address is omitted under subsection (b) of Section 112A-5
10 of this Code, or if necessary to prevent abuse or wrongful
11 removal or concealment of a minor child, the order shall
12 deny respondent access to, and prohibit respondent from
13 inspecting, obtaining, or attempting to inspect or obtain,
14 school or any other records of the minor child who is in
15 the care of petitioner.

16 (16) Order for payment of shelter services. Order
17 respondent to reimburse a shelter providing temporary
18 housing and counseling services to the petitioner for the
19 cost of the services, as certified by the shelter and
20 deemed reasonable by the court.

21 (17) Order for injunctive relief. Enter injunctive
22 relief necessary or appropriate to prevent further abuse of
23 a family or household member or to effectuate one of the
24 granted remedies, if supported by the balance of hardships.
25 If the harm to be prevented by the injunction is abuse or
26 any other harm that one of the remedies listed in

1 paragraphs (1) through (16) of this subsection is designed
2 to prevent, no further evidence is necessary to establish
3 that the harm is an irreparable injury.

4 (18) Telephone services.

5 (A) Unless a condition described in subparagraph
6 (B) of this paragraph exists, the court may, upon
7 request by the petitioner, order a wireless telephone
8 service provider to transfer to the petitioner the
9 right to continue to use a telephone number or numbers
10 indicated by the petitioner and the financial
11 responsibility associated with the number or numbers,
12 as set forth in subparagraph (C) of this paragraph. In
13 this paragraph (18), the term "wireless telephone
14 service provider" means a provider of commercial
15 mobile service as defined in 47 U.S.C. 332. The
16 petitioner may request the transfer of each telephone
17 number that the petitioner, or a minor child in his or
18 her custody, uses. The clerk of the court shall serve
19 the order on the wireless telephone service provider's
20 agent for service of process provided to the Illinois
21 Commerce Commission. The order shall contain all of the
22 following:

23 (i) The name and billing telephone number of
24 the account holder including the name of the
25 wireless telephone service provider that serves
26 the account.

1 (ii) Each telephone number that will be
2 transferred.

3 (iii) A statement that the provider transfers
4 to the petitioner all financial responsibility for
5 and right to the use of any telephone number
6 transferred under this paragraph.

7 (B) A wireless telephone service provider shall
8 terminate the respondent's use of, and shall transfer
9 to the petitioner use of, the telephone number or
10 numbers indicated in subparagraph (A) of this
11 paragraph unless it notifies the petitioner, within 72
12 hours after it receives the order, that one of the
13 following applies:

14 (i) The account holder named in the order has
15 terminated the account.

16 (ii) A difference in network technology would
17 prevent or impair the functionality of a device on
18 a network if the transfer occurs.

19 (iii) The transfer would cause a geographic or
20 other limitation on network or service provision
21 to the petitioner.

22 (iv) Another technological or operational
23 issue would prevent or impair the use of the
24 telephone number if the transfer occurs.

25 (C) The petitioner assumes all financial
26 responsibility for and right to the use of any

1 telephone number transferred under this paragraph. In
2 this paragraph, "financial responsibility" includes
3 monthly service costs and costs associated with any
4 mobile device associated with the number.

5 (D) A wireless telephone service provider may
6 apply to the petitioner its routine and customary
7 requirements for establishing an account or
8 transferring a number, including requiring the
9 petitioner to provide proof of identification,
10 financial information, and customer preferences.

11 (E) Except for willful or wanton misconduct, a
12 wireless telephone service provider is immune from
13 civil liability for its actions taken in compliance
14 with a court order issued under this paragraph.

15 (F) All wireless service providers that provide
16 services to residential customers shall provide to the
17 Illinois Commerce Commission the name and address of an
18 agent for service of orders entered under this
19 paragraph (18). Any change in status of the registered
20 agent must be reported to the Illinois Commerce
21 Commission within 30 days of such change.

22 (G) The Illinois Commerce Commission shall
23 maintain the list of registered agents for service for
24 each wireless telephone service provider on the
25 Commission's website. The Commission may consult with
26 wireless telephone service providers and the Circuit

1 Court Clerks on the manner in which this information is
2 provided and displayed.

3 (c) Relevant factors; findings.

4 (1) In determining whether to grant a specific remedy,
5 other than payment of support, the court shall consider
6 relevant factors, including, but not limited to, the
7 following:

8 (i) the nature, frequency, severity, pattern, and
9 consequences of the respondent's past abuse of the
10 petitioner or any family or household member,
11 including the concealment of his or her location in
12 order to evade service of process or notice, and the
13 likelihood of danger of future abuse to petitioner or
14 any member of petitioner's or respondent's family or
15 household; and

16 (ii) the danger that any minor child will be abused
17 or neglected or improperly relocated from the
18 jurisdiction, improperly concealed within the State,
19 or improperly separated from the child's primary
20 caretaker.

21 (2) In comparing relative hardships resulting to the
22 parties from loss of possession of the family home, the
23 court shall consider relevant factors, including, but not
24 limited to, the following:

25 (i) availability, accessibility, cost, safety,
26 adequacy, location, and other characteristics of

1 alternate housing for each party and any minor child or
2 dependent adult in the party's care;

3 (ii) the effect on the party's employment; and

4 (iii) the effect on the relationship of the party,
5 and any minor child or dependent adult in the party's
6 care, to family, school, church, and community.

7 (3) Subject to the exceptions set forth in paragraph
8 (4) of this subsection (c), the court shall make its
9 findings in an official record or in writing, and shall at
10 a minimum set forth the following:

11 (i) That the court has considered the applicable
12 relevant factors described in paragraphs (1) and (2) of
13 this subsection (c).

14 (ii) Whether the conduct or actions of respondent,
15 unless prohibited, will likely cause irreparable harm
16 or continued abuse.

17 (iii) Whether it is necessary to grant the
18 requested relief in order to protect petitioner or
19 other alleged abused persons.

20 (4) (Blank).

21 (5) Never married parties. No rights or
22 responsibilities for a minor child born outside of marriage
23 attach to a putative father until a father and child
24 relationship has been established under the Illinois
25 Parentage Act of 1984, the Illinois Parentage Act of 2015,
26 the Illinois Public Aid Code, Section 12 of the Vital

1 Records Act, the Juvenile Court Act of 1987, the Probate
2 Act of 1975, the Uniform Interstate Family Support Act, the
3 Expedited Child Support Act of 1990, any judicial,
4 administrative, or other act of another state or territory,
5 any other statute of this State, or by any foreign nation
6 establishing the father and child relationship, any other
7 proceeding substantially in conformity with the federal
8 Personal Responsibility and Work Opportunity
9 Reconciliation Act of 1996, or when both parties appeared
10 in open court or at an administrative hearing acknowledging
11 under oath or admitting by affirmation the existence of a
12 father and child relationship. Absent such an
13 adjudication, no putative father shall be granted
14 temporary allocation of parental responsibilities,
15 including parenting time with the minor child, or physical
16 care and possession of the minor child, nor shall an order
17 of payment for support of the minor child be entered.

18 (d) Balance of hardships; findings. If the court finds that
19 the balance of hardships does not support the granting of a
20 remedy governed by paragraph (2), (3), (10), (11), or (16) of
21 subsection (b) of this Section, which may require such
22 balancing, the court's findings shall so indicate and shall
23 include a finding as to whether granting the remedy will result
24 in hardship to respondent that would substantially outweigh the
25 hardship to petitioner from denial of the remedy. The findings
26 shall be an official record or in writing.

1 (e) Denial of remedies. Denial of any remedy shall not be
2 based, in whole or in part, on evidence that:

3 (1) respondent has cause for any use of force, unless
4 that cause satisfies the standards for justifiable use of
5 force provided by Article 7 of the Criminal Code of 2012;

6 (2) respondent was voluntarily intoxicated;

7 (3) petitioner acted in self-defense or defense of
8 another, provided that, if petitioner utilized force, such
9 force was justifiable under Article 7 of the Criminal Code
10 of 2012;

11 (4) petitioner did not act in self-defense or defense
12 of another;

13 (5) petitioner left the residence or household to avoid
14 further abuse by respondent;

15 (6) petitioner did not leave the residence or household
16 to avoid further abuse by respondent; or

17 (7) conduct by any family or household member excused
18 the abuse by respondent, unless that same conduct would
19 have excused such abuse if the parties had not been family
20 or household members.

21 (Source: P.A. 100-199, eff. 1-1-18; 100-388, eff. 1-1-18;
22 100-597, eff. 6-29-18; 100-863, eff. 8-14-18; 100-923, eff.
23 1-1-19; 101-81, eff. 7-12-19.)

24 (725 ILCS 5/112A-14.7)

25 Sec. 112A-14.7. Stalking no contact order; remedies.

1 (a) The court may order any of the remedies listed in this
2 Section. The remedies listed in this Section shall be in
3 addition to other civil or criminal remedies available to
4 petitioner. A stalking no contact order shall order one or more
5 of the following:

6 (1) prohibit the respondent from threatening to commit
7 or committing stalking;

8 (2) order the respondent not to have any contact with
9 the petitioner or a third person specifically named by the
10 court;

11 (3) prohibit the respondent from knowingly coming
12 within, or knowingly remaining within a specified distance
13 of the petitioner or the petitioner's residence, school,
14 daycare, or place of employment, or any specified place
15 frequented by the petitioner; however, the court may order
16 the respondent to stay away from the respondent's own
17 residence, school, or place of employment only if the
18 respondent has been provided actual notice of the
19 opportunity to appear and be heard on the petition;

20 (4) prohibit the respondent from possessing a Firearm
21 Owners Identification Card, or possessing or buying
22 firearms; and

23 (5) order other injunctive relief the court determines
24 to be necessary to protect the petitioner or third party
25 specifically named by the court.

26 (b) When the petitioner and the respondent attend the same

1 public, private, or non-public elementary, middle, or high
2 school, the court when issuing a stalking no contact order and
3 providing relief shall consider the severity of the act, any
4 continuing physical danger or emotional distress to the
5 petitioner, the educational rights guaranteed to the
6 petitioner and respondent under federal and State law, the
7 availability of a transfer of the respondent to another school,
8 a change of placement or a change of program of the respondent,
9 the expense, difficulty, and educational disruption that would
10 be caused by a transfer of the respondent to another school,
11 and any other relevant facts of the case. The court may order
12 that the respondent not attend the public, private, or
13 non-public elementary, middle, or high school attended by the
14 petitioner, order that the respondent accept a change of
15 placement or program, as determined by the school district or
16 private or non-public school, or place restrictions on the
17 respondent's movements within the school attended by the
18 petitioner. The respondent bears the burden of proving by a
19 preponderance of the evidence that a transfer, change of
20 placement, or change of program of the respondent is not
21 available. The respondent also bears the burden of production
22 with respect to the expense, difficulty, and educational
23 disruption that would be caused by a transfer of the respondent
24 to another school. A transfer, change of placement, or change
25 of program is not unavailable to the respondent solely on the
26 ground that the respondent does not agree with the school

1 district's or private or non-public school's transfer, change
2 of placement, or change of program or solely on the ground that
3 the respondent fails or refuses to consent to or otherwise does
4 not take an action required to effectuate a transfer, change of
5 placement, or change of program. When a court orders a
6 respondent to stay away from the public, private, or non-public
7 school attended by the petitioner and the respondent requests a
8 transfer to another attendance center within the respondent's
9 school district or private or non-public school, the school
10 district or private or non-public school shall have sole
11 discretion to determine the attendance center to which the
12 respondent is transferred. If the court order results in a
13 transfer of the minor respondent to another attendance center,
14 a change in the respondent's placement, or a change of the
15 respondent's program, the parents, guardian, or legal
16 custodian of the respondent is responsible for transportation
17 and other costs associated with the transfer or change.

18 (c) The court may order the parents, guardian, or legal
19 custodian of a minor respondent to take certain actions or to
20 refrain from taking certain actions to ensure that the
21 respondent complies with the order. If the court orders a
22 transfer of the respondent to another school, the parents,
23 guardian, or legal custodian of the respondent are responsible
24 for transportation and other costs associated with the change
25 of school by the respondent.

26 (d) The court shall not hold a school district or private

1 or non-public school or any of its employees in civil or
2 criminal contempt unless the school district or private or
3 non-public school has been allowed to intervene.

4 (e) The court may hold the parents, guardian, or legal
5 custodian of a minor respondent in civil or criminal contempt
6 for a violation of any provision of any order entered under
7 this Article for conduct of the minor respondent in violation
8 of this Article if the parents, guardian, or legal custodian
9 directed, encouraged, or assisted the respondent minor in the
10 conduct.

11 (f) Monetary damages are not recoverable as a remedy.

12 (g) If the stalking no contact order prohibits the
13 respondent from possessing a Firearm Owner's Identification
14 Card, or possessing or buying firearms; the court shall
15 confiscate the respondent's Firearm Owner's Identification
16 Card and immediately return the card to the Illinois Department
17 ~~of~~ State Police Firearm Owner's Identification Card Office.

18 (Source: P.A. 100-199, eff. 1-1-18.)

19 (725 ILCS 5/112A-17.5)

20 Sec. 112A-17.5. Ex parte protective orders.

21 (a) The petitioner may request expedited consideration of
22 the petition for an ex parte protective order. The court shall
23 consider the request on an expedited basis without requiring
24 the respondent's presence or requiring notice to the
25 respondent.

1 (b) Issuance of ex parte protective orders in cases
2 involving domestic violence. An ex parte domestic violence
3 order of protection shall be issued if petitioner satisfies the
4 requirements of this subsection (b) for one or more of the
5 requested remedies. For each remedy requested, petitioner
6 shall establish that:

7 (1) the court has jurisdiction under Section 112A-9 of
8 this Code;

9 (2) the requirements of subsection (a) of Section
10 112A-11.5 of this Code are satisfied; and

11 (3) there is good cause to grant the remedy, regardless
12 of prior service of process or notice upon the respondent,
13 because:

14 (A) for the remedy of prohibition of abuse
15 described in paragraph (1) of subsection (b) of Section
16 112A-14 of this Code; stay away order and additional
17 prohibitions described in paragraph (3) of subsection
18 (b) of Section 112A-14 of this Code; removal or
19 concealment of minor child described in paragraph (8)
20 of subsection (b) of Section 112A-14 of this Code;
21 order to appear described in paragraph (9) of
22 subsection (b) of Section 112A-14 of this Code;
23 physical care and possession of the minor child
24 described in paragraph (5) of subsection (b) of Section
25 112A-14 of this Code; protection of property described
26 in paragraph (11) of subsection (b) of Section 112A-14

1 of this Code; prohibition of entry described in
2 paragraph (14) of subsection (b) of Section 112A-14 of
3 this Code; prohibition of firearm possession described
4 in paragraph (14.5) of subsection (b) of Section
5 112A-14 of this Code; prohibition of access to records
6 described in paragraph (15) of subsection (b) of
7 Section 112A-14 of this Code; injunctive relief
8 described in paragraph (16) of subsection (b) of
9 Section 112A-14 of this Code; and telephone services
10 described in paragraph (18) of subsection (b) of
11 Section 112A-14 of this Code, the harm which that
12 remedy is intended to prevent would be likely to occur
13 if the respondent were given any prior notice, or
14 greater notice than was actually given, of the
15 petitioner's efforts to obtain judicial relief;

16 (B) for the remedy of grant of exclusive possession
17 of residence described in paragraph (2) of subsection
18 (b) of Section 112A-14 of this Code; the immediate
19 danger of further abuse of the petitioner by the
20 respondent, if the petitioner chooses or had chosen to
21 remain in the residence or household while the
22 respondent was given any prior notice or greater notice
23 than was actually given of the petitioner's efforts to
24 obtain judicial relief outweighs the hardships to the
25 respondent of an emergency order granting the
26 petitioner exclusive possession of the residence or

1 household; and the remedy shall not be denied because
2 the petitioner has or could obtain temporary shelter
3 elsewhere while prior notice is given to the
4 respondent, unless the hardship to the respondent from
5 exclusion from the home substantially outweigh the
6 hardship to the petitioner; or

7 (C) for the remedy of possession of personal
8 property described in paragraph (10) of subsection (b)
9 of Section 112A-14 of this Code; improper disposition
10 of the personal property would be likely to occur if
11 the respondent were given any prior notice, or greater
12 notice than was actually given, of the petitioner's
13 efforts to obtain judicial relief or the petitioner has
14 an immediate and pressing need for the possession of
15 that property.

16 An ex parte domestic violence order of protection may not
17 include the counseling, custody, or payment of support or
18 monetary compensation remedies provided by paragraphs (4),
19 (12), (13), and (16) of subsection (b) of Section 112A-14 of
20 this Code.

21 (c) Issuance of ex parte civil no contact order in cases
22 involving sexual offenses. An ex parte civil no contact order
23 shall be issued if the petitioner establishes that:

24 (1) the court has jurisdiction under Section 112A-9 of
25 this Code;

26 (2) the requirements of subsection (a) of Section

1 112A-11.5 of this Code are satisfied; and

2 (3) there is good cause to grant the remedy, regardless
3 of prior service of process or of notice upon the
4 respondent, because the harm which that remedy is intended
5 to prevent would be likely to occur if the respondent were
6 given any prior notice, or greater notice than was actually
7 given, of the petitioner's efforts to obtain judicial
8 relief.

9 The court may order any of the remedies under Section
10 112A-14.5 of this Code.

11 (d) Issuance of ex parte stalking no contact order in cases
12 involving stalking offenses. An ex parte stalking no contact
13 order shall be issued if the petitioner establishes that:

14 (1) the court has jurisdiction under Section 112A-9 of
15 this Code;

16 (2) the requirements of subsection (a) of Section
17 112A-11.5 of this Code are satisfied; and

18 (3) there is good cause to grant the remedy, regardless
19 of prior service of process or of notice upon the
20 respondent, because the harm which that remedy is intended
21 to prevent would be likely to occur if the respondent were
22 given any prior notice, or greater notice than was actually
23 given, of the petitioner's efforts to obtain judicial
24 relief.

25 The court may order any of the remedies under Section
26 112A-14.7 of this Code.

1 (e) Issuance of ex parte protective orders on court
2 holidays and evenings.

3 When the court is unavailable at the close of business, the
4 petitioner may file a petition for an ex parte protective order
5 before any available circuit judge or associate judge who may
6 grant relief under this Article. If the judge finds that
7 petitioner has satisfied the prerequisites in subsection (b),
8 (c), or (d) of this Section, the judge shall issue an ex parte
9 protective order.

10 The chief judge of the circuit court may designate for each
11 county in the circuit at least one judge to be reasonably
12 available to issue orally, by telephone, by facsimile, or
13 otherwise, an ex parte protective order at all times, whether
14 or not the court is in session.

15 The judge who issued the order under this Section shall
16 promptly communicate or convey the order to the sheriff to
17 facilitate the entry of the order into the Law Enforcement
18 Agencies Data System by the Illinois ~~Department of~~ State Police
19 under Section 112A-28 of this Code. Any order issued under this
20 Section and any documentation in support of it shall be
21 certified on the next court day to the appropriate court. The
22 clerk of that court shall immediately assign a case number,
23 file the petition, order, and other documents with the court
24 and enter the order of record and file it with the sheriff for
25 service under subsection (f) of this Section. Failure to comply
26 with the requirements of this subsection (e) shall not affect

1 the validity of the order.

2 (f) Service of ex parte protective order on respondent.

3 (1) If an ex parte protective order is entered at the
4 time a summons or arrest warrant is issued for the criminal
5 charge, the petition for the protective order, any
6 supporting affidavits, if any, and the ex parte protective
7 order that has been issued shall be served with the summons
8 or arrest warrant. The enforcement of a protective order
9 under Section 112A-23 of this Code shall not be affected by
10 the lack of service or delivery, provided the requirements
11 of subsection (a) of Section 112A-23 of this Code are
12 otherwise met.

13 (2) If an ex parte protective order is entered after a
14 summons or arrest warrant is issued and before the
15 respondent makes an initial appearance in the criminal
16 case, the summons shall be in the form prescribed by
17 subsection (d) of Supreme Court Rule 101, except that it
18 shall require respondent to answer or appear within 7 days
19 and shall be accompanied by the petition for the protective
20 order, any supporting affidavits, if any, and the ex parte
21 protective order that has been issued.

22 (3) If an ex parte protective order is entered after
23 the respondent has been served notice of a petition for a
24 final protective order and the respondent has requested a
25 continuance to respond to the petition, the ex parte
26 protective order shall be served: (A) in open court if the

1 respondent is present at the proceeding at which the order
2 was entered; or (B) by summons in the form prescribed by
3 subsection (d) of Supreme Court Rule 101.

4 (4) No fee shall be charged for service of summons.

5 (5) The summons shall be served by the sheriff or other
6 law enforcement officer at the earliest time and shall take
7 precedence over other summonses except those of a similar
8 emergency nature. Special process servers may be appointed
9 at any time, and their designation shall not affect the
10 responsibilities and authority of the sheriff or other
11 official process servers. In a county with a population
12 over 3,000,000, a special process server may not be
13 appointed if an ex parte protective order grants the
14 surrender of a child, the surrender of a firearm or Firearm
15 Owner's Identification Card, or the exclusive possession
16 of a shared residence. Process may be served in court.

17 (g) Upon 7 days' notice to the petitioner, or a shorter
18 notice period as the court may prescribe, a respondent subject
19 to an ex parte protective order may appear and petition the
20 court to re-hear the petition. Any petition to re-hear shall be
21 verified and shall allege the following:

22 (1) that respondent did not receive prior notice of the
23 initial hearing in which the ex parte protective order was
24 entered under Section 112A-17.5 of this Code; and

25 (2) that respondent had a meritorious defense to the
26 order or any of its remedies or that the order or any of

1 its remedies was not authorized under this Article.

2 The verified petition and affidavit shall set forth the
3 evidence of the meritorious defense that will be presented at a
4 hearing. If the court finds that the evidence presented at the
5 hearing on the petition establishes a meritorious defense by a
6 preponderance of the evidence, the court may decide to vacate
7 the protective order or modify the remedies.

8 (h) If the ex parte protective order granted petitioner
9 exclusive possession of the residence and the petition of
10 respondent seeks to re-open or vacate that grant, the court
11 shall set a date for hearing within 14 days on all issues
12 relating to exclusive possession. Under no circumstances shall
13 a court continue a hearing concerning exclusive possession
14 beyond the 14th day except by agreement of the petitioner and
15 the respondent. Other issues raised by the pleadings may be
16 consolidated for the hearing if the petitioner, the respondent,
17 and the court do not object.

18 (i) Duration of ex parte protective order. An ex parte
19 order shall remain in effect until the court considers the
20 request for a final protective order after notice has been
21 served on the respondent or a default final protective order is
22 entered, whichever occurs first. If a court date is scheduled
23 for the issuance of a default protective order and the
24 petitioner fails to personally appear or appear through counsel
25 or the prosecuting attorney, the petition shall be dismissed
26 and the ex parte order terminated.

1 (Source: P.A. 100-597, eff. 6-29-18.)

2 (725 ILCS 5/112A-20) (from Ch. 38, par. 112A-20)

3 Sec. 112A-20. Duration and extension of final protective
4 orders.

5 (a) (Blank).

6 (b) A final protective order shall remain in effect as
7 follows:

8 (1) if entered during pre-trial release, until
9 disposition, withdrawal, or dismissal of the underlying
10 charge; if, however, the case is continued as an
11 independent cause of action, the order's duration may be
12 for a fixed period of time not to exceed 2 years;

13 (2) if in effect in conjunction with a bond forfeiture
14 warrant, until final disposition or an additional period of
15 time not exceeding 2 years; no domestic violence order of
16 protection, however, shall be terminated by a dismissal
17 that is accompanied by the issuance of a bond forfeiture
18 warrant;

19 (3) until 2 years after the expiration of any
20 supervision, conditional discharge, probation, periodic
21 imprisonment, parole, aftercare release, or mandatory
22 supervised release for domestic violence orders of
23 protection and civil no contact orders; or

24 (4) until 2 years after the date set by the court for
25 expiration of any sentence of imprisonment and subsequent

1 parole, aftercare release, or mandatory supervised release
2 for domestic violence orders of protection and civil no
3 contact orders; and

4 (5) permanent for a stalking no contact order if a
5 judgment of conviction for stalking is entered.

6 (c) Computation of time. The duration of a domestic
7 violence order of protection shall not be reduced by the
8 duration of any prior domestic violence order of protection.

9 (d) Law enforcement records. When a protective order
10 expires upon the occurrence of a specified event, rather than
11 upon a specified date as provided in subsection (b), no
12 expiration date shall be entered in Illinois ~~Department of~~
13 State Police records. To remove the protective order from those
14 records, either the petitioner or the respondent shall request
15 the clerk of the court to file a certified copy of an order
16 stating that the specified event has occurred or that the
17 protective order has been vacated or modified with the sheriff,
18 and the sheriff shall direct that law enforcement records shall
19 be promptly corrected in accordance with the filed order.

20 (e) Extension of Orders. Any domestic violence order of
21 protection or civil no contact order that expires 2 years after
22 the expiration of the defendant's sentence under paragraph (2),
23 (3), or (4) of subsection (b) of Section 112A-20 of this
24 Article may be extended one or more times, as required. The
25 petitioner, petitioner's counsel, or the State's Attorney on
26 the petitioner's behalf shall file the motion for an extension

1 of the final protective order in the criminal case and serve
2 the motion in accordance with Supreme Court Rules 11 and 12.
3 The court shall transfer the motion to the appropriate court or
4 division for consideration under subsection (e) of Section 220
5 of the Illinois Domestic Violence Act of 1986, subsection (c)
6 of Section 216 of the Civil No Contact Order Act, or subsection
7 (c) of Section 105 of the Stalking No Contact Order as
8 appropriate.

9 (f) Termination date. Any final protective order which
10 would expire on a court holiday shall instead expire at the
11 close of the next court business day.

12 (g) Statement of purpose. The practice of dismissing or
13 suspending a criminal prosecution in exchange for issuing a
14 protective order undermines the purposes of this Article. This
15 Section shall not be construed as encouraging that practice.

16 (Source: P.A. 100-199, eff. 1-1-18; 100-597, eff. 6-29-18.)

17 (725 ILCS 5/112A-22) (from Ch. 38, par. 112A-22)

18 Sec. 112A-22. Notice of orders.

19 (a) Entry and issuance. Upon issuance of any protective
20 order, the clerk shall immediately, or on the next court day if
21 an ex parte order is issued under subsection (e) of Section
22 112A-17.5 of this Code, (i) enter the order on the record and
23 file it in accordance with the circuit court procedures and
24 (ii) provide a file stamped copy of the order to respondent and
25 to petitioner, if present, and to the State's Attorney. If the

1 victim is not present the State's Attorney shall (i) as soon as
2 practicable notify the petitioner the order has been entered
3 and (ii) provide a file stamped copy of the order to the
4 petitioner within 3 days.

5 (b) Filing with sheriff. The clerk of the issuing judge
6 shall, on the same day that a protective order is issued, file
7 a copy of that order with the sheriff or other law enforcement
8 officials charged with maintaining Illinois ~~Department of~~
9 State Police records or charged with serving the order upon
10 respondent. If the order was issued under subsection (e) of
11 Section 112A-17.5 of this Code, the clerk on the next court day
12 shall file a certified copy of the order with the sheriff or
13 other law enforcement officials charged with maintaining
14 Illinois ~~Department of~~ State Police records.

15 (c) (Blank).

16 (c-2) Service by sheriff. Unless respondent was present in
17 court when the order was issued, the sheriff, other law
18 enforcement official, or special process server shall promptly
19 serve that order upon respondent and file proof of the service,
20 in the manner provided for service of process in civil
21 proceedings. Instead of serving the order upon the respondent;
22 however, the sheriff, other law enforcement official, special
23 process server, or other persons defined in Section 112A-22.1
24 of this Code may serve the respondent with a short form
25 notification as provided in Section 112A-22.1 of this Code. If
26 process has not yet been served upon the respondent, process

1 shall be served with the order or short form notification if
2 the service is made by the sheriff, other law enforcement
3 official, or special process server.

4 (c-3) If the person against whom the protective order is
5 issued is arrested and the written order is issued under
6 subsection (e) of Section 112A-17.5 of this Code and received
7 by the custodial law enforcement agency before the respondent
8 or arrestee is released from custody, the custodial law
9 enforcement agency shall promptly serve the order upon the
10 respondent or arrestee before the respondent or arrestee is
11 released from custody. In no event shall detention of the
12 respondent or arrestee be extended for a hearing on the
13 petition for protective order or receipt of the order issued
14 under Section 112A-17 of this Code.

15 (c-4) Extensions, modifications, and revocations. Any
16 order extending, modifying, or revoking any protective order
17 shall be promptly recorded, issued, and served as provided in
18 this Section.

19 (c-5) (Blank).

20 (d) (Blank).

21 (e) Notice to health care facilities and health care
22 practitioners. Upon the request of the petitioner, the clerk of
23 the circuit court shall send a certified copy of the protective
24 order to any specified health care facility or health care
25 practitioner requested by the petitioner at the mailing address
26 provided by the petitioner.

1 (f) Disclosure by health care facilities and health care
2 practitioners. After receiving a certified copy of a protective
3 order that prohibits a respondent's access to records, no
4 health care facility or health care practitioner shall allow a
5 respondent access to the records of any child who is a
6 protected person under the protective order, or release
7 information in those records to the respondent, unless the
8 order has expired or the respondent shows a certified copy of
9 the court order vacating the corresponding protective order
10 that was sent to the health care facility or practitioner.
11 Nothing in this Section shall be construed to require health
12 care facilities or health care practitioners to alter
13 procedures related to billing and payment. The health care
14 facility or health care practitioner may file the copy of the
15 protective order in the records of a child who is a protected
16 person under the protective order, or may employ any other
17 method to identify the records to which a respondent is
18 prohibited access. No health care facility or health care
19 practitioner shall be civilly or professionally liable for
20 reliance on a copy of a protective order, except for willful
21 and wanton misconduct.

22 (g) Notice to schools. Upon the request of the petitioner,
23 within 24 hours of the issuance of a protective order, the
24 clerk of the issuing judge shall send a certified copy of the
25 protective order to the day-care facility, pre-school or
26 pre-kindergarten, or private school or the principal office of

1 the public school district or any college or university in
2 which any child who is a protected person under the protective
3 order or any child of the petitioner is enrolled as requested
4 by the petitioner at the mailing address provided by the
5 petitioner. If the child transfers enrollment to another
6 day-care facility, pre-school, pre-kindergarten, private
7 school, public school, college, or university, the petitioner
8 may, within 24 hours of the transfer, send to the clerk written
9 notice of the transfer, including the name and address of the
10 institution to which the child is transferring. Within 24 hours
11 of receipt of notice from the petitioner that a child is
12 transferring to another day-care facility, pre-school,
13 pre-kindergarten, private school, public school, college, or
14 university, the clerk shall send a certified copy of the order
15 to the institution to which the child is transferring.

16 (h) Disclosure by schools. After receiving a certified copy
17 of a protective order that prohibits a respondent's access to
18 records, neither a day-care facility, pre-school,
19 pre-kindergarten, public or private school, college, or
20 university nor its employees shall allow a respondent access to
21 a protected child's records or release information in those
22 records to the respondent. The school shall file the copy of
23 the protective order in the records of a child who is a
24 protected person under the order. When a child who is a
25 protected person under the protective order transfers to
26 another day-care facility, pre-school, pre-kindergarten,

1 public or private school, college, or university, the
2 institution from which the child is transferring may, at the
3 request of the petitioner, provide, within 24 hours of the
4 transfer, written notice of the protective order, along with a
5 certified copy of the order, to the institution to which the
6 child is transferring.

7 (Source: P.A. 100-199, eff. 1-1-18; 100-597, eff. 6-29-18.)

8 (725 ILCS 5/112A-28) (from Ch. 38, par. 112A-28)

9 Sec. 112A-28. Data maintenance by law enforcement
10 agencies.

11 (a) All sheriffs shall furnish to the Illinois ~~Department~~
12 ~~of~~ State Police, daily, in the form and detail the Department
13 requires, copies of any recorded protective orders issued by
14 the court, and any foreign protective orders filed by the clerk
15 of the court, and transmitted to the sheriff by the clerk of
16 the court. Each protective order shall be entered in the Law
17 Enforcement Agencies Data System on the same day it is issued
18 by the court.

19 (b) The Illinois ~~Department of~~ State Police shall maintain
20 a complete and systematic record and index of all valid and
21 recorded protective orders issued or filed under this Act. The
22 data shall be used to inform all dispatchers and law
23 enforcement officers at the scene of an alleged incident of
24 abuse or violation of a protective order of any recorded prior
25 incident of abuse involving the abused party and the effective

1 dates and terms of any recorded protective order.

2 (c) The data, records and transmittals required under this
3 Section shall pertain to:

4 (1) any valid emergency, interim or plenary domestic
5 violence order of protection, civil no contact or stalking
6 no contact order issued in a civil proceeding; and

7 (2) any valid ex parte or final protective order issued
8 in a criminal proceeding or authorized under the laws of
9 another state, tribe, or United States territory.

10 (Source: P.A. 100-199, eff. 1-1-18; 100-597, eff. 6-29-18.)

11 (725 ILCS 5/115-15)

12 Sec. 115-15. Laboratory reports.

13 (a) In any criminal prosecution for a violation of the
14 Cannabis Control Act, the Illinois Controlled Substances Act,
15 or the Methamphetamine Control and Community Protection Act, a
16 laboratory report from the Illinois ~~Department of State Police,~~
17 Division of Forensic Services, that is signed and sworn to by
18 the person performing an analysis and that states (1) that the
19 substance that is the basis of the alleged violation has been
20 weighed and analyzed, and (2) the person's findings as to the
21 contents, weight and identity of the substance, and (3) that it
22 contains any amount of a controlled substance or cannabis is
23 prima facie evidence of the contents, identity and weight of
24 the substance. Attached to the report shall be a copy of a
25 notarized statement by the signer of the report giving the name

1 of the signer and stating (i) that he or she is an employee of
2 the Illinois ~~Department of~~ State Police, Division of Forensic
3 Services, (ii) the name and location of the laboratory where
4 the analysis was performed, (iii) that performing the analysis
5 is a part of his or her regular duties, and (iv) that the
6 signer is qualified by education, training and experience to
7 perform the analysis. The signer shall also allege that
8 scientifically accepted tests were performed with due caution
9 and that the evidence was handled in accordance with
10 established and accepted procedures while in the custody of the
11 laboratory.

12 (a-5) In any criminal prosecution for reckless homicide
13 under Section 9-3 of the Criminal Code of 1961 or the Criminal
14 Code of 2012, or driving under the influence of alcohol, other
15 drug, or combination of both, in violation of Section 11-501 of
16 the Illinois Vehicle Code or in any civil action held under a
17 statutory summary suspension or revocation hearing under
18 Section 2-118.1 of the Illinois Vehicle Code, a laboratory
19 report from the Illinois ~~Department of~~ State Police, Division
20 of Forensic Services, that is signed and sworn to by the person
21 performing an analysis, and that states that the sample of
22 blood, other bodily substance, or urine was tested for alcohol
23 or drugs, and contains the person's findings as to the presence
24 and amount of alcohol or drugs and type of drug is prima facie
25 evidence of the presence, content, and amount of the alcohol or
26 drugs analyzed in the blood, other bodily substance, or urine.

1 Attached to the report must be a copy of a notarized statement
2 by the signer of the report giving the name of the signer and
3 stating (1) that he or she is an employee of the Illinois
4 ~~Department of~~ State Police, Division of Forensic Services, (2)
5 the name and location of the laboratory where the analysis was
6 performed, (3) that performing the analysis is a part of his or
7 her regular duties, (4) that the signer is qualified by
8 education, training, and experience to perform the analysis,
9 and (5) that scientifically accepted tests were performed with
10 due caution and that the evidence was handled in accordance
11 with established and accepted procedures while in the custody
12 of the laboratory.

13 (b) The State's Attorney shall serve a copy of the report
14 on the attorney of record for the accused, or on the accused if
15 he or she has no attorney, before any proceeding in which the
16 report is to be used against the accused other than at a
17 preliminary hearing or grand jury hearing when the report may
18 be used without having been previously served upon the accused.

19 (c) The report shall not be prima facie evidence if the
20 accused or his or her attorney demands the testimony of the
21 person signing the report by serving the demand upon the
22 State's Attorney within 7 days from the accused or his or her
23 attorney's receipt of the report.

24 (Source: P.A. 99-697, eff. 7-29-16.)

1 Sec. 116-3. Motion for fingerprint, Integrated Ballistic
2 Identification System, or forensic testing not available at
3 trial or guilty plea regarding actual innocence.

4 (a) A defendant may make a motion before the trial court
5 that entered the judgment of conviction in his or her case for
6 the performance of fingerprint, Integrated Ballistic
7 Identification System, or forensic DNA testing, including
8 comparison analysis of genetic marker groupings of the evidence
9 collected by criminal justice agencies pursuant to the alleged
10 offense, to those of the defendant, to those of other forensic
11 evidence, and to those maintained under subsection (f) of
12 Section 5-4-3 of the Unified Code of Corrections, on evidence
13 that was secured in relation to the trial or guilty plea which
14 resulted in his or her conviction, and:

15 (1) was not subject to the testing which is now
16 requested at the time of trial; or

17 (2) although previously subjected to testing, can be
18 subjected to additional testing utilizing a method that was
19 not scientifically available at the time of trial that
20 provides a reasonable likelihood of more probative
21 results.

22 Reasonable notice of the motion shall be served upon the
23 State.

24 (b) The defendant must present a prima facie case that:

25 (1) identity was the issue in the trial or guilty plea
26 which resulted in his or her conviction; and

1 (2) the evidence to be tested has been subject to a
2 chain of custody sufficient to establish that it has not
3 been substituted, tampered with, replaced, or altered in
4 any material aspect.

5 (c) The trial court shall allow the testing under
6 reasonable conditions designed to protect the State's
7 interests in the integrity of the evidence and the testing
8 process upon a determination that:

9 (1) the result of the testing has the scientific
10 potential to produce new, noncumulative evidence (i)
11 materially relevant to the defendant's assertion of actual
12 innocence when the defendant's conviction was the result of
13 a trial, even though the results may not completely
14 exonerate the defendant, or (ii) that would raise a
15 reasonable probability that the defendant would have been
16 acquitted if the results of the evidence to be tested had
17 been available prior to the defendant's guilty plea and the
18 petitioner had proceeded to trial instead of pleading
19 guilty, even though the results may not completely
20 exonerate the defendant; and

21 (2) the testing requested employs a scientific method
22 generally accepted within the relevant scientific
23 community.

24 (d) If evidence previously tested pursuant to this Section
25 reveals an unknown fingerprint from the crime scene that does
26 not match the defendant or the victim, the order of the Court

1 shall direct the prosecuting authority to request the Illinois
2 State Police Bureau of Forensic Science to submit the unknown
3 fingerprint evidence into the FBI's Integrated Automated
4 Fingerprint Identification System (AIFIS) for identification.

5 (e) In the court's order to allow testing, the court shall
6 order the investigating authority to prepare an inventory of
7 the evidence related to the case and issue a copy of the
8 inventory to the prosecution, the petitioner, and the court.

9 (f) When a motion is filed to vacate based on favorable
10 post-conviction testing results, the State may, upon request,
11 reactivate victim services for the victim of the crime during
12 the pendency of the proceedings, and, as determined by the
13 court after consultation with the victim or victim advocate, or
14 both, following final adjudication of the case.

15 (Source: P.A. 98-948, eff. 8-15-14.)

16 (725 ILCS 5/116-4)

17 Sec. 116-4. Preservation of evidence for forensic testing.

18 (a) Before or after the trial in a prosecution for a
19 violation of Section 11-1.20, 11-1.30, 11-1.40, 11-1.50,
20 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal
21 Code of 1961 or the Criminal Code of 2012 or in a prosecution
22 for an offense defined in Article 9 of that Code, or in a
23 prosecution for an attempt in violation of Section 8-4 of that
24 Code of any of the above-enumerated offenses, unless otherwise
25 provided herein under subsection (b) or (c), a law enforcement

1 agency or an agent acting on behalf of the law enforcement
2 agency shall preserve, subject to a continuous chain of
3 custody, any physical evidence in their possession or control
4 that is reasonably likely to contain forensic evidence,
5 including, but not limited to, fingerprints or biological
6 material secured in relation to a trial and with sufficient
7 documentation to locate that evidence.

8 (b) After a judgment of conviction is entered, the evidence
9 shall either be impounded with the Clerk of the Circuit Court
10 or shall be securely retained by a law enforcement agency.
11 Retention shall be permanent in cases where a sentence of death
12 is imposed. Retention shall be until the completion of the
13 sentence, including the period of mandatory supervised release
14 for the offense, or January 1, 2006, whichever is later, for
15 any conviction for an offense or an attempt of an offense
16 defined in Article 9 of the Criminal Code of 1961 or the
17 Criminal Code of 2012 or in Section 11-1.20, 11-1.30, 11-1.40,
18 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the
19 Criminal Code of 1961 or the Criminal Code of 2012 or for 7
20 years following any conviction for any other felony for which
21 the defendant's genetic profile may be taken by a law
22 enforcement agency and submitted for comparison in a forensic
23 DNA database for unsolved offenses.

24 (c) After a judgment of conviction is entered, the law
25 enforcement agency required to retain evidence described in
26 subsection (a) may petition the court with notice to the

1 defendant or, in cases where the defendant has died, his
2 estate, his attorney of record, or an attorney appointed for
3 that purpose by the court for entry of an order allowing it to
4 dispose of evidence if, after a hearing, the court determines
5 by a preponderance of the evidence that:

6 (1) it has no significant value for forensic science
7 analysis and should be returned to its rightful owner,
8 destroyed, used for training purposes, or as otherwise
9 provided by law; or

10 (2) it has no significant value for forensic science
11 analysis and is of a size, bulk, or physical character not
12 usually retained by the law enforcement agency and cannot
13 practicably be retained by the law enforcement agency; or

14 (3) there no longer exists a reasonable basis to
15 require the preservation of the evidence because of the
16 death of the defendant; however, this paragraph (3) does
17 not apply if a sentence of death was imposed.

18 (d) The court may order the disposition of the evidence if
19 the defendant is allowed the opportunity to take reasonable
20 measures to remove or preserve portions of the evidence in
21 question for future testing.

22 (d-5) Any order allowing the disposition of evidence
23 pursuant to subsection (c) or (d) shall be a final and
24 appealable order. No evidence shall be disposed of until 30
25 days after the order is entered, and if a notice of appeal is
26 filed, no evidence shall be disposed of until the mandate has

1 been received by the circuit court from the appellate court.

2 (d-10) All records documenting the possession, control,
3 storage, and destruction of evidence and all police reports,
4 evidence control or inventory records, and other reports cited
5 in this Section, including computer records, must be retained
6 for as long as the evidence exists and may not be disposed of
7 without the approval of the Local Records Commission.

8 (e) In this Section, "law enforcement agency" includes any
9 of the following or an agent acting on behalf of any of the
10 following: a municipal police department, county sheriff's
11 office, any prosecuting authority, the Illinois ~~Department of~~
12 State Police, or any other State, university, county, federal,
13 or municipal police unit or police force.

14 "Biological material" includes, but is not limited to, any
15 blood, hair, saliva, or semen from which genetic marker
16 groupings may be obtained.

17 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

18 (725 ILCS 5/116-5)

19 Sec. 116-5. Motion for DNA database search (genetic marker
20 groupings comparison analysis).

21 (a) Upon motion by a defendant charged with any offense
22 where DNA evidence may be material to the defense investigation
23 or relevant at trial, a court may order a DNA database search
24 by the Illinois ~~Department of~~ State Police. Such analysis may
25 include comparing:

1 (1) the genetic profile from forensic evidence that was
2 secured in relation to the trial against the genetic
3 profile of the defendant,

4 (2) the genetic profile of items of forensic evidence
5 secured in relation to trial to the genetic profile of
6 other forensic evidence secured in relation to trial, or

7 (3) the genetic profiles referred to in subdivisions
8 (1) and (2) against:

9 (i) genetic profiles of offenders maintained under
10 subsection (f) of Section 5-4-3 of the Unified Code of
11 Corrections, or

12 (ii) genetic profiles, including but not limited
13 to, profiles from unsolved crimes maintained in state
14 or local DNA databases by law enforcement agencies.

15 (b) If appropriate federal criteria are met, the court may
16 order the Illinois ~~Department of~~ State Police to request the
17 National DNA index system to search its database of genetic
18 profiles.

19 (c) If requested by the defense, a defense representative
20 shall be allowed to view any genetic marker grouping analysis
21 conducted by the Illinois ~~Department of~~ State Police. The
22 defense shall be provided with copies of all documentation,
23 correspondence, including digital correspondence, notes,
24 memoranda, and reports generated in relation to the analysis.

25 (d) Reasonable notice of the motion shall be served upon
26 the State.

1 (Source: P.A. 93-605, eff. 11-19-03.)

2 (725 ILCS 5/124B-605)

3 Sec. 124B-605. Distribution of property and sale proceeds.

4 (a) All moneys and the sale proceeds of all other property
5 forfeited and seized under this Part 600 shall be distributed
6 as follows:

7 (1) 50% shall be distributed to the unit of local
8 government whose officers or employees conducted the
9 investigation into computer fraud and caused the arrest or
10 arrests and prosecution leading to the forfeiture. Amounts
11 distributed to units of local government shall be used for
12 training or enforcement purposes relating to detection,
13 investigation, or prosecution of financial crimes,
14 including computer fraud. If, however, the investigation,
15 arrest or arrests, and prosecution leading to the
16 forfeiture were undertaken solely by a State agency, the
17 portion provided under this paragraph (1) shall be paid
18 into the State Police Services Fund of the Illinois
19 ~~Department of~~ State Police to be used for training or
20 enforcement purposes relating to detection, investigation,
21 or prosecution of financial crimes, including computer
22 fraud.

23 (2) 50% shall be distributed to the county in which the
24 prosecution and petition for forfeiture resulting in the
25 forfeiture was instituted by the State's Attorney and shall

1 be deposited into a special fund in the county treasury and
2 appropriated to the State's Attorney for use in training or
3 enforcement purposes relating to detection, investigation,
4 or prosecution of financial crimes, including computer
5 fraud. If a prosecution and petition for forfeiture
6 resulting in the forfeiture has been maintained by the
7 Attorney General, 50% of the proceeds shall be paid into
8 the Attorney General's Financial Crime Prevention Fund. If
9 the Attorney General and the State's Attorney have
10 participated jointly in any part of the proceedings, 25% of
11 the proceeds forfeited shall be paid to the county in which
12 the prosecution and petition for forfeiture resulting in
13 the forfeiture occurred, and 25% shall be paid into the
14 Attorney General's Financial Crime Prevention Fund to be
15 used for the purposes stated in this paragraph (2).

16 (b) Before any distribution under subsection (a), the
17 Attorney General or State's Attorney shall retain from the
18 forfeited moneys or sale proceeds, or both, sufficient moneys
19 to cover expenses related to the administration and sale of the
20 forfeited property.

21 (Source: P.A. 96-712, eff. 1-1-10.)

22 (725 ILCS 5/124B-705)

23 Sec. 124B-705. Seizure and inventory of property subject to
24 forfeiture. Property taken or detained under this Part shall
25 not be subject to replevin, but is deemed to be in the custody

1 of the Director of the Illinois State Police subject only to
2 the order and judgments of the circuit court having
3 jurisdiction over the forfeiture proceedings and the decisions
4 of the Attorney General or State's Attorney under this Article.
5 When property is seized under this Article, the seizing agency
6 shall promptly conduct an inventory of the seized property and
7 estimate the property's value and shall forward a copy of the
8 estimate of the property's value to the Director of the
9 Illinois State Police. Upon receiving the notice of seizure,
10 the Director may do any of the following:

11 (1) Place the property under seal.

12 (2) Remove the property to a place designated by the
13 Director.

14 (3) Keep the property in the possession of the seizing
15 agency.

16 (4) Remove the property to a storage area for
17 safekeeping or, if the property is a negotiable instrument
18 or money and is not needed for evidentiary purposes,
19 deposit it in an interest bearing account.

20 (5) Place the property under constructive seizure by
21 posting notice of the pending forfeiture on it, by giving
22 notice of the pending forfeiture to its owners and interest
23 holders, or by filing a notice of the pending forfeiture in
24 any appropriate public record relating to the property.

25 (6) Provide for another agency or custodian, including
26 an owner, secured party, or lienholder, to take custody of

1 the property on terms and conditions set by the Director.

2 (Source: P.A. 96-712, eff. 1-1-10.)

3 (725 ILCS 5/124B-710)

4 Sec. 124B-710. Sale of forfeited property by Director of
5 the Illinois State Police.

6 (a) The court shall authorize the Director of the Illinois
7 State Police to seize any property declared forfeited under
8 this Article on terms and conditions the court deems proper.

9 (b) When property is forfeited under this Part 700, the
10 Director of the Illinois State Police shall sell the property
11 unless the property is required by law to be destroyed or is
12 harmful to the public. The Director shall distribute the
13 proceeds of the sale, together with any moneys forfeited or
14 seized, in accordance with Section 124B-715.

15 (c) (Blank).

16 (Source: P.A. 100-512, eff. 7-1-18.)

17 (725 ILCS 5/124B-930)

18 Sec. 124B-930. Disposal of property.

19 (a) Real property taken or detained under this Part is not
20 subject to replevin, but is deemed to be in the custody of the
21 Director of the Illinois State Police subject only to the order
22 and judgments of the circuit court having jurisdiction over the
23 forfeiture proceedings and the decisions of the State's
24 Attorney or Attorney General under this Article.

1 (b) When property is forfeited under this Article, the
2 Director of the Illinois State Police shall sell all such
3 property and shall distribute the proceeds of the sale,
4 together with any moneys forfeited or seized, in accordance
5 with Section 124B-935.

6 (Source: P.A. 96-712, eff. 1-1-10.)

7 (725 ILCS 5/124B-935)

8 Sec. 124B-935. Distribution of property and sale proceeds.
9 All moneys and the sale proceeds of all other property
10 forfeited and seized under this Part 900 shall be distributed
11 as follows:

12 (1) 65% shall be distributed to the local, municipal,
13 county, or State law enforcement agency or agencies that
14 conducted or participated in the investigation resulting
15 in the forfeiture. The distribution shall bear a reasonable
16 relationship to the degree of direct participation of the
17 law enforcement agency in the effort resulting in the
18 forfeiture, taking into account the total value of the
19 property forfeited and the total law enforcement effort
20 with respect to the violation of the law upon which the
21 forfeiture is based.

22 (2) 12.5% shall be distributed to the Office of the
23 State's Attorney of the county in which the prosecution
24 resulting in the forfeiture was instituted for use in the
25 enforcement of laws, including laws governing animal

1 fighting.

2 (3) 12.5% shall be distributed to the Illinois
3 Department of Agriculture for reimbursement of expenses
4 incurred in the investigation, prosecution, and appeal of
5 cases arising under laws governing animal fighting.

6 (4) 10% shall be retained by the Illinois ~~Department of~~
7 State Police for expenses related to the administration and
8 sale of seized and forfeited property.

9 (Source: P.A. 96-712, eff. 1-1-10.)

10 Section 1025. The Drug Asset Forfeiture Procedure Act is
11 amended by changing Sections 3.1, 3.3, 4, 5.1, 6, 11, 13.1, and
12 13.2 as follows:

13 (725 ILCS 150/3.1)

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 Director of the Illinois 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 Director of the Illinois 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 to or
6 interest in 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; 100-699, eff. 8-3-18.)

15 (725 ILCS 150/3.3)

16 Sec. 3.3. Safekeeping of seized property pending
17 disposition.

18 (a) Property seized under this Act is deemed to be in the
19 custody of the Director of the Illinois State Police, subject
20 only to the order and judgments of the circuit court having
21 jurisdiction over the forfeiture proceedings and the decisions
22 of the State's Attorney under this Act.

23 (b) If property is seized under this Act, the seizing
24 agency shall promptly conduct an inventory of the seized
25 property and estimate the property's value and shall forward a

1 copy of the inventory of seized property and the estimate of
2 the property's value to the Director of the Illinois State
3 Police. Upon receiving notice of seizure, the Director of the
4 Illinois State Police may:

5 (1) place the property under seal;

6 (2) remove the property to a place designated by the
7 seizing agency;

8 (3) keep the property in the possession of the Director
9 of the Illinois State Police;

10 (4) remove the property to a storage area for
11 safekeeping;

12 (5) place the property under constructive seizure by
13 posting notice of pending forfeiture on it, by giving
14 notice of pending forfeiture to its owners and interest
15 holders, or by filing notice of pending forfeiture in any
16 appropriate public record relating to the property; or

17 (6) provide for another agency or custodian, including
18 an owner, secured party, or lienholder, to take custody of
19 the property upon the terms and conditions set by the
20 seizing agency.

21 (c) The seizing agency is required to exercise ordinary
22 care to protect the seized property from negligent loss,
23 damage, or destruction.

24 (Source: P.A. 100-512, eff. 7-1-18; 100-699, eff. 8-3-18;
25 100-1163, eff. 12-20-18.)

1 (725 ILCS 150/4) (from Ch. 56 1/2, par. 1674)

2 Sec. 4. Notice to owner or interest holder. The first
3 attempted service of notice shall be commenced within 28 days
4 of the filing of the verified claim or the receipt of the
5 notice from the seizing agency by Illinois State Police
6 Notice/Inventory of Seized Property (Form 4-64), whichever
7 occurs sooner. A complaint for forfeiture or a notice of
8 pending forfeiture shall be served upon the property owner or
9 interest holder in the following manner:

10 (1) If the owner's or interest holder's name and
11 current address are known, then by either:

12 (A) personal service; or

13 (B) mailing a copy of the notice by certified mail,
14 return receipt requested, and first class mail to that
15 address.

16 (i) If notice is sent by certified mail and no
17 signed return receipt is received by the State's
18 Attorney within 28 days of mailing, and no
19 communication from the owner or interest holder is
20 received by the State's Attorney documenting
21 actual notice by said parties, then the State's
22 Attorney shall, within a reasonable period of
23 time, mail a second copy of the notice by certified
24 mail, return receipt requested, and first class
25 mail to that address.

26 (ii) If no signed return receipt is received by

1 the State's Attorney within 28 days of the second
2 attempt at service by certified mail, and no
3 communication from the owner or interest holder is
4 received by the State's Attorney documenting
5 actual notice by said parties, then the State's
6 Attorney shall have 60 days to attempt to serve the
7 notice by personal service, which also includes
8 substitute service by leaving a copy at the usual
9 place of abode, with some person of the family or a
10 person residing there, of the age of 13 years or
11 upwards. If, after 3 attempts at service in this
12 manner, no service of the notice is accomplished,
13 then the notice shall be posted in a conspicuous
14 manner at this address and service shall be made by
15 posting.

16 The attempts at service and the posting, if
17 required, shall be documented by the person
18 attempting service and said documentation shall be
19 made part of a return of service returned to the
20 State's Attorney.

21 The State's Attorney may utilize any Sheriff
22 or Deputy Sheriff, any peace officer, a private
23 process server or investigator, or any employee,
24 agent, or investigator of the State's Attorney's
25 Office to attempt service without seeking leave of
26 court.

1 After the procedures set forth are followed,
2 service shall be effective on an owner or interest
3 holder on the date of receipt by the State's
4 Attorney of a return receipt, or on the date of
5 receipt of a communication from an owner or
6 interest holder documenting actual notice,
7 whichever is first in time, or on the date of the
8 last act performed by the State's Attorney in
9 attempting personal service under subparagraph
10 (ii) above. If notice is to be shown by actual
11 notice from communication with a claimant, then
12 the State's Attorney shall file an affidavit
13 providing details of the communication, which may
14 be accepted as sufficient proof of service by the
15 court.

16 After a claimant files a verified claim with
17 the State's Attorney and provides an address at
18 which the claimant will accept service, the
19 complaint shall be served and notice shall be
20 perfected upon mailing of the complaint to the
21 claimant at the address the claimant provided via
22 certified mail, return receipt requested, and
23 first class mail. No return receipt need be
24 received, or any other attempts at service need be
25 made to comply with service and notice
26 requirements under this Act. This certified

1 mailing, return receipt requested, shall be proof
2 of service of the complaint on the claimant.

3 For purposes of notice under this Section, if a
4 person has been arrested for the conduct giving
5 rise to the forfeiture, then the address provided
6 to the arresting agency at the time of arrest shall
7 be deemed to be that person's known address.
8 Provided, however, if an owner or interest
9 holder's address changes prior to the effective
10 date of the notice of pending forfeiture, the owner
11 or interest holder shall promptly notify the
12 seizing agency of the change in address or, if the
13 owner or interest holder's address changes
14 subsequent to the effective date of the notice of
15 pending forfeiture, the owner or interest holder
16 shall promptly notify the State's Attorney of the
17 change in address; or if the property seized is a
18 conveyance, to the address reflected in the office
19 of the agency or official in which title to or
20 interest in the conveyance is required by law to be
21 recorded.

22 (2) If the owner's or interest holder's address is not
23 known, and is not on record, then notice shall be served by
24 publication for 3 successive weeks in a newspaper of
25 general circulation in the county in which the seizure
26 occurred.

1 (3) After a claimant files a verified claim with the
2 State's Attorney and provides an address at which the
3 claimant will accept service, the complaint shall be served
4 and notice shall be perfected upon mailing of the complaint
5 to the claimant at the address the claimant provided via
6 certified mail, return receipt requested, and first class
7 mail. No return receipt need be received or any other
8 attempts at service need be made to comply with service and
9 notice requirements under this Act. This certified
10 mailing, return receipt requested, shall be proof of
11 service of the complaint on the claimant.

12 (4) Notice to any business entity, corporation,
13 limited liability company, limited liability partnership,
14 or partnership shall be completed by a single mailing of a
15 copy of the notice by certified mail, return receipt
16 requested, and first class mail to that address. This
17 notice is complete regardless of the return of a signed
18 return receipt.

19 (5) Notice to a person whose address is not within the
20 State shall be completed by a single mailing of a copy of
21 the notice by certified mail, return receipt requested, and
22 first class mail to that address. This notice is complete
23 regardless of the return of a signed return receipt.

24 (6) Notice to a person whose address is not within the
25 United States shall be completed by a single mailing of a
26 copy of the notice by certified mail, return receipt

1 requested, and first class mail to that address. This
2 notice shall be complete regardless of the return of a
3 signed return receipt. If certified mail is not available
4 in the foreign country where the person has an address,
5 then notice shall proceed by publication under paragraph
6 (2) of this Section.

7 (7) Notice to any person whom the State's Attorney
8 reasonably should know is incarcerated within the State
9 shall also include the mailing a copy of the notice by
10 certified mail, return receipt requested, and first class
11 mail to the address of the detention facility with the
12 inmate's name clearly marked on the envelope.

13 (Source: P.A. 100-512, eff. 7-1-18; 100-699, eff. 8-3-18;
14 100-1163, eff. 12-20-18.)

15 (725 ILCS 150/5.1)

16 Sec. 5.1. Replevin prohibited; return of personal property
17 inside seized conveyance.

18 (a) Property seized under this Act shall not be subject to
19 replevin, but is deemed to be in the custody of the Director of
20 the Illinois State Police, subject only to the order and
21 judgments of the circuit court having jurisdiction over the
22 forfeiture proceedings and the decisions of the State's
23 Attorney.

24 (b) A claimant or a party interested in personal property
25 contained within a seized conveyance may file a request with

1 the State's Attorney in an administrative forfeiture action, or
2 a motion with the court in a judicial forfeiture action, for
3 the return of any personal property contained within a
4 conveyance seized under this Act. 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. A 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 the property
11 is returned to an improper party.

12 (Source: P.A. 100-512, eff. 7-1-18; 100-699, eff. 8-3-18.)

13 (725 ILCS 150/6) (from Ch. 56 1/2, par. 1676)

14 Sec. 6. Non-judicial forfeiture. If non-real property that
15 exceeds \$150,000 in value excluding the value of any
16 conveyance, or if real property is seized under the provisions
17 of the Illinois Controlled Substances Act, the Cannabis Control
18 Act, or the Methamphetamine Control and Community Protection
19 Act, the State's Attorney shall institute judicial in rem
20 forfeiture proceedings as described in Section 9 of this Act
21 within 28 days from receipt of notice of seizure from the
22 seizing agency under Section 5 of this Act. However, if
23 non-real property that does not exceed \$150,000 in value
24 excluding the value of any conveyance is seized, the following
25 procedure shall be used:

1 (A) If, after review of the facts surrounding the
2 seizure, the State's Attorney is of the opinion that the
3 seized property is subject to forfeiture, then, within 28
4 days of the receipt of notice of seizure from the seizing
5 agency, the State's Attorney shall cause notice of pending
6 forfeiture to be given to the owner of the property and all
7 known interest holders of the property in accordance with
8 Section 4 of this Act.

9 (B) The notice of pending forfeiture must include a
10 description of the property, the estimated value of the
11 property, the date and place of seizure, the conduct giving
12 rise to forfeiture or the violation of law alleged, and a
13 summary of procedures and procedural rights applicable to
14 the forfeiture action.

15 (C) (1) Any person claiming an interest in property
16 which is the subject of notice under subsection (A) of this
17 Section may, within 45 days after the effective date of
18 notice as described in Section 4 of this Act, file a
19 verified claim with the State's Attorney expressing his or
20 her interest in the property. The claim 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 names and addresses of all other persons
6 known 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 (2) If a claimant files the claim then the State's
13 Attorney shall institute judicial in rem forfeiture
14 proceedings within 28 days after receipt of the claim.

15 (D) If no claim is filed within the 45-day period as
16 described in subsection (C) of this Section, the State's
17 Attorney shall declare the property forfeited and shall
18 promptly notify the owner and all known interest holders of
19 the property and the Director of the Illinois ~~Department of~~
20 State Police of the declaration of forfeiture and the
21 Director shall dispose of the property in accordance with
22 law.

23 (Source: P.A. 100-512, eff. 7-1-18; 100-699, eff. 8-3-18;
24 100-1163, eff. 12-20-18.)

25 (725 ILCS 150/11) (from Ch. 56 1/2, par. 1681)

1 Sec. 11. Settlement of claims. Notwithstanding other
2 provisions of this Act, the State's Attorney and a claimant of
3 seized property may enter into an agreed-upon settlement
4 concerning the seized property in such an amount and upon such
5 terms as are set out in writing in a settlement agreement. All
6 proceeds from a settlement agreement shall be tendered to the
7 Illinois Department of State Police and distributed in
8 accordance with the provisions of Section 13.2 of this Act.

9 (Source: P.A. 100-512, eff. 7-1-18; 100-699, eff. 8-3-18.)

10 (725 ILCS 150/13.1) (was 725 ILCS 150/15)

11 Sec. 13.1. Return of property, damages, and costs.

12 (a) The law enforcement agency that holds custody of
13 property seized for forfeiture shall deliver property ordered
14 by the court to be returned or conveyed to the claimant within
15 a reasonable time not to exceed 7 days, unless the order is
16 stayed by the trial court or a reviewing court pending an
17 appeal, motion to reconsider, or other reason.

18 (b) The law enforcement agency that holds custody of
19 property described in subsection (a) of this Section is
20 responsible for any damages, storage fees, and related costs
21 applicable to property returned. The claimant shall not be
22 subject to any charges by the State for storage of the property
23 or expenses incurred in the preservation of the property.
24 Charges for the towing of a conveyance shall be borne by the
25 claimant unless the conveyance was towed for the sole reason of

1 seizure for forfeiture. This Section does not prohibit the
2 imposition of any fees or costs by a home rule unit of local
3 government related to the impoundment of a conveyance pursuant
4 to an ordinance enacted by the unit of government.

5 (c) A law enforcement agency shall not retain forfeited
6 property for its own use or transfer the property to any person
7 or entity, except as provided under this Section. A law
8 enforcement agency may apply in writing to the Director of the
9 Illinois State Police to request that forfeited property be
10 awarded to the agency for a specifically articulated official
11 law enforcement use in an investigation. The Director of the
12 Illinois State Police shall provide a written justification in
13 each instance detailing the reasons why the forfeited property
14 was placed into official use and the justification shall be
15 retained for a period of not less than 3 years.

16 (Source: P.A. 100-512, eff. 7-1-18; 100-699, eff. 8-3-18.)

17 (725 ILCS 150/13.2) (was 725 ILCS 150/17)

18 Sec. 13.2. Distribution of proceeds; selling or retaining
19 seized property prohibited.

20 (a) Except as otherwise provided in this Section, the court
21 shall order that property forfeited under this Act be delivered
22 to the Illinois ~~Department of~~ State Police within 60 days.

23 (b) All moneys and the sale proceeds of all other property
24 forfeited and seized under this Act shall be distributed as
25 follows:

1 (1)(i) 65% shall be distributed to the metropolitan
2 enforcement group, local, municipal, county, or State law
3 enforcement agency or agencies that conducted or
4 participated in the investigation resulting in the
5 forfeiture. The distribution shall bear a reasonable
6 relationship to the degree of direct participation of the
7 law enforcement agency in the effort resulting in the
8 forfeiture, taking into account the total value of the
9 property forfeited and the total law enforcement effort
10 with respect to the violation of the law upon which the
11 forfeiture is based. Amounts distributed to the agency or
12 agencies shall be used for the enforcement of laws
13 governing cannabis and controlled substances; for public
14 education in the community or schools in the prevention or
15 detection of the abuse of drugs or alcohol; or for security
16 cameras used for the prevention or detection of violence,
17 except that amounts distributed to the Secretary of State
18 shall be deposited into the Secretary of State Evidence
19 Fund to be used as provided in Section 2-115 of the
20 Illinois Vehicle Code.

21 (ii) Any local, municipal, or county law enforcement
22 agency entitled to receive a monetary distribution of
23 forfeiture proceeds may share those forfeiture proceeds
24 pursuant to the terms of an intergovernmental agreement
25 with a municipality that has a population in excess of
26 20,000 if:

1 (A) the receiving agency has entered into an
2 intergovernmental agreement with the municipality to
3 provide police services;

4 (B) the intergovernmental agreement for police
5 services provides for consideration in an amount of not
6 less than \$1,000,000 per year;

7 (C) the seizure took place within the geographical
8 limits of the municipality; and

9 (D) the funds are used only for the enforcement of
10 laws governing cannabis and controlled substances; for
11 public education in the community or schools in the
12 prevention or detection of the abuse of drugs or
13 alcohol; or for security cameras used for the
14 prevention or detection of violence or the
15 establishment of a municipal police force, including
16 the training of officers, construction of a police
17 station, or the purchase of law enforcement equipment
18 or vehicles.

19 (2) (i) 12.5% shall be distributed to the Office of the
20 State's Attorney of the county in which the prosecution
21 resulting in the forfeiture was instituted, deposited in a
22 special fund in the county treasury and appropriated to the
23 State's Attorney for use in the enforcement of laws
24 governing cannabis and controlled substances; for public
25 education in the community or schools in the prevention or
26 detection of the abuse of drugs or alcohol; or, at the

1 discretion of the State's Attorney, in addition to other
2 authorized purposes, to make grants to local substance
3 abuse treatment facilities and half-way houses. In
4 counties over 3,000,000 population, 25% shall be
5 distributed to the Office of the State's Attorney for use
6 in the enforcement of laws governing cannabis and
7 controlled substances; for public education in the
8 community or schools in the prevention or detection of the
9 abuse of drugs or alcohol; or at the discretion of the
10 State's Attorney, in addition to other authorized
11 purposes, to make grants to local substance abuse treatment
12 facilities and half-way houses. If the prosecution is
13 undertaken solely by the Attorney General, the portion
14 provided shall be distributed to the Attorney General for
15 use in the enforcement of laws governing cannabis and
16 controlled substances or for public education in the
17 community or schools in the prevention or detection of the
18 abuse of drugs or alcohol.

19 (ii) 12.5% shall be distributed to the Office of the
20 State's Attorneys Appellate Prosecutor and deposited in
21 the Narcotics Profit Forfeiture Fund of that office to be
22 used for additional expenses incurred in the
23 investigation, prosecution and appeal of cases arising
24 under laws governing cannabis and controlled substances,
25 together with administrative expenses, and for legal
26 education or for public education in the community or

1 schools in the prevention or detection of the abuse of
2 drugs or alcohol. The Office of the State's Attorneys
3 Appellate Prosecutor shall not receive distribution from
4 cases brought in counties with over 3,000,000 population.

5 (3) 10% shall be retained by the Illinois ~~Department of~~
6 State Police for expenses related to the administration and
7 sale of seized and forfeited property.

8 (Source: P.A. 100-512, eff. 7-1-18; 100-699, eff. 8-3-18;
9 101-10, eff. 6-5-19.)

10 Section 1030. The Narcotics Profit Forfeiture Act is
11 amended by changing Sections 5 and 5.2 as follows:

12 (725 ILCS 175/5) (from Ch. 56 1/2, par. 1655)

13 Sec. 5. (a) A person who commits the offense of narcotics
14 racketeering shall:

15 (1) be guilty of a Class 1 felony; and

16 (2) be subject to a fine of up to \$250,000.

17 A person who commits the offense of narcotics racketeering
18 or who violates Section 3 of the Drug Paraphernalia Control Act
19 shall forfeit to the State of Illinois: (A) any profits or
20 proceeds and any property or property interest he has acquired
21 or maintained in violation of this Act or Section 3 of the Drug
22 Paraphernalia Control Act or has used to facilitate a violation
23 of this Act that the court determines, after a forfeiture
24 hearing, under subsection (b) of this Section to have been

1 acquired or maintained as a result of narcotics racketeering or
2 violating Section 3 of the Drug Paraphernalia Control Act, or
3 used to facilitate narcotics racketeering; and (B) any interest
4 in, security of, claim against, or property or contractual
5 right of any kind affording a source of influence over, any
6 enterprise which he has established, operated, controlled,
7 conducted, or participated in the conduct of, in violation of
8 this Act or Section 3 of the Drug Paraphernalia Control Act,
9 that the court determines, after a forfeiture hearing, under
10 subsection (b) of this Section to have been acquired or
11 maintained as a result of narcotics racketeering or violating
12 Section 3 of the Drug Paraphernalia Control Act or used to
13 facilitate narcotics racketeering.

14 (b) The court shall, upon petition by the Attorney General
15 or State's Attorney, at any time subsequent to the filing of an
16 information or return of an indictment, conduct a hearing to
17 determine whether any property or property interest is subject
18 to forfeiture under this Act. At the forfeiture hearing the
19 people shall have the burden of establishing, by a
20 preponderance of the evidence, that property or property
21 interests are subject to forfeiture under this Act. There is a
22 rebuttable presumption at such hearing that any property or
23 property interest of a person charged by information or
24 indictment with narcotics racketeering or who is convicted of a
25 violation of Section 3 of the Drug Paraphernalia Control Act is
26 subject to forfeiture under this Section if the State

1 establishes by a preponderance of the evidence that:

2 (1) such property or property interest was acquired by
3 such person during the period of the violation of this Act
4 or Section 3 of the Drug Paraphernalia Control Act or
5 within a reasonable time after such period; and

6 (2) there was no likely source for such property or
7 property interest other than the violation of this Act or
8 Section 3 of the Drug Paraphernalia Control Act.

9 (c) In an action brought by the People of the State of
10 Illinois under this Act, wherein any restraining order,
11 injunction or prohibition or any other action in connection
12 with any property or property interest subject to forfeiture
13 under this Act is sought, the circuit court which shall preside
14 over the trial of the person or persons charged with narcotics
15 racketeering as defined in Section 4 of this Act or violating
16 Section 3 of the Drug Paraphernalia Control Act shall first
17 determine whether there is probable cause to believe that the
18 person or persons so charged has committed the offense of
19 narcotics racketeering as defined in Section 4 of this Act or a
20 violation of Section 3 of the Drug Paraphernalia Control Act
21 and whether the property or property interest is subject to
22 forfeiture pursuant to this Act.

23 In order to make such a determination, prior to entering
24 any such order, the court shall conduct a hearing without a
25 jury, wherein the People shall establish that there is: (i)
26 probable cause that the person or persons so charged have

1 committed the offense of narcotics racketeering or violating
2 Section 3 of the Drug Paraphernalia Control Act and (ii)
3 probable cause that any property or property interest may be
4 subject to forfeiture pursuant to this Act. Such hearing may be
5 conducted simultaneously with a preliminary hearing, if the
6 prosecution is commenced by information or complaint, or by
7 motion of the People, at any stage in the proceedings. The
8 court may accept a finding of probable cause at a preliminary
9 hearing following the filing of an information charging the
10 offense of narcotics racketeering as defined in Section 4 of
11 this Act or the return of an indictment by a grand jury
12 charging the offense of narcotics racketeering as defined in
13 Section 4 of this Act or after a charge is filed for violating
14 Section 3 of the Drug Paraphernalia Control Act as sufficient
15 evidence of probable cause as provided in item (i) above.

16 Upon such a finding, the circuit court shall enter such
17 restraining order, injunction or prohibition, or shall take
18 such other action in connection with any such property or
19 property interest subject to forfeiture under this Act, as is
20 necessary to insure that such property is not removed from the
21 jurisdiction of the court, concealed, destroyed or otherwise
22 disposed of by the owner of that property or property interest
23 prior to a forfeiture hearing under subsection (b) of this
24 Section. The Attorney General or State's Attorney shall file a
25 certified copy of such restraining order, injunction or other
26 prohibition with the recorder of deeds or registrar of titles

1 of each county where any such property of the defendant may be
2 located. No such injunction, restraining order or other
3 prohibition shall affect the rights of any bona fide purchaser,
4 mortgagee, judgment creditor or other lien holder arising prior
5 to the date of such filing.

6 The court may, at any time, upon verified petition by the
7 defendant, conduct a hearing to release all or portions of any
8 such property or interest which the court previously determined
9 to be subject to forfeiture or subject to any restraining
10 order, injunction, or prohibition or other action. The court
11 may release such property to the defendant for good cause shown
12 and within the sound discretion of the court.

13 (d) Prosecution under this Act may be commenced by the
14 Attorney General or a State's Attorney.

15 (e) Upon an order of forfeiture being entered pursuant to
16 subsection (b) of this Section, the court shall authorize the
17 Attorney General to seize any property or property interest
18 declared forfeited under this Act and under such terms and
19 conditions as the court shall deem proper. Any property or
20 property interest that has been the subject of an entered
21 restraining order, injunction or prohibition or any other
22 action filed under subsection (c) shall be forfeited unless the
23 claimant can show by a preponderance of the evidence that the
24 property or property interest has not been acquired or
25 maintained as a result of narcotics racketeering or has not
26 been used to facilitate narcotics racketeering.

1 (f) The Attorney General or his designee is authorized to
2 sell all property forfeited and seized pursuant to this Act,
3 unless such property is required by law to be destroyed or is
4 harmful to the public, and, after the deduction of all
5 requisite expenses of administration and sale, shall
6 distribute the proceeds of such sale, along with any moneys
7 forfeited or seized, in accordance with subsection (g) or (h),
8 whichever is applicable.

9 (g) All monies and the sale proceeds of all other property
10 forfeited and seized pursuant to this Act shall be distributed
11 as follows:

12 (1) An amount equal to 50% shall be distributed to the
13 unit of local government whose officers or employees
14 conducted the investigation into narcotics racketeering
15 and caused the arrest or arrests and prosecution leading to
16 the forfeiture. Amounts distributed to units of local
17 government shall be used for enforcement of laws governing
18 narcotics activity or for public education in the community
19 or schools in the prevention or detection of the abuse of
20 drugs or alcohol. In the event, however, that the
21 investigation, arrest or arrests and prosecution leading
22 to the forfeiture were undertaken solely by a State agency,
23 the portion provided hereunder shall be paid into the Drug
24 Traffic Prevention Fund in the State treasury to be used
25 for enforcement of laws governing narcotics activity.

26 (2) An amount equal to 12.5% shall be distributed to

1 the county in which the prosecution resulting in the
2 forfeiture was instituted, deposited in a special fund in
3 the county treasury and appropriated to the State's
4 Attorney for use in the enforcement of laws governing
5 narcotics activity or for public education in the community
6 or schools in the prevention or detection of the abuse of
7 drugs or alcohol.

8 An amount equal to 12.5% shall be distributed to the
9 Office of the State's Attorneys Appellate Prosecutor and
10 deposited in the Narcotics Profit Forfeiture Fund, which is
11 hereby created in the State treasury, to be used by the
12 Office of the State's Attorneys Appellate Prosecutor for
13 additional expenses incurred in prosecuting appeals
14 arising under this Act. Any amounts remaining in the Fund
15 after all additional expenses have been paid shall be used
16 by the Office to reduce the participating county
17 contributions to the Office on a pro-rated basis as
18 determined by the board of governors of the Office of the
19 State's Attorneys Appellate Prosecutor based on the
20 populations of the participating counties.

21 (3) An amount equal to 25% shall be paid into the Drug
22 Traffic Prevention Fund in the State treasury to be used by
23 the Illinois ~~Department~~ of State Police for funding
24 Metropolitan Enforcement Groups created pursuant to the
25 Intergovernmental Drug Laws Enforcement Act. Any amounts
26 remaining in the Fund after full funding of Metropolitan

1 Enforcement Groups shall be used for enforcement, by the
2 State or any unit of local government, of laws governing
3 narcotics activity or for public education in the community
4 or schools in the prevention or detection of the abuse of
5 drugs or alcohol.

6 (h) Where the investigation or indictment for the offense
7 of narcotics racketeering or a violation of Section 3 of the
8 Drug Paraphernalia Control Act has occurred under the
9 provisions of the Statewide Grand Jury Act, all monies and the
10 sale proceeds of all other property shall be distributed as
11 follows:

12 (1) 60% shall be distributed to the metropolitan
13 enforcement group, local, municipal, county, or State law
14 enforcement agency or agencies which conducted or
15 participated in the investigation resulting in the
16 forfeiture. The distribution shall bear a reasonable
17 relationship to the degree of direct participation of the
18 law enforcement agency in the effort resulting in the
19 forfeiture, taking into account the total value of the
20 property forfeited and the total law enforcement effort
21 with respect to the violation of the law on which the
22 forfeiture is based. Amounts distributed to the agency or
23 agencies shall be used for the enforcement of laws
24 governing cannabis and controlled substances or for public
25 education in the community or schools in the prevention or
26 detection of the abuse of drugs or alcohol.

1 (2) 25% shall be distributed by the Attorney General as
2 grants to drug education, treatment and prevention
3 programs licensed or approved by the Department of Human
4 Services. In making these grants, the Attorney General
5 shall take into account the plans and service priorities
6 of, and the needs identified by, the Department of Human
7 Services.

8 (3) 15% shall be distributed to the Attorney General
9 and the State's Attorney, if any, participating in the
10 prosecution resulting in the forfeiture. The distribution
11 shall bear a reasonable relationship to the degree of
12 direct participation in the prosecution of the offense,
13 taking into account the total value of the property
14 forfeited and the total amount of time spent in preparing
15 and presenting the case, the complexity of the case and
16 other similar factors. Amounts distributed to the Attorney
17 General under this paragraph shall be retained in a fund
18 held by the State Treasurer as ex-officio custodian to be
19 designated as the Statewide Grand Jury Prosecution Fund and
20 paid out upon the direction of the Attorney General for
21 expenses incurred in criminal prosecutions arising under
22 the Statewide Grand Jury Act. Amounts distributed to a
23 State's Attorney shall be deposited in a special fund in
24 the county treasury and appropriated to the State's
25 Attorney for use in the enforcement of laws governing
26 narcotics activity or for public education in the community

1 or schools in the prevention or detection of the abuse of
2 drugs or alcohol.

3 (i) All monies deposited pursuant to this Act in the Drug
4 Traffic Prevention Fund established under Section 5-9-1.2 of
5 the Unified Code of Corrections are appropriated, on a
6 continuing basis, to the Illinois ~~Department of~~ State Police to
7 be used for funding Metropolitan Enforcement Groups created
8 pursuant to the Intergovernmental Drug Laws Enforcement Act or
9 otherwise for the enforcement of laws governing narcotics
10 activity or for public education in the community or schools in
11 the prevention or detection of the abuse of drugs or alcohol.
12 (Source: P.A. 99-686, eff. 7-29-16.)

13 (725 ILCS 175/5.2) (from Ch. 56 1/2, par. 1655.2)

14 Sec. 5.2. (a) Twelve and one-half percent of all amounts
15 collected as fines pursuant to the provisions of this Act shall
16 be paid into the Youth Drug Abuse Prevention Fund, which is
17 hereby created in the State treasury, to be used by the
18 Department of Human Services for the funding of programs and
19 services for drug-abuse treatment, and prevention and
20 education services, for juveniles.

21 (b) Eighty-seven and one-half percent of the proceeds of
22 all fines received under the provisions of this Act shall be
23 transmitted to and deposited in the treasurer's office at the
24 level of government as follows:

25 (1) If such seizure was made by a combination of law

1 enforcement personnel representing differing units of
2 local government, the court levying the fine shall
3 equitably allocate 50% of the fine among these units of
4 local government and shall allocate 37 1/2% to the county
5 general corporate fund. In the event that the seizure was
6 made by law enforcement personnel representing a unit of
7 local government from a municipality where the number of
8 inhabitants exceeds 2 million in population, the court
9 levying the fine shall allocate 87 1/2% of the fine to that
10 unit of local government. If the seizure was made by a
11 combination of law enforcement personnel representing
12 differing units of local government, and at least one of
13 those units represents a municipality where the number of
14 inhabitants exceeds 2 million in population, the court
15 shall equitably allocate 87 1/2% of the proceeds of the
16 fines received among the differing units of local
17 government.

18 (2) If such seizure was made by State law enforcement
19 personnel, then the court shall allocate 37 1/2% to the
20 State treasury and 50% to the county general corporate
21 fund.

22 (3) If a State law enforcement agency in combination
23 with a law enforcement agency or agencies of a unit or
24 units of local government conducted the seizure, the court
25 shall equitably allocate 37 1/2% of the fines to or among
26 the law enforcement agency or agencies of the unit or units

1 of local government which conducted the seizure and shall
2 allocate 50% to the county general corporate fund.

3 (c) The proceeds of all fines allocated to the law
4 enforcement agency or agencies of the unit or units of local
5 government pursuant to subsection (b) shall be made available
6 to that law enforcement agency as expendable receipts for use
7 in the enforcement of laws regulating controlled substances and
8 cannabis. The proceeds of fines awarded to the State treasury
9 shall be deposited in a special fund known as the Drug Traffic
10 Prevention Fund. Monies from this fund may be used by the
11 Illinois ~~Department of~~ State Police for use in the enforcement
12 of laws regulating controlled substances and cannabis; to
13 satisfy funding provisions of the Intergovernmental Drug Laws
14 Enforcement Act; to defray costs and expenses associated with
15 returning violators of the Cannabis Control Act and the
16 Illinois Controlled Substances Act only, as provided in those
17 Acts, when punishment of the crime shall be confinement of the
18 criminal in the penitentiary; and all other monies shall be
19 paid into the general revenue fund in the State treasury.

20 (Source: P.A. 89-507, eff. 7-1-97.)

21 Section 1035. The Sexual Assault Evidence Submission Act is
22 amended by changing Sections 5, 10, 15, 20, 25, 35, 42, 45, and
23 50 as follows:

24 (725 ILCS 202/5)

1 Sec. 5. Definitions. In this Act:

2 "Commission" means the Sexual Assault Evidence Tracking
3 and Reporting Commission.

4 ~~"Department" means the Department of State Police or~~
5 ~~Illinois State Police.~~

6 "Law enforcement agencies" means local, county, State or
7 federal law enforcement agencies involved in the investigation
8 of sexual assault cases in Illinois.

9 "Sexual assault evidence" means evidence collected in
10 connection with a sexual assault investigation, including, but
11 not limited to, evidence collected using the Illinois State
12 Police Evidence Collection Kits.

13 (Source: P.A. 100-336, eff. 8-25-17.)

14 (725 ILCS 202/10)

15 Sec. 10. Submission of evidence. Law enforcement agencies
16 that receive sexual assault evidence that the victim of a
17 sexual assault or sexual abuse or a person authorized under
18 Section 6.5 of the Sexual Assault Survivors Emergency Treatment
19 Act has consented to allow law enforcement to test in
20 connection with the investigation of a criminal case on or
21 after the effective date of this Act must submit evidence from
22 the case within 10 business days of receipt of the consent to
23 test to an Illinois ~~a Department of~~ State Police forensic
24 laboratory or a laboratory approved and designated by the
25 Director of the Illinois State Police. The written report

1 required under Section 20 of the Sexual Assault Incident
2 Procedure Act shall include the date and time the sexual
3 assault evidence was picked up from the hospital, the date
4 consent to test the sexual assault evidence was given, and the
5 date and time the sexual assault evidence was sent to the
6 laboratory. Sexual assault evidence received by a law
7 enforcement agency within 30 days prior to the effective date
8 of this Act shall be submitted pursuant to this Section.

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

10 (725 ILCS 202/15)

11 Sec. 15. Analysis of evidence; notification.

12 (a) All sexual assault evidence submitted pursuant to
13 Section 10 of this Act on or after the effective date of this
14 Act shall be analyzed within 6 months after receipt of all
15 necessary evidence and standards by the Illinois State Police
16 Laboratory or other designated laboratory if sufficient
17 staffing and resources are available.

18 (b) If a consistent DNA profile has been identified by
19 comparing the submitted sexual assault evidence with a known
20 standard from a suspect or with DNA profiles in the CODIS
21 database, the Illinois State Police ~~Department~~ shall notify the
22 investigating law enforcement agency of the results in writing,
23 and the Illinois State Police ~~Department~~ shall provide an
24 automatic courtesy copy of the written notification to the
25 appropriate State's Attorney's Office for tracking and further

1 action, as necessary.

2 (Source: P.A. 99-617, eff. 7-22-16.)

3 (725 ILCS 202/20)

4 Sec. 20. Inventory of evidence.

5 (a) By October 15, 2010, each Illinois law enforcement
6 agency shall provide written notice to the Illinois Department
7 ~~of State Police~~, in a form and manner prescribed by the
8 Illinois State Police Department, stating the number of sexual
9 assault cases in the custody of the law enforcement agency that
10 have not been previously submitted to a laboratory for
11 analysis. Within 180 days after the effective date of this Act,
12 appropriate arrangements shall be made between the law
13 enforcement agency and the Illinois Department~~of State Police~~,
14 or a laboratory approved and designated by the Director of the
15 Illinois State Police, to ensure that all cases that were
16 collected prior to the effective date of this Act and are, or
17 were at the time of collection, the subject of a criminal
18 investigation, are submitted to the Illinois Department~~of~~
19 State Police, or a laboratory approved and designated by the
20 Director of the Illinois State Police.

21 (b) By February 15, 2011, the Illinois Department~~of~~ State
22 Police shall submit to the Governor, the Attorney General, and
23 both houses of the General Assembly a plan for analyzing cases
24 submitted pursuant to this Section. The plan shall include but
25 not be limited to a timeline for completion of analysis and a

1 summary of the inventory received, as well as requests for
2 funding and resources necessary to meet the established
3 timeline. Should the Illinois State Police ~~Department~~
4 determine it is necessary to outsource the forensic testing of
5 the cases submitted in accordance with this Section, all such
6 cases will be exempt from the provisions of subsection (n) of
7 Section 5-4-3 of the Unified Code of Corrections.

8 (c) Beginning June 1, 2016 or on and after the effective
9 date of this amendatory Act of the 99th General Assembly,
10 whichever is later, each law enforcement agency must conduct an
11 annual inventory of all sexual assault cases in the custody of
12 the law enforcement agency and provide written notice of its
13 annual findings to the State's Attorney's Office having
14 jurisdiction to ensure sexual assault cases are being submitted
15 as provided by law.

16 (Source: P.A. 99-617, eff. 7-22-16.)

17 (725 ILCS 202/25)

18 Sec. 25. Failure of a law enforcement agency to submit the
19 sexual assault evidence. The failure of a law enforcement
20 agency to submit the sexual assault evidence collected on or
21 after the effective date of this Act within 10 business days
22 after receipt shall in no way alter the authority of the law
23 enforcement agency to submit the evidence or the authority of
24 the Illinois ~~Department of~~ State Police forensic laboratory or
25 designated laboratory to accept and analyze the evidence or

1 specimen or to maintain or upload the results of genetic marker
2 grouping analysis information into a local, State, or national
3 database in accordance with established protocol.

4 (Source: P.A. 96-1011, eff. 9-1-10.)

5 (725 ILCS 202/35)

6 Sec. 35. Expungement. If the Illinois State Police
7 ~~Department~~ receives written confirmation from the
8 investigating law enforcement agency or State's Attorney's
9 office that a DNA record that has been uploaded pursuant to
10 this Act into a local, State or national DNA database was not
11 connected to a criminal investigation, the DNA record shall be
12 expunged from the DNA database and the Illinois State Police
13 ~~Department~~ shall, by rule, prescribe procedures to ensure that
14 written confirmation is sent to the submitting law enforcement
15 agency verifying the expungement.

16 (Source: P.A. 96-1011, eff. 9-1-10.)

17 (725 ILCS 202/42)

18 Sec. 42. Reporting. Beginning January 1, 2017 and each year
19 thereafter, the Illinois State Police ~~Department~~ shall publish
20 a quarterly report on its website, indicating a breakdown of
21 the number of sexual assault case submissions from every law
22 enforcement agency.

23 (Source: P.A. 99-617, eff. 7-22-16.)

1 (725 ILCS 202/45)

2 Sec. 45. Rules. The Illinois ~~Department of~~ State Police
3 shall promulgate rules that prescribe the procedures for the
4 operation of this Act, including expunging a DNA record.

5 (Source: P.A. 96-1011, eff. 9-1-10.)

6 (725 ILCS 202/50)

7 Sec. 50. Sexual assault evidence tracking system.

8 (a) On June 26, 2018, the Sexual Assault Evidence Tracking
9 and Reporting Commission issued its report as required under
10 Section 43. It is the intention of the General Assembly in
11 enacting the provisions of this amendatory Act of the 101st
12 General Assembly to implement the recommendations of the Sexual
13 Assault Evidence Tracking and Reporting Commission set forth in
14 that report in a manner that utilizes the current resources of
15 law enforcement agencies whenever possible and that is
16 adaptable to changing technologies and circumstances.

17 (a-1) Due to the complex nature of a statewide tracking
18 system for sexual assault evidence and to ensure all
19 stakeholders, including, but not limited to, victims and their
20 designees, health care facilities, law enforcement agencies,
21 forensic labs, and State's Attorneys offices are integrated,
22 the Commission recommended the purchase of an electronic
23 off-the-shelf tracking system. The system must be able to
24 communicate with all stakeholders and provide real-time
25 information to a victim or his or her designee on the status of

1 the evidence that was collected. The sexual assault evidence
2 tracking system must:

3 (1) be electronic and web-based;

4 (2) be administered by the Illinois ~~Department of State~~
5 Police;

6 (3) have help desk availability at all times;

7 (4) ensure the law enforcement agency contact
8 information is accessible to the victim or his or her
9 designee through the tracking system, so there is contact
10 information for questions;

11 (5) have the option for external connectivity to
12 evidence management systems, laboratory information
13 management systems, or other electronic data systems
14 already in existence by any of the stakeholders to minimize
15 additional burdens or tasks on stakeholders;

16 (6) allow for the victim to opt in for automatic
17 notifications when status updates are entered in the
18 system, if the system allows;

19 (7) include at each step in the process, a brief
20 explanation of the general purpose of that step and a
21 general indication of how long the step may take to
22 complete;

23 (8) contain minimum fields for tracking and reporting,
24 as follows:

25 (A) for sexual assault evidence kit vendor fields:

26 (i) each sexual evidence kit identification

1 number provided to each health care facility; and

2 (ii) the date the sexual evidence kit was sent
3 to the health care facility.

4 (B) for health care facility fields:

5 (i) the date sexual assault evidence was
6 collected; and

7 (ii) the date notification was made to the law
8 enforcement agency that the sexual assault
9 evidence was collected.

10 (C) for law enforcement agency fields:

11 (i) the date the law enforcement agency took
12 possession of the sexual assault evidence from the
13 health care facility, another law enforcement
14 agency, or victim if he or she did not go through a
15 health care facility;

16 (ii) the law enforcement agency complaint
17 number;

18 (iii) if the law enforcement agency that takes
19 possession of the sexual assault evidence from a
20 health care facility is not the law enforcement
21 agency with jurisdiction in which the offense
22 occurred, the date when the law enforcement agency
23 notified the law enforcement agency having
24 jurisdiction that the agency has sexual assault
25 evidence required under subsection (c) of Section
26 20 of the Sexual Assault Incident Procedure Act;

1 (iv) an indication if the victim consented for
2 analysis of the sexual assault evidence;

3 (v) if the victim did not consent for analysis
4 of the sexual assault evidence, the date on which
5 the law enforcement agency is no longer required to
6 store the sexual assault evidence;

7 (vi) a mechanism for the law enforcement
8 agency to document why the sexual assault evidence
9 was not submitted to the laboratory for analysis,
10 if applicable;

11 (vii) the date the law enforcement agency
12 received the sexual assault evidence results back
13 from the laboratory;

14 (viii) the date statutory notifications were
15 made to the victim or documentation of why
16 notification was not made; and

17 (ix) the date the law enforcement agency
18 turned over the case information to the State's
19 Attorney office, if applicable.

20 (D) for forensic lab fields:

21 (i) the date the sexual assault evidence is
22 received from the law enforcement agency by the
23 forensic lab for analysis;

24 (ii) the laboratory case number, visible to
25 the law enforcement agency and State's Attorney
26 office; and

1 (iii) the date the laboratory completes the
2 analysis of the sexual assault evidence.

3 (E) for State's Attorney office fields:

4 (i) the date the State's Attorney office
5 received the sexual assault evidence results from
6 the laboratory, if applicable; and

7 (ii) the disposition or status of the case.

8 (a-2) The Commission also developed guidelines for secure
9 electronic access to a tracking system for a victim, or his or
10 her designee to access information on the status of the
11 evidence collected. The Commission recommended minimum
12 guidelines in order to safeguard confidentiality of the
13 information contained within this statewide tracking system.
14 These recommendations are that the sexual assault evidence
15 tracking system must:

16 (1) allow for secure access, controlled by an
17 administering body who can restrict user access and allow
18 different permissions based on the need of that particular
19 user and health care facility users may include
20 out-of-state border hospitals, if authorized by the
21 Illinois Department of State Police to obtain this State's
22 kits from vendor;

23 (2) provide for users, other than victims, the ability
24 to provide for any individual who is granted access to the
25 program their own unique user ID and password;

26 (3) provide for a mechanism for a victim to enter the

1 system and only access his or her own information;

2 (4) enable a sexual assault evidence to be tracked and
3 identified through the unique sexual assault evidence kit
4 identification number or barcode that the vendor applies to
5 each sexual assault evidence kit per the Illinois
6 ~~Department of State Police's~~ contract;

7 (5) have a mechanism to inventory unused kits provided
8 to a health care facility from the vendor;

9 (6) provide users the option to either scan the bar
10 code or manually enter the sexual assault evidence kit
11 number into the tracking program;

12 (7) provide a mechanism to create a separate unique
13 identification number for cases in which a sexual evidence
14 kit was not collected, but other evidence was collected;

15 (8) provide the ability to record date, time, and user
16 ID whenever any user accesses the system;

17 (9) provide for real-time entry and update of data;

18 (10) contain report functions including:

19 (A) health care facility compliance with
20 applicable laws;

21 (B) law enforcement agency compliance with
22 applicable laws;

23 (C) law enforcement agency annual inventory of
24 cases to each State's Attorney office; and

25 (D) forensic lab compliance with applicable laws;

26 and

1 (11) provide automatic notifications to the law
2 enforcement agency when:

3 (A) a health care facility has collected sexual
4 assault evidence;

5 (B) unreleased sexual assault evidence that is
6 being stored by the law enforcement agency has met the
7 minimum storage requirement by law; and

8 (C) timelines as required by law are not met for a
9 particular case, if not otherwise documented.

10 (b) The Illinois State Police ~~Department~~ shall develop
11 rules to implement a sexual assault evidence tracking system
12 that conforms with subsections (a-1) and (a-2) of this Section.
13 The Illinois State Police ~~Department~~ shall design the criteria
14 for the sexual assault evidence tracking system so that, to the
15 extent reasonably possible, the system can use existing
16 technologies and products, including, but not limited to,
17 currently available tracking systems. The sexual assault
18 evidence tracking system shall be operational and shall begin
19 tracking and reporting sexual assault evidence no later than
20 one year after the effective date of this amendatory Act of the
21 101st General Assembly. The Illinois State Police ~~Department~~
22 may adopt additional rules as it deems necessary to ensure that
23 the sexual assault evidence tracking system continues to be a
24 useful tool for law enforcement.

25 (c) A treatment hospital, a treatment hospital with
26 approved pediatric transfer, an out-of-state hospital approved

1 by the Department of Public Health to receive transfers of
2 Illinois sexual assault survivors, or an approved pediatric
3 health care facility defined in Section 1a of the Sexual
4 Assault Survivors Emergency Treatment Act shall participate in
5 the sexual assault evidence tracking system created under this
6 Section and in accordance with rules adopted under subsection
7 (b), including, but not limited to, the collection of sexual
8 assault evidence and providing information regarding that
9 evidence, including, but not limited to, providing notice to
10 law enforcement that the evidence has been collected.

11 (d) The operations of the sexual assault evidence tracking
12 system shall be funded by moneys appropriated for that purpose
13 from the State Crime Laboratory Fund and funds provided to the
14 Illinois State Police ~~Department~~ through asset forfeiture,
15 together with such other funds as the General Assembly may
16 appropriate.

17 (e) To ensure that the sexual assault evidence tracking
18 system is operational, the Illinois State Police ~~Department~~ may
19 adopt emergency rules to implement the provisions of this
20 Section under subsection (ff) of Section 5-45 of the Illinois
21 Administrative Procedure Act.

22 (f) Information, including, but not limited to, evidence
23 and records in the sexual assault evidence tracking system is
24 exempt from disclosure under the Freedom of Information Act.

25 (Source: P.A. 101-377, eff. 8-16-19.)

1 Section 1045. The Sexual Assault Incident Procedure Act is
2 amended by changing Sections 15, 20, and 35 as follows:

3 (725 ILCS 203/15)

4 Sec. 15. Sexual assault incident policies.

5 (a) On or before January 1, 2018, every law enforcement
6 agency shall develop, adopt, and implement written policies
7 regarding procedures for incidents of sexual assault or sexual
8 abuse consistent with the guidelines developed under
9 subsection (b) of this Section. In developing these policies,
10 each law enforcement agency is encouraged to consult with other
11 law enforcement agencies, sexual assault advocates, and sexual
12 assault nurse examiners with expertise in recognizing and
13 handling sexual assault and sexual abuse incidents. These
14 policies must include mandatory sexual assault and sexual abuse
15 response training as required in Section 10.21 of the Illinois
16 Police Training Act and Sections 2605-51 and 2605-53 ~~and~~
17 ~~2605-98~~ of the Illinois ~~Department of~~ State Police Law of the
18 Civil Administrative Code of Illinois.

19 (a-5) On or before January 1, 2021, every law enforcement
20 agency shall revise and implement its written policies
21 regarding procedures for incidents of sexual assault or sexual
22 abuse consistent with the guideline revisions developed under
23 subsection (b-5) of this Section.

24 (b) On or before July 1, 2017, the Office of the Attorney
25 General, in consultation with the Illinois Law Enforcement

1 Training Standards Board and the Illinois ~~Department of~~ State
2 Police, shall develop and make available to each law
3 enforcement agency, comprehensive guidelines for creation of a
4 law enforcement agency policy on evidence-based,
5 trauma-informed, victim-centered sexual assault and sexual
6 abuse response and investigation.

7 These guidelines shall include, but not be limited to the
8 following:

- 9 (1) dispatcher or call taker response;
- 10 (2) responding officer duties;
- 11 (3) duties of officers investigating sexual assaults
12 and sexual abuse;
- 13 (4) supervisor duties;
- 14 (5) report writing;
- 15 (6) reporting methods;
- 16 (7) victim interviews;
- 17 (8) evidence collection;
- 18 (9) sexual assault medical forensic examinations;
- 19 (10) suspect interviews;
- 20 (11) suspect forensic exams;
- 21 (12) witness interviews;
- 22 (13) sexual assault response and resource teams, if
23 applicable;
- 24 (14) working with victim advocates;
- 25 (15) working with prosecutors;
- 26 (16) victims' rights;

1 (17) victim notification; and

2 (18) consideration for specific populations or
3 communities.

4 (b-5) On or before January 1, 2020, the Office of the
5 Attorney General, in consultation with the Illinois Law
6 Enforcement Training Standards Board and the Illinois
7 ~~Department of~~ State Police, shall revise the comprehensive
8 guidelines developed under subsection (b) to include
9 responding to victims who are under 13 years of age at the time
10 the sexual assault or sexual abuse occurred.

11 (Source: P.A. 99-801, eff. 1-1-17; 100-201, eff. 8-18-17;
12 100-910, eff. 1-1-19.)

13 (725 ILCS 203/20)

14 Sec. 20. Reports by law enforcement officers.

15 (a) A law enforcement officer shall complete a written
16 police report upon receiving the following, regardless of where
17 the incident occurred:

18 (1) an allegation by a person that the person has been
19 sexually assaulted or sexually abused regardless of
20 jurisdiction;

21 (2) information from hospital or medical personnel
22 provided under Section 3.2 of the Criminal Identification
23 Act; or

24 (3) information from a witness who personally observed
25 what appeared to be a sexual assault or sexual abuse or

1 attempted sexual assault or sexual abuse.

2 (b) The written report shall include the following, if
3 known:

4 (1) the victim's name or other identifier;

5 (2) the victim's contact information;

6 (3) time, date, and location of offense;

7 (4) information provided by the victim;

8 (5) the suspect's description and name, if known;

9 (6) names of persons with information relevant to the
10 time before, during, or after the sexual assault or sexual
11 abuse, and their contact information;

12 (7) names of medical professionals who provided a
13 medical forensic examination of the victim and any
14 information they provided about the sexual assault or
15 sexual abuse;

16 (8) whether an Illinois State Police Sexual Assault
17 Evidence Collection Kit was completed, the name and contact
18 information for the hospital, and whether the victim
19 consented to testing of the Evidence Collection Kit by law
20 enforcement;

21 (9) whether a urine or blood sample was collected and
22 whether the victim consented to testing of a toxicology
23 screen by law enforcement;

24 (10) information the victim related to medical
25 professionals during a medical forensic examination which
26 the victim consented to disclosure to law enforcement; and

1 (11) other relevant information.

2 (c) If the sexual assault or sexual abuse occurred in
3 another jurisdiction, the law enforcement officer taking the
4 report must submit the report to the law enforcement agency
5 having jurisdiction in person or via fax or email within 24
6 hours of receiving information about the sexual assault or
7 sexual abuse.

8 (d) Within 24 hours of receiving a report from a law
9 enforcement agency in another jurisdiction in accordance with
10 subsection (c), the law enforcement agency having jurisdiction
11 shall submit a written confirmation to the law enforcement
12 agency that wrote the report. The written confirmation shall
13 contain the name and identifier of the person and confirming
14 receipt of the report and a name and contact phone number that
15 will be given to the victim. The written confirmation shall be
16 delivered in person or via fax or email.

17 (e) No law enforcement officer shall require a victim of
18 sexual assault or sexual abuse to submit to an interview.

19 (f) No law enforcement agency may refuse to complete a
20 written report as required by this Section on any ground.

21 (g) All law enforcement agencies shall ensure that all
22 officers responding to or investigating a complaint of sexual
23 assault or sexual abuse have successfully completed training
24 under Section 10.21 of the Illinois Police Training Act and
25 Section 2605-51 ~~2605-98~~ of the Illinois ~~Department of~~ State
26 Police Law of the Civil Administrative Code of Illinois.

1 (Source: P.A. 99-801, eff. 1-1-17; 100-201, eff. 8-18-17.)

2 (725 ILCS 203/35)

3 Sec. 35. Release of information.

4 (a) Upon the request of the victim who has consented to the
5 release of sexual assault evidence for testing, the law
6 enforcement agency having jurisdiction shall provide the
7 following information in writing:

8 (1) the date the sexual assault evidence was sent to an
9 Illinois ~~a Department of~~ State Police forensic laboratory
10 or designated laboratory;

11 (2) test results provided to the law enforcement agency
12 by an Illinois ~~a Department of~~ State Police forensic
13 laboratory or designated laboratory, including, but not
14 limited to:

15 (A) whether a DNA profile was obtained from the
16 testing of the sexual assault evidence from the
17 victim's case;

18 (B) whether the DNA profile developed from the
19 sexual assault evidence has been searched against the
20 DNA Index System or any state or federal DNA database;

21 (C) whether an association was made to an
22 individual whose DNA profile is consistent with the
23 sexual assault evidence DNA profile, provided that
24 disclosure would not impede or compromise an ongoing
25 investigation; and

1 (D) whether any drugs were detected in a urine or
2 blood sample analyzed for drug facilitated sexual
3 assault and information about any drugs detected.

4 (b) The information listed in paragraph (1) of subsection
5 (a) of this Section shall be provided to the victim within 7
6 days of the transfer of the evidence to the laboratory. The
7 information listed in paragraph (2) of subsection (a) of this
8 Section shall be provided to the victim within 7 days of the
9 receipt of the information by the law enforcement agency having
10 jurisdiction.

11 (c) At the time the sexual assault evidence is released for
12 testing, the victim shall be provided written information by
13 the law enforcement agency having jurisdiction or the hospital
14 providing emergency services and forensic services to the
15 victim informing him or her of the right to request information
16 under subsection (a) of this Section. A victim may designate
17 another person or agency to receive this information.

18 (d) The victim or the victim's designee shall keep the law
19 enforcement agency having jurisdiction informed of the name,
20 address, telephone number, and email address of the person to
21 whom the information should be provided, and any changes of the
22 name, address, telephone number, and email address, if an email
23 address is available.

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

25 Section 1050. The Sexually Violent Persons Commitment Act

1 is amended by changing Section 45 as follows:

2 (725 ILCS 207/45)

3 Sec. 45. Deoxyribonucleic acid analysis requirements.

4 (a) (1) If a person is found to be a sexually violent person
5 under this Act, the court shall require the person to provide a
6 biological specimen for deoxyribonucleic acid analysis in
7 accordance with Section 5-4-3 of the Unified Code of
8 Corrections.

9 (2) The results from deoxyribonucleic acid analysis of a
10 specimen under paragraph (a) (1) of this Section may be used
11 only as authorized by Section 5-4-3 of the Unified Code of
12 Corrections.

13 (b) The rules adopted by the Illinois ~~Department of~~ State
14 Police under Section 5-4-3 of the Unified Code of Corrections
15 are the procedures that must be followed for persons to provide
16 specimens under paragraph (a) (1) of this Section.

17 (Source: P.A. 90-40, eff. 1-1-98; 91-227, eff. 1-1-00.)

18 Section 1055. The Unified Code of Corrections is amended by
19 changing Sections 3-2-2, 3-2.7-25, 3-3-2, 3-14-1, 3-14-1.5,
20 3-17-5, 5-2-4, 5-4-3, 5-4-3a, 5-4-3b, 5-5-4, 5-5.5-40, 5-6-3,
21 5-9-1.2, 5-9-1.4, and 5-9-1.9 as follows:

22 (730 ILCS 5/3-2-2) (from Ch. 38, par. 1003-2-2)

23 Sec. 3-2-2. Powers and duties of the Department.

1 (1) In addition to the powers, duties, and responsibilities
2 which are otherwise provided by law, the Department shall have
3 the following powers:

4 (a) To accept persons committed to it by the courts of
5 this State for care, custody, treatment and
6 rehabilitation, and to accept federal prisoners and aliens
7 over whom the Office of the Federal Detention Trustee is
8 authorized to exercise the federal detention function for
9 limited purposes and periods of time.

10 (b) To develop and maintain reception and evaluation
11 units for purposes of analyzing the custody and
12 rehabilitation needs of persons committed to it and to
13 assign such persons to institutions and programs under its
14 control or transfer them to other appropriate agencies. In
15 consultation with the Department of Alcoholism and
16 Substance Abuse (now the Department of Human Services), the
17 Department of Corrections shall develop a master plan for
18 the screening and evaluation of persons committed to its
19 custody who have alcohol or drug abuse problems, and for
20 making appropriate treatment available to such persons;
21 the Department shall report to the General Assembly on such
22 plan not later than April 1, 1987. The maintenance and
23 implementation of such plan shall be contingent upon the
24 availability of funds.

25 (b-1) To create and implement, on January 1, 2002, a
26 pilot program to establish the effectiveness of

1 pupillometer technology (the measurement of the pupil's
2 reaction to light) as an alternative to a urine test for
3 purposes of screening and evaluating persons committed to
4 its custody who have alcohol or drug problems. The pilot
5 program shall require the pupillometer technology to be
6 used in at least one Department of Corrections facility.
7 The Director may expand the pilot program to include an
8 additional facility or facilities as he or she deems
9 appropriate. A minimum of 4,000 tests shall be included in
10 the pilot program. The Department must report to the
11 General Assembly on the effectiveness of the program by
12 January 1, 2003.

13 (b-5) To develop, in consultation with the Illinois
14 ~~Department of~~ State Police, a program for tracking and
15 evaluating each inmate from commitment through release for
16 recording his or her gang affiliations, activities, or
17 ranks.

18 (c) To maintain and administer all State correctional
19 institutions and facilities under its control and to
20 establish new ones as needed. Pursuant to its power to
21 establish new institutions and facilities, the Department
22 may, with the written approval of the Governor, authorize
23 the Department of Central Management Services to enter into
24 an agreement of the type described in subsection (d) of
25 Section 405-300 of the Department of Central Management
26 Services Law ~~(20 ILCS 405/405-300)~~. The Department shall

1 designate those institutions which shall constitute the
2 State Penitentiary System.

3 Pursuant to its power to establish new institutions and
4 facilities, the Department may authorize the Department of
5 Central Management Services to accept bids from counties
6 and municipalities for the construction, remodeling or
7 conversion of a structure to be leased to the Department of
8 Corrections for the purposes of its serving as a
9 correctional institution or facility. Such construction,
10 remodeling or conversion may be financed with revenue bonds
11 issued pursuant to the Industrial Building Revenue Bond Act
12 by the municipality or county. The lease specified in a bid
13 shall be for a term of not less than the time needed to
14 retire any revenue bonds used to finance the project, but
15 not to exceed 40 years. The lease may grant to the State
16 the option to purchase the structure outright.

17 Upon receipt of the bids, the Department may certify
18 one or more of the bids and shall submit any such bids to
19 the General Assembly for approval. Upon approval of a bid
20 by a constitutional majority of both houses of the General
21 Assembly, pursuant to joint resolution, the Department of
22 Central Management Services may enter into an agreement
23 with the county or municipality pursuant to such bid.

24 (c-5) To build and maintain regional juvenile
25 detention centers and to charge a per diem to the counties
26 as established by the Department to defray the costs of

1 housing each minor in a center. In this subsection (c-5),
2 "juvenile detention center" means a facility to house
3 minors during pendency of trial who have been transferred
4 from proceedings under the Juvenile Court Act of 1987 to
5 prosecutions under the criminal laws of this State in
6 accordance with Section 5-805 of the Juvenile Court Act of
7 1987, whether the transfer was by operation of law or
8 permissive under that Section. The Department shall
9 designate the counties to be served by each regional
10 juvenile detention center.

11 (d) To develop and maintain programs of control,
12 rehabilitation and employment of committed persons within
13 its institutions.

14 (d-5) To provide a pre-release job preparation program
15 for inmates at Illinois adult correctional centers.

16 (d-10) To provide educational and visitation
17 opportunities to committed persons within its institutions
18 through temporary access to content-controlled tablets
19 that may be provided as a privilege to committed persons to
20 induce or reward compliance.

21 (e) To establish a system of supervision and guidance
22 of committed persons in the community.

23 (f) To establish in cooperation with the Department of
24 Transportation to supply a sufficient number of prisoners
25 for use by the Department of Transportation to clean up the
26 trash and garbage along State, county, township, or

1 municipal highways as designated by the Department of
2 Transportation. The Department of Corrections, at the
3 request of the Department of Transportation, shall furnish
4 such prisoners at least annually for a period to be agreed
5 upon between the Director of Corrections and the Secretary
6 of Transportation. The prisoners used on this program shall
7 be selected by the Director of Corrections on whatever
8 basis he deems proper in consideration of their term,
9 behavior and earned eligibility to participate in such
10 program - where they will be outside of the prison facility
11 but still in the custody of the Department of Corrections.
12 Prisoners convicted of first degree murder, or a Class X
13 felony, or armed violence, or aggravated kidnapping, or
14 criminal sexual assault, aggravated criminal sexual abuse
15 or a subsequent conviction for criminal sexual abuse, or
16 forcible detention, or arson, or a prisoner adjudged a
17 Habitual Criminal shall not be eligible for selection to
18 participate in such program. The prisoners shall remain as
19 prisoners in the custody of the Department of Corrections
20 and such Department shall furnish whatever security is
21 necessary. The Department of Transportation shall furnish
22 trucks and equipment for the highway cleanup program and
23 personnel to supervise and direct the program. Neither the
24 Department of Corrections nor the Department of
25 Transportation shall replace any regular employee with a
26 prisoner.

1 (g) To maintain records of persons committed to it and
2 to establish programs of research, statistics and
3 planning.

4 (h) To investigate the grievances of any person
5 committed to the Department and to inquire into any alleged
6 misconduct by employees or committed persons; and for these
7 purposes it may issue subpoenas and compel the attendance
8 of witnesses and the production of writings and papers, and
9 may examine under oath any witnesses who may appear before
10 it; to also investigate alleged violations of a parolee's
11 or releasee's conditions of parole or release; and for this
12 purpose it may issue subpoenas and compel the attendance of
13 witnesses and the production of documents only if there is
14 reason to believe that such procedures would provide
15 evidence that such violations have occurred.

16 If any person fails to obey a subpoena issued under
17 this subsection, the Director may apply to any circuit
18 court to secure compliance with the subpoena. The failure
19 to comply with the order of the court issued in response
20 thereto shall be punishable as contempt of court.

21 (i) To appoint and remove the chief administrative
22 officers, and administer programs of training and
23 development of personnel of the Department. Personnel
24 assigned by the Department to be responsible for the
25 custody and control of committed persons or to investigate
26 the alleged misconduct of committed persons or employees or

1 alleged violations of a parolee's or releasee's conditions
2 of parole shall be conservators of the peace for those
3 purposes, and shall have the full power of peace officers
4 outside of the facilities of the Department in the
5 protection, arrest, retaking and reconfining of committed
6 persons or where the exercise of such power is necessary to
7 the investigation of such misconduct or violations. This
8 subsection shall not apply to persons committed to the
9 Department of Juvenile Justice under the Juvenile Court Act
10 of 1987 on aftercare release.

11 (j) To cooperate with other departments and agencies
12 and with local communities for the development of standards
13 and programs for better correctional services in this
14 State.

15 (k) To administer all moneys and properties of the
16 Department.

17 (l) To report annually to the Governor on the committed
18 persons, institutions and programs of the Department.

19 (1-5) (Blank).

20 (m) To make all rules and regulations and exercise all
21 powers and duties vested by law in the Department.

22 (n) To establish rules and regulations for
23 administering a system of sentence credits, established in
24 accordance with Section 3-6-3, subject to review by the
25 Prisoner Review Board.

26 (o) To administer the distribution of funds from the

1 State Treasury to reimburse counties where State penal
2 institutions are located for the payment of assistant
3 state's attorneys' salaries under Section 4-2001 of the
4 Counties Code.

5 (p) To exchange information with the Department of
6 Human Services and the Department of Healthcare and Family
7 Services for the purpose of verifying living arrangements
8 and for other purposes directly connected with the
9 administration of this Code and the Illinois Public Aid
10 Code.

11 (q) To establish a diversion program.

12 The program shall provide a structured environment for
13 selected technical parole or mandatory supervised release
14 violators and committed persons who have violated the rules
15 governing their conduct while in work release. This program
16 shall not apply to those persons who have committed a new
17 offense while serving on parole or mandatory supervised
18 release or while committed to work release.

19 Elements of the program shall include, but shall not be
20 limited to, the following:

21 (1) The staff of a diversion facility shall provide
22 supervision in accordance with required objectives set
23 by the facility.

24 (2) Participants shall be required to maintain
25 employment.

26 (3) Each participant shall pay for room and board

1 at the facility on a sliding-scale basis according to
2 the participant's income.

3 (4) Each participant shall:

4 (A) provide restitution to victims in
5 accordance with any court order;

6 (B) provide financial support to his
7 dependents; and

8 (C) make appropriate payments toward any other
9 court-ordered obligations.

10 (5) Each participant shall complete community
11 service in addition to employment.

12 (6) Participants shall take part in such
13 counseling, educational and other programs as the
14 Department may deem appropriate.

15 (7) Participants shall submit to drug and alcohol
16 screening.

17 (8) The Department shall promulgate rules
18 governing the administration of the program.

19 (r) To enter into intergovernmental cooperation
20 agreements under which persons in the custody of the
21 Department may participate in a county impact
22 incarceration program established under Section 3-6038 or
23 3-15003.5 of the Counties Code.

24 (r-5) (Blank).

25 (r-10) To systematically and routinely identify with
26 respect to each streetgang active within the correctional

1 system: (1) each active gang; (2) every existing inter-gang
2 affiliation or alliance; and (3) the current leaders in
3 each gang. The Department shall promptly segregate leaders
4 from inmates who belong to their gangs and allied gangs.
5 "Segregate" means no physical contact and, to the extent
6 possible under the conditions and space available at the
7 correctional facility, prohibition of visual and sound
8 communication. For the purposes of this paragraph (r-10),
9 "leaders" means persons who:

10 (i) are members of a criminal streetgang;

11 (ii) with respect to other individuals within the
12 streetgang, occupy a position of organizer,
13 supervisor, or other position of management or
14 leadership; and

15 (iii) are actively and personally engaged in
16 directing, ordering, authorizing, or requesting
17 commission of criminal acts by others, which are
18 punishable as a felony, in furtherance of streetgang
19 related activity both within and outside of the
20 Department of Corrections.

21 "Streetgang", "gang", and "streetgang related" have the
22 meanings ascribed to them in Section 10 of the Illinois
23 Streetgang Terrorism Omnibus Prevention Act.

24 (s) To operate a super-maximum security institution,
25 in order to manage and supervise inmates who are disruptive
26 or dangerous and provide for the safety and security of the

1 staff and the other inmates.

2 (t) To monitor any unprivileged conversation or any
3 unprivileged communication, whether in person or by mail,
4 telephone, or other means, between an inmate who, before
5 commitment to the Department, was a member of an organized
6 gang and any other person without the need to show cause or
7 satisfy any other requirement of law before beginning the
8 monitoring, except as constitutionally required. The
9 monitoring may be by video, voice, or other method of
10 recording or by any other means. As used in this
11 subdivision (1)(t), "organized gang" has the meaning
12 ascribed to it in Section 10 of the Illinois Streetgang
13 Terrorism Omnibus Prevention Act.

14 As used in this subdivision (1)(t), "unprivileged
15 conversation" or "unprivileged communication" means a
16 conversation or communication that is not protected by any
17 privilege recognized by law or by decision, rule, or order
18 of the Illinois Supreme Court.

19 (u) To establish a Women's and Children's Pre-release
20 Community Supervision Program for the purpose of providing
21 housing and services to eligible female inmates, as
22 determined by the Department, and their newborn and young
23 children.

24 (u-5) To issue an order, whenever a person committed to
25 the Department absconds or absents himself or herself,
26 without authority to do so, from any facility or program to

1 which he or she is assigned. The order shall be certified
2 by the Director, the Supervisor of the Apprehension Unit,
3 or any person duly designated by the Director, with the
4 seal of the Department affixed. The order shall be directed
5 to all sheriffs, coroners, and police officers, or to any
6 particular person named in the order. Any order issued
7 pursuant to this subdivision (1) (u-5) shall be sufficient
8 warrant for the officer or person named in the order to
9 arrest and deliver the committed person to the proper
10 correctional officials and shall be executed the same as
11 criminal process.

12 (v) To do all other acts necessary to carry out the
13 provisions of this Chapter.

14 (2) The Department of Corrections shall by January 1, 1998,
15 consider building and operating a correctional facility within
16 100 miles of a county of over 2,000,000 inhabitants, especially
17 a facility designed to house juvenile participants in the
18 impact incarceration program.

19 (3) When the Department lets bids for contracts for medical
20 services to be provided to persons committed to Department
21 facilities by a health maintenance organization, medical
22 service corporation, or other health care provider, the bid may
23 only be let to a health care provider that has obtained an
24 irrevocable letter of credit or performance bond issued by a
25 company whose bonds have an investment grade or higher rating
26 by a bond rating organization.

1 (4) When the Department lets bids for contracts for food or
2 commissary services to be provided to Department facilities,
3 the bid may only be let to a food or commissary services
4 provider that has obtained an irrevocable letter of credit or
5 performance bond issued by a company whose bonds have an
6 investment grade or higher rating by a bond rating
7 organization.

8 (5) On and after the date 6 months after August 16, 2013
9 (the effective date of Public Act 98-488), as provided in the
10 Executive Order 1 (2012) Implementation Act, all of the powers,
11 duties, rights, and responsibilities related to State
12 healthcare purchasing under this Code that were transferred
13 from the Department of Corrections to the Department of
14 Healthcare and Family Services by Executive Order 3 (2005) are
15 transferred back to the Department of Corrections; however,
16 powers, duties, rights, and responsibilities related to State
17 healthcare purchasing under this Code that were exercised by
18 the Department of Corrections before the effective date of
19 Executive Order 3 (2005) but that pertain to individuals
20 resident in facilities operated by the Department of Juvenile
21 Justice are transferred to the Department of Juvenile Justice.
22 (Source: P.A. 100-198, eff. 1-1-18; 100-863, eff. 8-14-18;
23 101-235, eff. 1-1-20.)

24 (730 ILCS 5/3-2.7-25)

25 Sec. 3-2.7-25. Duties and powers.

1 (a) The Independent Juvenile Ombudsman shall function
2 independently within the Department of Juvenile Justice with
3 respect to the operations of the Office in performance of his
4 or her duties under this Article and shall report to the
5 Governor. The Ombudsman shall adopt rules and standards as may
6 be necessary or desirable to carry out his or her duties.
7 Funding for the Office shall be designated separately within
8 Department funds. The Department shall provide necessary
9 administrative services and facilities to the Office of the
10 Independent Juvenile Ombudsman.

11 (b) The Office of Independent Juvenile Ombudsman shall have
12 the following duties:

13 (1) review and monitor the implementation of the rules
14 and standards established by the Department of Juvenile
15 Justice and evaluate the delivery of services to youth to
16 ensure that the rights of youth are fully observed;

17 (2) provide assistance to a youth or family whom the
18 Ombudsman determines is in need of assistance, including
19 advocating with an agency, provider, or other person in the
20 best interests of the youth;

21 (3) investigate and attempt to resolve complaints made
22 by or on behalf of youth, other than complaints alleging
23 criminal behavior or violations of the State Officials and
24 Employees Ethics Act, if the Office determines that the
25 investigation and resolution would further the purpose of
26 the Office, and:

1 (A) a youth committed to the Department of Juvenile
2 Justice or the youth's family is in need of assistance
3 from the Office; or

4 (B) a systemic issue in the Department of Juvenile
5 Justice's provision of services is raised by a
6 complaint;

7 (4) review or inspect periodically the facilities and
8 procedures of any facility in which a youth has been placed
9 by the Department of Juvenile Justice to ensure that the
10 rights of youth are fully observed; and

11 (5) be accessible to and meet confidentially and
12 regularly with youth committed to the Department and serve
13 as a resource by informing them of pertinent laws, rules,
14 and policies, and their rights thereunder.

15 (c) The following cases shall be reported immediately to
16 the Director of Juvenile Justice and the Governor:

17 (1) cases of severe abuse or injury of a youth;

18 (2) serious misconduct, misfeasance, malfeasance, or
19 serious violations of policies and procedures concerning
20 the administration of a Department of Juvenile Justice
21 program or operation;

22 (3) serious problems concerning the delivery of
23 services in a facility operated by or under contract with
24 the Department of Juvenile Justice;

25 (4) interference by the Department of Juvenile Justice
26 with an investigation conducted by the Office; and

1 (5) other cases as deemed necessary by the Ombudsman.

2 (d) Notwithstanding any other provision of law, the
3 Ombudsman may not investigate alleged criminal behavior or
4 violations of the State Officials and Employees Ethics Act. If
5 the Ombudsman determines that a possible criminal act has been
6 committed, or that special expertise is required in the
7 investigation, he or she shall immediately notify the Illinois
8 ~~Department of~~ State Police. If the Ombudsman determines that a
9 possible violation of the State Officials and Employees Ethics
10 Act has occurred, he or she shall immediately refer the
11 incident to the Office of the Governor's Executive Inspector
12 General for investigation. If the Ombudsman receives a
13 complaint from a youth or third party regarding suspected abuse
14 or neglect of a child, the Ombudsman shall refer the incident
15 to the Child Abuse and Neglect Hotline or to the Illinois State
16 Police as mandated by the Abused and Neglected Child Reporting
17 Act. Any investigation conducted by the Ombudsman shall not be
18 duplicative and shall be separate from any investigation
19 mandated by the Abused and Neglected Child Reporting Act. All
20 investigations conducted by the Ombudsman shall be conducted in
21 a manner designed to ensure the preservation of evidence for
22 possible use in a criminal prosecution.

23 (e) In performance of his or her duties, the Ombudsman may:

24 (1) review court files of youth;

25 (2) recommend policies, rules, and legislation
26 designed to protect youth;

1 (3) make appropriate referrals under any of the duties
2 and powers listed in this Section;

3 (4) attend internal administrative and disciplinary
4 hearings to ensure the rights of youth are fully observed
5 and advocate for the best interest of youth when deemed
6 necessary; and

7 (5) perform other acts, otherwise permitted or
8 required by law, in furtherance of the purpose of the
9 Office.

10 (f) To assess if a youth's rights have been violated, the
11 Ombudsman may, in any matter that does not involve alleged
12 criminal behavior, contact or consult with an administrator,
13 employee, youth, parent, expert, or any other individual in the
14 course of his or her investigation or to secure information as
15 necessary to fulfill his or her duties.

16 (Source: P.A. 98-1032, eff. 8-25-14; 99-78, eff. 7-20-15.)

17 (730 ILCS 5/3-3-2) (from Ch. 38, par. 1003-3-2)

18 Sec. 3-3-2. Powers and duties.

19 (a) The Parole and Pardon Board is abolished and the term
20 "Parole and Pardon Board" as used in any law of Illinois, shall
21 read "Prisoner Review Board." After the effective date of this
22 amendatory Act of 1977, the Prisoner Review Board shall provide
23 by rule for the orderly transition of all files, records, and
24 documents of the Parole and Pardon Board and for such other
25 steps as may be necessary to effect an orderly transition and

1 shall:

2 (1) hear by at least one member and through a panel of
3 at least 3 members decide, cases of prisoners who were
4 sentenced under the law in effect prior to the effective
5 date of this amendatory Act of 1977, and who are eligible
6 for parole;

7 (2) hear by at least one member and through a panel of
8 at least 3 members decide, the conditions of parole and the
9 time of discharge from parole, impose sanctions for
10 violations of parole, and revoke parole for those sentenced
11 under the law in effect prior to this amendatory Act of
12 1977; provided that the decision to parole and the
13 conditions of parole for all prisoners who were sentenced
14 for first degree murder or who received a minimum sentence
15 of 20 years or more under the law in effect prior to
16 February 1, 1978 shall be determined by a majority vote of
17 the Prisoner Review Board. One representative supporting
18 parole and one representative opposing parole will be
19 allowed to speak. Their comments shall be limited to making
20 corrections and filling in omissions to the Board's
21 presentation and discussion;

22 (3) hear by at least one member and through a panel of
23 at least 3 members decide, the conditions of mandatory
24 supervised release and the time of discharge from mandatory
25 supervised release, impose sanctions for violations of
26 mandatory supervised release, and revoke mandatory

1 supervised release for those sentenced under the law in
2 effect after the effective date of this amendatory Act of
3 1977;

4 (3.5) hear by at least one member and through a panel
5 of at least 3 members decide, the conditions of mandatory
6 supervised release and the time of discharge from mandatory
7 supervised release, to impose sanctions for violations of
8 mandatory supervised release and revoke mandatory
9 supervised release for those serving extended supervised
10 release terms pursuant to paragraph (4) of subsection (d)
11 of Section 5-8-1;

12 (3.6) hear by at least one member and through a panel
13 of at least 3 members decide whether to revoke aftercare
14 release for those committed to the Department of Juvenile
15 Justice under the Juvenile Court Act of 1987;

16 (4) hear by at least one member and through a panel of
17 at least 3 members, decide cases brought by the Department
18 of Corrections against a prisoner in the custody of the
19 Department for alleged violation of Department rules with
20 respect to sentence credits under Section 3-6-3 of this
21 Code in which the Department seeks to revoke sentence
22 credits, if the amount of time at issue exceeds 30 days or
23 when, during any 12 month period, the cumulative amount of
24 credit revoked exceeds 30 days except where the infraction
25 is committed or discovered within 60 days of scheduled
26 release. In such cases, the Department of Corrections may

1 revoke up to 30 days of sentence credit. The Board may
2 subsequently approve the revocation of additional sentence
3 credit, if the Department seeks to revoke sentence credit
4 in excess of thirty days. However, the Board shall not be
5 empowered to review the Department's decision with respect
6 to the loss of 30 days of sentence credit for any prisoner
7 or to increase any penalty beyond the length requested by
8 the Department;

9 (5) hear by at least one member and through a panel of
10 at least 3 members decide, the release dates for certain
11 prisoners sentenced under the law in existence prior to the
12 effective date of this amendatory Act of 1977, in
13 accordance with Section 3-3-2.1 of this Code;

14 (6) hear by at least one member and through a panel of
15 at least 3 members decide, all requests for pardon,
16 reprieve or commutation, and make confidential
17 recommendations to the Governor;

18 (6.5) hear by at least one member who is qualified in
19 the field of juvenile matters and through a panel of at
20 least 3 members, 2 of whom are qualified in the field of
21 juvenile matters, decide parole review cases in accordance
22 with Section 5-4.5-115 of this Code and make release
23 determinations of persons under the age of 21 at the time
24 of the commission of an offense or offenses, other than
25 those persons serving sentences for first degree murder or
26 aggravated criminal sexual assault;

1 (6.6) hear by at least a quorum of the Prisoner Review
2 Board and decide by a majority of members present at the
3 hearing, in accordance with Section 5-4.5-115 of this Code,
4 release determinations of persons under the age of 21 at
5 the time of the commission of an offense or offenses of
6 those persons serving sentences for first degree murder or
7 aggravated criminal sexual assault;

8 (7) comply with the requirements of the Open Parole
9 Hearings Act;

10 (8) hear by at least one member and, through a panel of
11 at least 3 members, decide cases brought by the Department
12 of Corrections against a prisoner in the custody of the
13 Department for court dismissal of a frivolous lawsuit
14 pursuant to Section 3-6-3(d) of this Code in which the
15 Department seeks to revoke up to 180 days of sentence
16 credit, and if the prisoner has not accumulated 180 days of
17 sentence credit at the time of the dismissal, then all
18 sentence credit accumulated by the prisoner shall be
19 revoked;

20 (9) hear by at least 3 members, and, through a panel of
21 at least 3 members, decide whether to grant certificates of
22 relief from disabilities or certificates of good conduct as
23 provided in Article 5.5 of Chapter V;

24 (10) upon a petition by a person who has been convicted
25 of a Class 3 or Class 4 felony and who meets the
26 requirements of this paragraph, hear by at least 3 members

1 and, with the unanimous vote of a panel of 3 members, issue
2 a certificate of eligibility for sealing recommending that
3 the court order the sealing of all official records of the
4 arresting authority, the circuit court clerk, and the
5 Illinois ~~Department of~~ State Police concerning the arrest
6 and conviction for the Class 3 or 4 felony. A person may
7 not apply to the Board for a certificate of eligibility for
8 sealing:

9 (A) until 5 years have elapsed since the expiration
10 of his or her sentence;

11 (B) until 5 years have elapsed since any arrests or
12 detentions by a law enforcement officer for an alleged
13 violation of law, other than a petty offense, traffic
14 offense, conservation offense, or local ordinance
15 offense;

16 (C) if convicted of a violation of the Cannabis
17 Control Act, Illinois Controlled Substances Act, the
18 Methamphetamine Control and Community Protection Act,
19 the Methamphetamine Precursor Control Act, or the
20 Methamphetamine Precursor Tracking Act unless the
21 petitioner has completed a drug abuse program for the
22 offense on which sealing is sought and provides proof
23 that he or she has completed the program successfully;

24 (D) if convicted of:

25 (i) a sex offense described in Article 11 or
26 Sections 12-13, 12-14, 12-14.1, 12-15, or 12-16 of

1 the Criminal Code of 1961 or the Criminal Code of
2 2012;

3 (ii) aggravated assault;

4 (iii) aggravated battery;

5 (iv) domestic battery;

6 (v) aggravated domestic battery;

7 (vi) violation of an order of protection;

8 (vii) an offense under the Criminal Code of
9 1961 or the Criminal Code of 2012 involving a
10 firearm;

11 (viii) driving while under the influence of
12 alcohol, other drug or drugs, intoxicating
13 compound or compounds or any combination thereof;

14 (ix) aggravated driving while under the
15 influence of alcohol, other drug or drugs,
16 intoxicating compound or compounds or any
17 combination thereof; or

18 (x) any crime defined as a crime of violence
19 under Section 2 of the Crime Victims Compensation
20 Act.

21 If a person has applied to the Board for a certificate
22 of eligibility for sealing and the Board denies the
23 certificate, the person must wait at least 4 years before
24 filing again or filing for pardon from the Governor unless
25 the Chairman of the Prisoner Review Board grants a waiver.

26 The decision to issue or refrain from issuing a

1 certificate of eligibility for sealing shall be at the
2 Board's sole discretion, and shall not give rise to any
3 cause of action against either the Board or its members.

4 The Board may only authorize the sealing of Class 3 and
5 4 felony convictions of the petitioner from one information
6 or indictment under this paragraph (10). A petitioner may
7 only receive one certificate of eligibility for sealing
8 under this provision for life; and

9 (11) upon a petition by a person who after having been
10 convicted of a Class 3 or Class 4 felony thereafter served
11 in the United States Armed Forces or National Guard of this
12 or any other state and had received an honorable discharge
13 from the United States Armed Forces or National Guard or
14 who at the time of filing the petition is enlisted in the
15 United States Armed Forces or National Guard of this or any
16 other state and served one tour of duty and who meets the
17 requirements of this paragraph, hear by at least 3 members
18 and, with the unanimous vote of a panel of 3 members, issue
19 a certificate of eligibility for expungement recommending
20 that the court order the expungement of all official
21 records of the arresting authority, the circuit court
22 clerk, and the Illinois ~~Department~~ of State Police
23 concerning the arrest and conviction for the Class 3 or 4
24 felony. A person may not apply to the Board for a
25 certificate of eligibility for expungement:

26 (A) if convicted of:

1 (i) a sex offense described in Article 11 or
2 Sections 12-13, 12-14, 12-14.1, 12-15, or 12-16 of
3 the Criminal Code of 1961 or Criminal Code of 2012;

4 (ii) an offense under the Criminal Code of 1961
5 or Criminal Code of 2012 involving a firearm; or

6 (iii) a crime of violence as defined in Section
7 2 of the Crime Victims Compensation Act; or

8 (B) if the person has not served in the United
9 States Armed Forces or National Guard of this or any
10 other state or has not received an honorable discharge
11 from the United States Armed Forces or National Guard
12 of this or any other state or who at the time of the
13 filing of the petition is serving in the United States
14 Armed Forces or National Guard of this or any other
15 state and has not completed one tour of duty.

16 If a person has applied to the Board for a certificate
17 of eligibility for expungement and the Board denies the
18 certificate, the person must wait at least 4 years before
19 filing again or filing for a pardon with authorization for
20 expungement from the Governor unless the Governor or
21 Chairman of the Prisoner Review Board grants a waiver.

22 (a-5) The Prisoner Review Board, with the cooperation of
23 and in coordination with the Department of Corrections and the
24 Department of Central Management Services, shall implement a
25 pilot project in 3 correctional institutions providing for the
26 conduct of hearings under paragraphs (1) and (4) of subsection

1 (a) of this Section through interactive video conferences. The
2 project shall be implemented within 6 months after the
3 effective date of this amendatory Act of 1996. Within 6 months
4 after the implementation of the pilot project, the Prisoner
5 Review Board, with the cooperation of and in coordination with
6 the Department of Corrections and the Department of Central
7 Management Services, shall report to the Governor and the
8 General Assembly regarding the use, costs, effectiveness, and
9 future viability of interactive video conferences for Prisoner
10 Review Board hearings.

11 (b) Upon recommendation of the Department the Board may
12 restore sentence credit previously revoked.

13 (c) The Board shall cooperate with the Department in
14 promoting an effective system of parole and mandatory
15 supervised release.

16 (d) The Board shall promulgate rules for the conduct of its
17 work, and the Chairman shall file a copy of such rules and any
18 amendments thereto with the Director and with the Secretary of
19 State.

20 (e) The Board shall keep records of all of its official
21 actions and shall make them accessible in accordance with law
22 and the rules of the Board.

23 (f) The Board or one who has allegedly violated the
24 conditions of his or her parole, aftercare release, or
25 mandatory supervised release may require by subpoena the
26 attendance and testimony of witnesses and the production of

1 documentary evidence relating to any matter under
2 investigation or hearing. The Chairman of the Board may sign
3 subpoenas which shall be served by any agent or public official
4 authorized by the Chairman of the Board, or by any person
5 lawfully authorized to serve a subpoena under the laws of the
6 State of Illinois. The attendance of witnesses, and the
7 production of documentary evidence, may be required from any
8 place in the State to a hearing location in the State before
9 the Chairman of the Board or his or her designated agent or
10 agents or any duly constituted Committee or Subcommittee of the
11 Board. Witnesses so summoned shall be paid the same fees and
12 mileage that are paid witnesses in the circuit courts of the
13 State, and witnesses whose depositions are taken and the
14 persons taking those depositions are each entitled to the same
15 fees as are paid for like services in actions in the circuit
16 courts of the State. Fees and mileage shall be vouchered for
17 payment when the witness is discharged from further attendance.

18 In case of disobedience to a subpoena, the Board may
19 petition any circuit court of the State for an order requiring
20 the attendance and testimony of witnesses or the production of
21 documentary evidence or both. A copy of such petition shall be
22 served by personal service or by registered or certified mail
23 upon the person who has failed to obey the subpoena, and such
24 person shall be advised in writing that a hearing upon the
25 petition will be requested in a court room to be designated in
26 such notice before the judge hearing motions or extraordinary

1 remedies at a specified time, on a specified date, not less
2 than 10 nor more than 15 days after the deposit of the copy of
3 the written notice and petition in the U.S. mails addressed to
4 the person at his last known address or after the personal
5 service of the copy of the notice and petition upon such
6 person. The court upon the filing of such a petition, may order
7 the person refusing to obey the subpoena to appear at an
8 investigation or hearing, or to there produce documentary
9 evidence, if so ordered, or to give evidence relative to the
10 subject matter of that investigation or hearing. Any failure to
11 obey such order of the circuit court may be punished by that
12 court as a contempt of court.

13 Each member of the Board and any hearing officer designated
14 by the Board shall have the power to administer oaths and to
15 take the testimony of persons under oath.

16 (g) Except under subsection (a) of this Section, a majority
17 of the members then appointed to the Prisoner Review Board
18 shall constitute a quorum for the transaction of all business
19 of the Board.

20 (h) The Prisoner Review Board shall annually transmit to
21 the Director a detailed report of its work for the preceding
22 calendar year. The annual report shall also be transmitted to
23 the Governor for submission to the Legislature.

24 (Source: P.A. 100-1182, eff. 6-1-19; 101-288, eff. 1-1-20.)

25 (730 ILCS 5/3-14-1) (from Ch. 38, par. 1003-14-1)

1 Sec. 3-14-1. Release from the institution.

2 (a) Upon release of a person on parole, mandatory release,
3 final discharge or pardon the Department shall return all
4 property held for him, provide him with suitable clothing and
5 procure necessary transportation for him to his designated
6 place of residence and employment. It may provide such person
7 with a grant of money for travel and expenses which may be paid
8 in installments. The amount of the money grant shall be
9 determined by the Department.

10 (a-1) The Department shall, before a wrongfully imprisoned
11 person, as defined in Section 3-1-2 of this Code, is discharged
12 from the Department, provide him or her with any documents
13 necessary after discharge.

14 (a-2) The Department of Corrections may establish and
15 maintain, in any institution it administers, revolving funds to
16 be known as "Travel and Allowances Revolving Funds". These
17 revolving funds shall be used for advancing travel and expense
18 allowances to committed, paroled, and discharged prisoners.
19 The moneys paid into such revolving funds shall be from
20 appropriations to the Department for Committed, Paroled, and
21 Discharged Prisoners.

22 (a-3) Upon release of a person who is eligible to vote on
23 parole, mandatory release, final discharge, or pardon, the
24 Department shall provide the person with a form that informs
25 him or her that his or her voting rights have been restored and
26 a voter registration application. The Department shall have

1 available voter registration applications in the languages
2 provided by the Illinois State Board of Elections. The form
3 that informs the person that his or her rights have been
4 restored shall include the following information:

5 (1) All voting rights are restored upon release from
6 the Department's custody.

7 (2) A person who is eligible to vote must register in
8 order to be able to vote.

9 The Department of Corrections shall confirm that the person
10 received the voter registration application and has been
11 informed that his or her voting rights have been restored.

12 (a-4) ~~(a-3)~~ Prior to release of a person on parole,
13 mandatory supervised release, final discharge, or pardon, the
14 Department shall screen every person for Medicaid eligibility.
15 Officials of the correctional institution or facility where the
16 committed person is assigned shall assist an eligible person to
17 complete a Medicaid application to ensure that the person
18 begins receiving benefits as soon as possible after his or her
19 release. The application must include the eligible person's
20 address associated with his or her residence upon release from
21 the facility. If the residence is temporary, the eligible
22 person must notify the Department of Human Services of his or
23 her change in address upon transition to permanent housing.

24 (b) (Blank).

25 (c) Except as otherwise provided in this Code, the
26 Department shall establish procedures to provide written

1 notification of any release of any person who has been
2 convicted of a felony to the State's Attorney and sheriff of
3 the county from which the offender was committed, and the
4 State's Attorney and sheriff of the county into which the
5 offender is to be paroled or released. Except as otherwise
6 provided in this Code, the Department shall establish
7 procedures to provide written notification to the proper law
8 enforcement agency for any municipality of any release of any
9 person who has been convicted of a felony if the arrest of the
10 offender or the commission of the offense took place in the
11 municipality, if the offender is to be paroled or released into
12 the municipality, or if the offender resided in the
13 municipality at the time of the commission of the offense. If a
14 person convicted of a felony who is in the custody of the
15 Department of Corrections or on parole or mandatory supervised
16 release informs the Department that he or she has resided,
17 resides, or will reside at an address that is a housing
18 facility owned, managed, operated, or leased by a public
19 housing agency, the Department must send written notification
20 of that information to the public housing agency that owns,
21 manages, operates, or leases the housing facility. The written
22 notification shall, when possible, be given at least 14 days
23 before release of the person from custody, or as soon
24 thereafter as possible. The written notification shall be
25 provided electronically if the State's Attorney, sheriff,
26 proper law enforcement agency, or public housing agency has

1 provided the Department with an accurate and up to date email
2 address.

3 (c-1) (Blank).

4 (c-2) The Department shall establish procedures to provide
5 notice to the Illinois ~~Department of~~ State Police of the
6 release or discharge of persons convicted of violations of the
7 Methamphetamine Control and Community Protection Act or a
8 violation of the Methamphetamine Precursor Control Act. The
9 Illinois ~~Department of~~ State Police shall make this information
10 available to local, State, or federal law enforcement agencies
11 upon request.

12 (c-5) If a person on parole or mandatory supervised release
13 becomes a resident of a facility licensed or regulated by the
14 Department of Public Health, the Illinois Department of Public
15 Aid, or the Illinois Department of Human Services, the
16 Department of Corrections shall provide copies of the following
17 information to the appropriate licensing or regulating
18 Department and the licensed or regulated facility where the
19 person becomes a resident:

20 (1) The mittimus and any pre-sentence investigation
21 reports.

22 (2) The social evaluation prepared pursuant to Section
23 3-8-2.

24 (3) Any pre-release evaluation conducted pursuant to
25 subsection (j) of Section 3-6-2.

26 (4) Reports of disciplinary infractions and

1 dispositions.

2 (5) Any parole plan, including orders issued by the
3 Prisoner Review Board, and any violation reports and
4 dispositions.

5 (6) The name and contact information for the assigned
6 parole agent and parole supervisor.

7 This information shall be provided within 3 days of the
8 person becoming a resident of the facility.

9 (c-10) If a person on parole or mandatory supervised
10 release becomes a resident of a facility licensed or regulated
11 by the Department of Public Health, the Illinois Department of
12 Public Aid, or the Illinois Department of Human Services, the
13 Department of Corrections shall provide written notification
14 of such residence to the following:

15 (1) The Prisoner Review Board.

16 (2) The chief of police and sheriff in the municipality
17 and county in which the licensed facility is located.

18 The notification shall be provided within 3 days of the
19 person becoming a resident of the facility.

20 (d) Upon the release of a committed person on parole,
21 mandatory supervised release, final discharge or pardon, the
22 Department shall provide such person with information
23 concerning programs and services of the Illinois Department of
24 Public Health to ascertain whether such person has been exposed
25 to the human immunodeficiency virus (HIV) or any identified
26 causative agent of Acquired Immunodeficiency Syndrome (AIDS).

1 (e) Upon the release of a committed person on parole,
2 mandatory supervised release, final discharge, pardon, or who
3 has been wrongfully imprisoned, the Department shall verify the
4 released person's full name, date of birth, and social security
5 number. If verification is made by the Department by obtaining
6 a certified copy of the released person's birth certificate and
7 the released person's social security card or other documents
8 authorized by the Secretary, the Department shall provide the
9 birth certificate and social security card or other documents
10 authorized by the Secretary to the released person. If
11 verification by the Department is done by means other than
12 obtaining a certified copy of the released person's birth
13 certificate and the released person's social security card or
14 other documents authorized by the Secretary, the Department
15 shall complete a verification form, prescribed by the Secretary
16 of State, and shall provide that verification form to the
17 released person.

18 (f) Forty-five days prior to the scheduled discharge of a
19 person committed to the custody of the Department of
20 Corrections, the Department shall give the person who is
21 otherwise uninsured an opportunity to apply for health care
22 coverage including medical assistance under Article V of the
23 Illinois Public Aid Code in accordance with subsection (b) of
24 Section 1-8.5 of the Illinois Public Aid Code, and the
25 Department of Corrections shall provide assistance with
26 completion of the application for health care coverage

1 including medical assistance. The Department may adopt rules to
2 implement this Section.

3 (Source: P.A. 101-351, eff. 1-1-20; 101-442, eff. 1-1-20;
4 revised 9-9-19.)

5 (730 ILCS 5/3-14-1.5)

6 Sec. 3-14-1.5. Parole agents and parole supervisors;
7 off-duty firearms. Subsections 24-1(a)(4) and 24-1(a)(10) and
8 Section 24-1.6 of the Criminal Code of 2012 do not apply to
9 parole agents and parole supervisors who meet the following
10 conditions:

11 (1) The parole agent or parole supervisor must receive
12 training in the use of firearms while off-duty conducted by the
13 Illinois Law Enforcement Training Standards Board and be
14 certified as having successfully completing such training by
15 the Board. The Board shall determine the amount of such
16 training and the course content for such training. The parole
17 agent or parole supervisor shall requalify for the firearms
18 training annually at a State range certified by the Illinois
19 Law Enforcement Training Standards Board. The expenses of such
20 retraining shall be paid by the parole agent or parole
21 supervisor and moneys for such requalification shall be
22 expended at the request of the Illinois Law Enforcement
23 Training Standards Board.

24 (2) The parole agent or parole supervisor shall purchase
25 such firearm at his or her own expense and shall register the

1 firearm with the Illinois ~~Department of~~ State Police and with
2 any other local law enforcement agencies that require such
3 registration.

4 (3) The parole agent or parole supervisor may not carry any
5 Illinois Department of Corrections State issued firearm while
6 off-duty. A person who violates this paragraph (3) is subject
7 to disciplinary action by the Illinois Department of
8 Corrections.

9 (4) Parole agents and supervisors who are discharged from
10 employment of the Illinois Department of Corrections shall no
11 longer be considered law enforcement officials and all their
12 rights as law enforcement officials shall be revoked
13 permanently.

14 (Source: P.A. 96-230, eff. 1-1-10; 97-333, eff. 8-12-11;
15 97-1150, eff. 1-25-13.)

16 (730 ILCS 5/3-17-5)

17 Sec. 3-17-5. Transitional housing; licensing.

18 (a) The Department of Corrections shall license
19 transitional housing facilities for persons convicted of or
20 placed on supervision for sex offenses as defined in the Sex
21 Offender Management Board Act.

22 (b) A transitional housing facility must meet the following
23 criteria to be licensed by the Department:

24 (1) The facility shall provide housing to a sex
25 offender who is in compliance with his or her parole,

1 mandatory supervised release, probation, or supervision
2 order for a period not to exceed 90 days, unless extended
3 with approval from the Director or his or her designee.
4 Notice of any extension approved shall be provided to the
5 Prisoner Review Board.

6 (2) The Department of Corrections must approve a
7 treatment plan and counseling for each sex offender
8 residing in the transitional housing.

9 (3) The transitional housing facility must provide
10 security 24 hours each day and 7 days each week as defined
11 and approved by the Department.

12 (4) The facility must notify the police department,
13 public and private elementary and secondary schools,
14 public libraries, and each residential home and apartment
15 complex located within 500 feet of the transitional housing
16 facility of its initial licensure as a transitional housing
17 facility, and of its continuing operation as a transitional
18 housing facility annually thereafter.

19 (5) Upon its initial licensure as a transitional
20 housing facility and during its licensure, each facility
21 shall maintain at its main entrance a visible and
22 conspicuous exterior sign identifying itself as, in
23 letters at least 4 inches tall, a "Department of
24 Corrections Licensed Transitional Housing Facility".

25 (6) Upon its initial licensure as a transitional
26 housing facility, each facility shall file in the office of

1 the county clerk of the county in which such facility is
2 located, a certificate setting forth the name under which
3 the facility is, or is to be, operated, and the true or
4 real full name or names of the person, persons or entity
5 operating the same, with the address of the facility. The
6 certificate shall be executed and duly acknowledged by the
7 person or persons so operating or intending to operate the
8 facility. Notice of the filing of the certificate shall be
9 published in a newspaper of general circulation published
10 within the county in which the certificate is filed. The
11 notice shall be published once a week for 3 consecutive
12 weeks. The first publication shall be within 15 days after
13 the certificate is filed in the office of the county clerk.
14 Proof of publication shall be filed with the county clerk
15 within 50 days from the date of filing the certificate.
16 Upon receiving proof of publication, the clerk shall issue
17 a receipt to the person filing the certificate, but no
18 additional charge shall be assessed by the clerk for giving
19 such receipt. Unless proof of publication is made to the
20 clerk, the notification is void.

21 (7) Each licensed transitional housing facility shall
22 be identified on the Illinois State Police Sex Offender
23 Registry website, including the address of the facility
24 together with the maximum possible number of sex offenders
25 that the facility could house.

26 (c) The Department of Corrections shall establish rules

1 consistent with this Section establishing licensing procedures
2 and criteria for transitional housing facilities for sex
3 offenders, and may create criteria for, and issue licenses for,
4 different levels of facilities to be licensed. The Department
5 is authorized to set and charge a licensing fee for each
6 application for a transitional housing license. The rules shall
7 be adopted within 60 days after the effective date of this
8 amendatory Act of the 94th General Assembly. Facilities which
9 on the effective date of this amendatory Act of the 94th
10 General Assembly are currently housing and providing sex
11 offender treatment to sex offenders may continue housing more
12 than one sex offender on parole, mandatory supervised release,
13 probation, or supervision for a period of 120 days after the
14 adoption of licensure rules during which time the facility
15 shall apply for a transitional housing license.

16 (d) The Department of Corrections shall maintain a file on
17 each sex offender housed in a transitional housing facility.
18 The file shall contain efforts of the Department in placing a
19 sex offender in non-transitional housing, efforts of the
20 Department to place the sex offender in a county from which he
21 or she was convicted, the anticipated length of stay of each
22 sex offender in the transitional housing facility, the number
23 of sex offenders residing in the transitional housing facility,
24 and the services to be provided the sex offender while he or
25 she resides in the transitional housing facility.

26 (e) The Department of Corrections shall, on or before

1 December 31 of each year, file a report with the General
2 Assembly on the number of transitional housing facilities for
3 sex offenders licensed by the Department, the addresses of each
4 licensed facility, how many sex offenders are housed in each
5 facility, and the particular sex offense that each resident of
6 the transitional housing facility committed.

7 (Source: P.A. 94-161, eff. 7-11-05; 95-331, eff. 8-21-07.)

8 (730 ILCS 5/5-2-4) (from Ch. 38, par. 1005-2-4)

9 Sec. 5-2-4. Proceedings after acquittal by reason of
10 insanity.

11 (a) After a finding or verdict of not guilty by reason of
12 insanity under Sections 104-25, 115-3, or 115-4 of the Code of
13 Criminal Procedure of 1963, the defendant shall be ordered to
14 the Department of Human Services for an evaluation as to
15 whether he is in need of mental health services. The order
16 shall specify whether the evaluation shall be conducted on an
17 inpatient or outpatient basis. If the evaluation is to be
18 conducted on an inpatient basis, the defendant shall be placed
19 in a secure setting. With the court order for evaluation shall
20 be sent a copy of the arrest report, criminal charges, arrest
21 record, jail record, any report prepared under Section 115-6 of
22 the Code of Criminal Procedure of 1963, and any statement
23 prepared under Section 6 of the Rights of Crime Victims and
24 Witnesses Act. The clerk of the circuit court shall transmit
25 this information to the Department within 5 days. If the court

1 orders that the evaluation be done on an inpatient basis, the
2 Department shall evaluate the defendant to determine to which
3 secure facility the defendant shall be transported and, within
4 20 days of the transmittal by the clerk of the circuit court of
5 the placement court order, notify the sheriff of the designated
6 facility. Upon receipt of that notice, the sheriff shall
7 promptly transport the defendant to the designated facility.
8 During the period of time required to determine the appropriate
9 placement, the defendant shall remain in jail. If, within 20
10 days of the transmittal by the clerk of the circuit court of
11 the placement court order, the Department fails to notify the
12 sheriff of the identity of the facility to which the defendant
13 shall be transported, the sheriff shall contact a designated
14 person within the Department to inquire about when a placement
15 will become available at the designated facility and bed
16 availability at other facilities. If, within 20 days of the
17 transmittal by the clerk of the circuit court of the placement
18 court order, the Department fails to notify the sheriff of the
19 identity of the facility to which the defendant shall be
20 transported, the sheriff shall notify the Department of its
21 intent to transfer the defendant to the nearest secure mental
22 health facility operated by the Department and inquire as to
23 the status of the placement evaluation and availability for
24 admission to the facility operated by the Department by
25 contacting a designated person within the Department. The
26 Department shall respond to the sheriff within 2 business days

1 of the notice and inquiry by the sheriff seeking the transfer
2 and the Department shall provide the sheriff with the status of
3 the placement evaluation, information on bed and placement
4 availability, and an estimated date of admission for the
5 defendant and any changes to that estimated date of admission.
6 If the Department notifies the sheriff during the 2 business
7 day period of a facility operated by the Department with
8 placement availability, the sheriff shall promptly transport
9 the defendant to that facility. Individualized placement
10 evaluations by the Department of Human Services determine the
11 most appropriate setting for forensic treatment based upon a
12 number of factors including mental health diagnosis, proximity
13 to surviving victims, security need, age, gender, and proximity
14 to family.

15 The Department shall provide the Court with a report of its
16 evaluation within 30 days of the date of this order. The Court
17 shall hold a hearing as provided under the Mental Health and
18 Developmental Disabilities Code to determine if the individual
19 is: (a) in need of mental health services on an inpatient
20 basis; (b) in need of mental health services on an outpatient
21 basis; (c) a person not in need of mental health services. The
22 court shall afford the victim the opportunity to make a written
23 or oral statement as guaranteed by Article I, Section 8.1 of
24 the Illinois Constitution and Section 6 of the Rights of Crime
25 Victims and Witnesses Act. The court shall allow a victim to
26 make an oral statement if the victim is present in the

1 courtroom and requests to make an oral statement. An oral
2 statement includes the victim or a representative of the victim
3 reading the written statement. The court may allow persons
4 impacted by the crime who are not victims under subsection (a)
5 of Section 3 of the Rights of Crime Victims and Witnesses Act
6 to present an oral or written statement. A victim and any
7 person making an oral statement shall not be put under oath or
8 subject to cross-examination. The court shall consider any
9 statement presented along with all other appropriate factors in
10 determining the sentence of the defendant or disposition of the
11 juvenile. All statements shall become part of the record of the
12 court.

13 If the defendant is found to be in need of mental health
14 services on an inpatient care basis, the Court shall order the
15 defendant to the Department of Human Services. The defendant
16 shall be placed in a secure setting. Such defendants placed in
17 a secure setting shall not be permitted outside the facility's
18 housing unit unless escorted or accompanied by personnel of the
19 Department of Human Services or with the prior approval of the
20 Court for unsupervised on-grounds privileges as provided
21 herein. Any defendant placed in a secure setting pursuant to
22 this Section, transported to court hearings or other necessary
23 appointments off facility grounds by personnel of the
24 Department of Human Services, shall be placed in security
25 devices or otherwise secured during the period of
26 transportation to assure secure transport of the defendant and

1 the safety of Department of Human Services personnel and
2 others. These security measures shall not constitute restraint
3 as defined in the Mental Health and Developmental Disabilities
4 Code. If the defendant is found to be in need of mental health
5 services, but not on an inpatient care basis, the Court shall
6 conditionally release the defendant, under such conditions as
7 set forth in this Section as will reasonably assure the
8 defendant's satisfactory progress and participation in
9 treatment or rehabilitation and the safety of the defendant,
10 the victim, the victim's family members, and others. If the
11 Court finds the person not in need of mental health services,
12 then the Court shall order the defendant discharged from
13 custody.

14 (a-1) Definitions. For the purposes of this Section:

15 (A) (Blank).

16 (B) "In need of mental health services on an inpatient
17 basis" means: a defendant who has been found not guilty by
18 reason of insanity but who, due to mental illness, is
19 reasonably expected to inflict serious physical harm upon
20 himself or another and who would benefit from inpatient
21 care or is in need of inpatient care.

22 (C) "In need of mental health services on an outpatient
23 basis" means: a defendant who has been found not guilty by
24 reason of insanity who is not in need of mental health
25 services on an inpatient basis, but is in need of
26 outpatient care, drug and/or alcohol rehabilitation

1 programs, community adjustment programs, individual,
2 group, or family therapy, or chemotherapy.

3 (D) "Conditional Release" means: the release from
4 either the custody of the Department of Human Services or
5 the custody of the Court of a person who has been found not
6 guilty by reason of insanity under such conditions as the
7 Court may impose which reasonably assure the defendant's
8 satisfactory progress in treatment or habilitation and the
9 safety of the defendant, the victim, the victim's family,
10 and others. The Court shall consider such terms and
11 conditions which may include, but need not be limited to,
12 outpatient care, alcoholic and drug rehabilitation
13 programs, community adjustment programs, individual,
14 group, family, and chemotherapy, random testing to ensure
15 the defendant's timely and continuous taking of any
16 medicines prescribed to control or manage his or her
17 conduct or mental state, and periodic checks with the legal
18 authorities and/or the Department of Human Services. The
19 Court may order as a condition of conditional release that
20 the defendant not contact the victim of the offense that
21 resulted in the finding or verdict of not guilty by reason
22 of insanity or any other person. The Court may order the
23 Department of Human Services to provide care to any person
24 conditionally released under this Section. The Department
25 may contract with any public or private agency in order to
26 discharge any responsibilities imposed under this Section.

1 The Department shall monitor the provision of services to
2 persons conditionally released under this Section and
3 provide periodic reports to the Court concerning the
4 services and the condition of the defendant. Whenever a
5 person is conditionally released pursuant to this Section,
6 the State's Attorney for the county in which the hearing is
7 held shall designate in writing the name, telephone number,
8 and address of a person employed by him or her who shall be
9 notified in the event that either the reporting agency or
10 the Department decides that the conditional release of the
11 defendant should be revoked or modified pursuant to
12 subsection (i) of this Section. Such conditional release
13 shall be for a period of five years. However, the
14 defendant, the person or facility rendering the treatment,
15 therapy, program or outpatient care, the Department, or the
16 State's Attorney may petition the Court for an extension of
17 the conditional release period for an additional 5 years.
18 Upon receipt of such a petition, the Court shall hold a
19 hearing consistent with the provisions of paragraph (a),
20 this paragraph (a-1), and paragraph (f) of this Section,
21 shall determine whether the defendant should continue to be
22 subject to the terms of conditional release, and shall
23 enter an order either extending the defendant's period of
24 conditional release for an additional 5-year period or
25 discharging the defendant. Additional 5-year periods of
26 conditional release may be ordered following a hearing as

1 provided in this Section. However, in no event shall the
2 defendant's period of conditional release continue beyond
3 the maximum period of commitment ordered by the Court
4 pursuant to paragraph (b) of this Section. These provisions
5 for extension of conditional release shall only apply to
6 defendants conditionally released on or after August 8,
7 2003. However, the extension provisions of Public Act
8 83-1449 apply only to defendants charged with a forcible
9 felony.

10 (E) "Facility director" means the chief officer of a
11 mental health or developmental disabilities facility or
12 his or her designee or the supervisor of a program of
13 treatment or habilitation or his or her designee.
14 "Designee" may include a physician, clinical psychologist,
15 social worker, nurse, or clinical professional counselor.

16 (b) If the Court finds the defendant in need of mental
17 health services on an inpatient basis, the admission,
18 detention, care, treatment or habilitation, treatment plans,
19 review proceedings, including review of treatment and
20 treatment plans, and discharge of the defendant after such
21 order shall be under the Mental Health and Developmental
22 Disabilities Code, except that the initial order for admission
23 of a defendant acquitted of a felony by reason of insanity
24 shall be for an indefinite period of time. Such period of
25 commitment shall not exceed the maximum length of time that the
26 defendant would have been required to serve, less credit for

1 good behavior as provided in Section 5-4-1 of the Unified Code
2 of Corrections, before becoming eligible for release had he
3 been convicted of and received the maximum sentence for the
4 most serious crime for which he has been acquitted by reason of
5 insanity. The Court shall determine the maximum period of
6 commitment by an appropriate order. During this period of time,
7 the defendant shall not be permitted to be in the community in
8 any manner, including, but not limited to, off-grounds
9 privileges, with or without escort by personnel of the
10 Department of Human Services, unsupervised on-grounds
11 privileges, discharge or conditional or temporary release,
12 except by a plan as provided in this Section. In no event shall
13 a defendant's continued unauthorized absence be a basis for
14 discharge. Not more than 30 days after admission and every 90
15 days thereafter so long as the initial order remains in effect,
16 the facility director shall file a treatment plan report in
17 writing with the court and forward a copy of the treatment plan
18 report to the clerk of the court, the State's Attorney, and the
19 defendant's attorney, if the defendant is represented by
20 counsel, or to a person authorized by the defendant under the
21 Mental Health and Developmental Disabilities Confidentiality
22 Act to be sent a copy of the report. The report shall include
23 an opinion as to whether the defendant is currently in need of
24 mental health services on an inpatient basis or in need of
25 mental health services on an outpatient basis. The report shall
26 also summarize the basis for those findings and provide a

1 current summary of the following items from the treatment plan:
2 (1) an assessment of the defendant's treatment needs, (2) a
3 description of the services recommended for treatment, (3) the
4 goals of each type of element of service, (4) an anticipated
5 timetable for the accomplishment of the goals, and (5) a
6 designation of the qualified professional responsible for the
7 implementation of the plan. The report may also include
8 unsupervised on-grounds privileges, off-grounds privileges
9 (with or without escort by personnel of the Department of Human
10 Services), home visits and participation in work programs, but
11 only where such privileges have been approved by specific court
12 order, which order may include such conditions on the defendant
13 as the Court may deem appropriate and necessary to reasonably
14 assure the defendant's satisfactory progress in treatment and
15 the safety of the defendant and others.

16 (c) Every defendant acquitted of a felony by reason of
17 insanity and subsequently found to be in need of mental health
18 services shall be represented by counsel in all proceedings
19 under this Section and under the Mental Health and
20 Developmental Disabilities Code.

21 (1) The Court shall appoint as counsel the public
22 defender or an attorney licensed by this State.

23 (2) Upon filing with the Court of a verified statement
24 of legal services rendered by the private attorney
25 appointed pursuant to paragraph (1) of this subsection, the
26 Court shall determine a reasonable fee for such services.

1 If the defendant is unable to pay the fee, the Court shall
2 enter an order upon the State to pay the entire fee or such
3 amount as the defendant is unable to pay from funds
4 appropriated by the General Assembly for that purpose.

5 (d) When the facility director determines that:

6 (1) the defendant is no longer in need of mental health
7 services on an inpatient basis; and

8 (2) the defendant may be conditionally released
9 because he or she is still in need of mental health
10 services or that the defendant may be discharged as not in
11 need of any mental health services; ~~or~~

12 ~~(3) (blank);~~

13 the facility director shall give written notice to the Court,
14 State's Attorney and defense attorney. Such notice shall set
15 forth in detail the basis for the recommendation of the
16 facility director, and specify clearly the recommendations, if
17 any, of the facility director, concerning conditional release.
18 Any recommendation for conditional release shall include an
19 evaluation of the defendant's need for psychotropic
20 medication, what provisions should be made, if any, to ensure
21 that the defendant will continue to receive psychotropic
22 medication following discharge, and what provisions should be
23 made to assure the safety of the defendant and others in the
24 event the defendant is no longer receiving psychotropic
25 medication. Within 30 days of the notification by the facility
26 director, the Court shall set a hearing and make a finding as

1 to whether the defendant is:

2 (i) (blank); or

3 (ii) in need of mental health services in the form of
4 inpatient care; or

5 (iii) in need of mental health services but not subject
6 to inpatient care; or

7 (iv) no longer in need of mental health services; or

8 (v) (blank).

9 A crime victim shall be allowed to present an oral and
10 written statement. The court shall allow a victim to make an
11 oral statement if the victim is present in the courtroom and
12 requests to make an oral statement. An oral statement includes
13 the victim or a representative of the victim reading the
14 written statement. A victim and any person making an oral
15 statement shall not be put under oath or subject to
16 cross-examination. All statements shall become part of the
17 record of the court.

18 Upon finding by the Court, the Court shall enter its
19 findings and such appropriate order as provided in subsections
20 (a) and (a-1) of this Section.

21 (e) A defendant admitted pursuant to this Section, or any
22 person on his behalf, may file a petition for treatment plan
23 review or discharge or conditional release under the standards
24 of this Section in the Court which rendered the verdict. Upon
25 receipt of a petition for treatment plan review or discharge or
26 conditional release, the Court shall set a hearing to be held

1 within 120 days. Thereafter, no new petition may be filed for
2 180 days without leave of the Court.

3 (f) The Court shall direct that notice of the time and
4 place of the hearing be served upon the defendant, the facility
5 director, the State's Attorney, and the defendant's attorney.
6 If requested by either the State or the defense or if the Court
7 feels it is appropriate, an impartial examination of the
8 defendant by a psychiatrist or clinical psychologist as defined
9 in Section 1-103 of the Mental Health and Developmental
10 Disabilities Code who is not in the employ of the Department of
11 Human Services shall be ordered, and the report considered at
12 the time of the hearing.

13 (g) The findings of the Court shall be established by clear
14 and convincing evidence. The burden of proof and the burden of
15 going forth with the evidence rest with the defendant or any
16 person on the defendant's behalf when a hearing is held to
17 review a petition filed by or on behalf of the defendant. The
18 evidence shall be presented in open Court with the right of
19 confrontation and cross-examination. Such evidence may
20 include, but is not limited to:

21 (1) whether the defendant appreciates the harm caused
22 by the defendant to others and the community by his or her
23 prior conduct that resulted in the finding of not guilty by
24 reason of insanity;

25 (2) Whether the person appreciates the criminality of
26 conduct similar to the conduct for which he or she was

1 originally charged in this matter;

2 (3) the current state of the defendant's illness;

3 (4) what, if any, medications the defendant is taking
4 to control his or her mental illness;

5 (5) what, if any, adverse physical side effects the
6 medication has on the defendant;

7 (6) the length of time it would take for the
8 defendant's mental health to deteriorate if the defendant
9 stopped taking prescribed medication;

10 (7) the defendant's history or potential for alcohol
11 and drug abuse;

12 (8) the defendant's past criminal history;

13 (9) any specialized physical or medical needs of the
14 defendant;

15 (10) any family participation or involvement expected
16 upon release and what is the willingness and ability of the
17 family to participate or be involved;

18 (11) the defendant's potential to be a danger to
19 himself, herself, or others;

20 (11.5) a written or oral statement made by the victim;
21 and

22 (12) any other factor or factors the Court deems
23 appropriate.

24 (h) Before the court orders that the defendant be
25 discharged or conditionally released, it shall order the
26 facility director to establish a discharge plan that includes a

1 plan for the defendant's shelter, support, and medication. If
2 appropriate, the court shall order that the facility director
3 establish a program to train the defendant in self-medication
4 under standards established by the Department of Human
5 Services. If the Court finds, consistent with the provisions of
6 this Section, that the defendant is no longer in need of mental
7 health services it shall order the facility director to
8 discharge the defendant. If the Court finds, consistent with
9 the provisions of this Section, that the defendant is in need
10 of mental health services, and no longer in need of inpatient
11 care, it shall order the facility director to release the
12 defendant under such conditions as the Court deems appropriate
13 and as provided by this Section. Such conditional release shall
14 be imposed for a period of 5 years as provided in paragraph (D)
15 of subsection (a-1) and shall be subject to later modification
16 by the Court as provided by this Section. If the Court finds
17 consistent with the provisions in this Section that the
18 defendant is in need of mental health services on an inpatient
19 basis, it shall order the facility director not to discharge or
20 release the defendant in accordance with paragraph (b) of this
21 Section.

22 (i) If within the period of the defendant's conditional
23 release the State's Attorney determines that the defendant has
24 not fulfilled the conditions of his or her release, the State's
25 Attorney may petition the Court to revoke or modify the
26 conditional release of the defendant. Upon the filing of such

1 petition the defendant may be remanded to the custody of the
2 Department, or to any other mental health facility designated
3 by the Department, pending the resolution of the petition.
4 Nothing in this Section shall prevent the emergency admission
5 of a defendant pursuant to Article VI of Chapter III of the
6 Mental Health and Developmental Disabilities Code or the
7 voluntary admission of the defendant pursuant to Article IV of
8 Chapter III of the Mental Health and Developmental Disabilities
9 Code. If the Court determines, after hearing evidence, that the
10 defendant has not fulfilled the conditions of release, the
11 Court shall order a hearing to be held consistent with the
12 provisions of paragraph (f) and (g) of this Section. At such
13 hearing, if the Court finds that the defendant is in need of
14 mental health services on an inpatient basis, it shall enter an
15 order remanding him or her to the Department of Human Services
16 or other facility. If the defendant is remanded to the
17 Department of Human Services, he or she shall be placed in a
18 secure setting unless the Court determines that there are
19 compelling reasons that such placement is not necessary. If the
20 Court finds that the defendant continues to be in need of
21 mental health services but not on an inpatient basis, it may
22 modify the conditions of the original release in order to
23 reasonably assure the defendant's satisfactory progress in
24 treatment and his or her safety and the safety of others in
25 accordance with the standards established in paragraph (D) of
26 subsection (a-1). Nothing in this Section shall limit a Court's

1 contempt powers or any other powers of a Court.

2 (j) An order of admission under this Section does not
3 affect the remedy of habeas corpus.

4 (k) In the event of a conflict between this Section and the
5 Mental Health and Developmental Disabilities Code or the Mental
6 Health and Developmental Disabilities Confidentiality Act, the
7 provisions of this Section shall govern.

8 (l) Public Act 90-593 shall apply to all persons who have
9 been found not guilty by reason of insanity and who are
10 presently committed to the Department of Mental Health and
11 Developmental Disabilities (now the Department of Human
12 Services).

13 (m) The Clerk of the Court shall transmit a certified copy
14 of the order of discharge or conditional release to the
15 Department of Human Services, to the sheriff of the county from
16 which the defendant was admitted, to the Illinois ~~Department of~~
17 State Police, to the proper law enforcement agency for the
18 municipality where the offense took place, and to the sheriff
19 of the county into which the defendant is conditionally
20 discharged. The Illinois ~~Department of~~ State Police shall
21 maintain a centralized record of discharged or conditionally
22 released defendants while they are under court supervision for
23 access and use of appropriate law enforcement agencies.

24 (n) The provisions in this Section which allow ~~allows~~ a
25 crime victim to make a written and oral statement do not apply
26 if the defendant was under 18 years of age at the time the

1 offense was committed.

2 (o) If any provision of this Section or its application to
3 any person or circumstance is held invalid, the invalidity of
4 that provision does not affect any other provision or
5 application of this Section that can be given effect without
6 the invalid provision or application.

7 (Source: P.A. 100-27, eff. 1-1-18; 100-424, eff. 1-1-18;
8 100-863, eff. 8-14-18; 100-961, eff. 1-1-19; 101-81, eff.
9 7-12-19; revised 9-24-19.)

10 (730 ILCS 5/5-4-3) (from Ch. 38, par. 1005-4-3)

11 Sec. 5-4-3. Specimens; genetic marker groups.

12 (a) Any person convicted of, found guilty under the
13 Juvenile Court Act of 1987 for, or who received a disposition
14 of court supervision for, a qualifying offense or attempt of a
15 qualifying offense, convicted or found guilty of any offense
16 classified as a felony under Illinois law, convicted or found
17 guilty of any offense requiring registration under the Sex
18 Offender Registration Act, found guilty or given supervision
19 for any offense classified as a felony under the Juvenile Court
20 Act of 1987, convicted or found guilty of, under the Juvenile
21 Court Act of 1987, any offense requiring registration under the
22 Sex Offender Registration Act, or institutionalized as a
23 sexually dangerous person under the Sexually Dangerous Persons
24 Act, or committed as a sexually violent person under the
25 Sexually Violent Persons Commitment Act shall, regardless of

1 the sentence or disposition imposed, be required to submit
2 specimens of blood, saliva, or tissue to the Illinois
3 ~~Department of~~ State Police in accordance with the provisions of
4 this Section, provided such person is:

5 (1) convicted of a qualifying offense or attempt of a
6 qualifying offense on or after July 1, 1990 and sentenced
7 to a term of imprisonment, periodic imprisonment, fine,
8 probation, conditional discharge or any other form of
9 sentence, or given a disposition of court supervision for
10 the offense;

11 (1.5) found guilty or given supervision under the
12 Juvenile Court Act of 1987 for a qualifying offense or
13 attempt of a qualifying offense on or after January 1,
14 1997;

15 (2) ordered institutionalized as a sexually dangerous
16 person on or after July 1, 1990;

17 (3) convicted of a qualifying offense or attempt of a
18 qualifying offense before July 1, 1990 and is presently
19 confined as a result of such conviction in any State
20 correctional facility or county jail or is presently
21 serving a sentence of probation, conditional discharge or
22 periodic imprisonment as a result of such conviction;

23 (3.5) convicted or found guilty of any offense
24 classified as a felony under Illinois law or found guilty
25 or given supervision for such an offense under the Juvenile
26 Court Act of 1987 on or after August 22, 2002;

1 (4) presently institutionalized as a sexually
2 dangerous person or presently institutionalized as a
3 person found guilty but mentally ill of a sexual offense or
4 attempt to commit a sexual offense; or

5 (4.5) ordered committed as a sexually violent person on
6 or after the effective date of the Sexually Violent Persons
7 Commitment Act.

8 (a-1) Any person incarcerated in a facility of the Illinois
9 Department of Corrections or the Illinois Department of
10 Juvenile Justice on or after August 22, 2002, whether for a
11 term of years, natural life, or a sentence of death, who has
12 not yet submitted a specimen of blood, saliva, or tissue shall
13 be required to submit a specimen of blood, saliva, or tissue
14 prior to his or her final discharge, or release on parole,
15 aftercare release, or mandatory supervised release, as a
16 condition of his or her parole, aftercare release, or mandatory
17 supervised release, or within 6 months from August 13, 2009
18 (the effective date of Public Act 96-426), whichever is sooner.
19 A person incarcerated on or after August 13, 2009 (the
20 effective date of Public Act 96-426) shall be required to
21 submit a specimen within 45 days of incarceration, or prior to
22 his or her final discharge, or release on parole, aftercare
23 release, or mandatory supervised release, as a condition of his
24 or her parole, aftercare release, or mandatory supervised
25 release, whichever is sooner. These specimens shall be placed
26 into the State or national DNA database, to be used in

1 accordance with other provisions of this Section, by the
2 Illinois State Police.

3 (a-2) Any person sentenced to life imprisonment in a
4 facility of the Illinois Department of Corrections after the
5 effective date of this amendatory Act of the 94th General
6 Assembly or sentenced to death after the effective date of this
7 amendatory Act of the 94th General Assembly shall be required
8 to provide a specimen of blood, saliva, or tissue within 45
9 days after sentencing or disposition at a collection site
10 designated by the Illinois ~~Department of~~ State Police. Any
11 person serving a sentence of life imprisonment in a facility of
12 the Illinois Department of Corrections on the effective date of
13 this amendatory Act of the 94th General Assembly or any person
14 who is under a sentence of death on the effective date of this
15 amendatory Act of the 94th General Assembly shall be required
16 to provide a specimen of blood, saliva, or tissue upon request
17 at a collection site designated by the Illinois ~~Department of~~
18 State Police.

19 (a-3) Any person seeking transfer to or residency in
20 Illinois under Sections 3-3-11.05 through 3-3-11.5 of this
21 Code, the Interstate Compact for Adult Offender Supervision, or
22 the Interstate Agreements on Sexually Dangerous Persons Act
23 shall be required to provide a specimen of blood, saliva, or
24 tissue within 45 days after transfer to or residency in
25 Illinois at a collection site designated by the Illinois
26 ~~Department of~~ State Police.

1 (a-3.1) Any person required by an order of the court to
2 submit a DNA specimen shall be required to provide a specimen
3 of blood, saliva, or tissue within 45 days after the court
4 order at a collection site designated by the Illinois
5 ~~Department of~~ State Police.

6 (a-3.2) On or after January 1, 2012 (the effective date of
7 Public Act 97-383), any person arrested for any of the
8 following offenses, after an indictment has been returned by a
9 grand jury, or following a hearing pursuant to Section 109-3 of
10 the Code of Criminal Procedure of 1963 and a judge finds there
11 is probable cause to believe the arrestee has committed one of
12 the designated offenses, or an arrestee has waived a
13 preliminary hearing shall be required to provide a specimen of
14 blood, saliva, or tissue within 14 days after such indictment
15 or hearing at a collection site designated by the Illinois
16 ~~Department of~~ State Police:

- 17 (A) first degree murder;
18 (B) home invasion;
19 (C) predatory criminal sexual assault of a child;
20 (D) aggravated criminal sexual assault; or
21 (E) criminal sexual assault.

22 (a-3.3) Any person required to register as a sex offender
23 under the Sex Offender Registration Act, regardless of the date
24 of conviction as set forth in subsection (c-5.2) shall be
25 required to provide a specimen of blood, saliva, or tissue
26 within the time period prescribed in subsection (c-5.2) at a

1 collection site designated by the Illinois ~~Department of~~ State
2 Police.

3 (a-5) Any person who was otherwise convicted of or received
4 a disposition of court supervision for any other offense under
5 the Criminal Code of 1961 or the Criminal Code of 2012 or who
6 was found guilty or given supervision for such a violation
7 under the Juvenile Court Act of 1987, may, regardless of the
8 sentence imposed, be required by an order of the court to
9 submit specimens of blood, saliva, or tissue to the Illinois
10 ~~Department of~~ State Police in accordance with the provisions of
11 this Section.

12 (b) Any person required by paragraphs (a) (1), (a) (1.5),
13 (a) (2), (a) (3.5), and (a-5) to provide specimens of blood,
14 saliva, or tissue shall provide specimens of blood, saliva, or
15 tissue within 45 days after sentencing or disposition at a
16 collection site designated by the Illinois ~~Department of~~ State
17 Police.

18 (c) Any person required by paragraphs (a) (3), (a) (4), and
19 (a) (4.5) to provide specimens of blood, saliva, or tissue shall
20 be required to provide such specimens prior to final discharge
21 or within 6 months from August 13, 2009 (the effective date of
22 Public Act 96-426), whichever is sooner. These specimens shall
23 be placed into the State or national DNA database, to be used
24 in accordance with other provisions of this Act, by the
25 Illinois State Police.

26 (c-5) Any person required by paragraph (a-3) to provide

1 specimens of blood, saliva, or tissue shall, where feasible, be
2 required to provide the specimens before being accepted for
3 conditioned residency in Illinois under the interstate compact
4 or agreement, but no later than 45 days after arrival in this
5 State.

6 (c-5.2) Unless it is determined that a registered sex
7 offender has previously submitted a specimen of blood, saliva,
8 or tissue that has been placed into the State DNA database, a
9 person registering as a sex offender shall be required to
10 submit a specimen at the time of his or her initial
11 registration pursuant to the Sex Offender Registration Act or,
12 for a person registered as a sex offender on or prior to
13 January 1, 2012 (the effective date of Public Act 97-383),
14 within one year of January 1, 2012 (the effective date of
15 Public Act 97-383) or at the time of his or her next required
16 registration.

17 (c-6) The Illinois ~~Department of~~ State Police may determine
18 which type of specimen or specimens, blood, saliva, or tissue,
19 is acceptable for submission to the Division of Forensic
20 Services for analysis. The Illinois ~~Department of~~ State Police
21 may require the submission of fingerprints from anyone required
22 to give a specimen under this Act.

23 (d) The Illinois ~~Department of~~ State Police shall provide
24 all equipment and instructions necessary for the collection of
25 blood specimens. The collection of specimens shall be performed
26 in a medically approved manner. Only a physician authorized to

1 practice medicine, a registered nurse or other qualified person
2 trained in venipuncture may withdraw blood for the purposes of
3 this Act. The specimens shall thereafter be forwarded to the
4 Illinois ~~Department of~~ State Police, Division of Forensic
5 Services, for analysis and categorizing into genetic marker
6 groupings.

7 (d-1) The Illinois ~~Department of~~ State Police shall provide
8 all equipment and instructions necessary for the collection of
9 saliva specimens. The collection of saliva specimens shall be
10 performed in a medically approved manner. Only a person trained
11 in the instructions promulgated by the Illinois State Police on
12 collecting saliva may collect saliva for the purposes of this
13 Section. The specimens shall thereafter be forwarded to the
14 Illinois ~~Department of~~ State Police, Division of Forensic
15 Services, for analysis and categorizing into genetic marker
16 groupings.

17 (d-2) The Illinois ~~Department of~~ State Police shall provide
18 all equipment and instructions necessary for the collection of
19 tissue specimens. The collection of tissue specimens shall be
20 performed in a medically approved manner. Only a person trained
21 in the instructions promulgated by the Illinois State Police on
22 collecting tissue may collect tissue for the purposes of this
23 Section. The specimens shall thereafter be forwarded to the
24 Illinois ~~Department of~~ State Police, Division of Forensic
25 Services, for analysis and categorizing into genetic marker
26 groupings.

1 (d-5) To the extent that funds are available, the Illinois
2 ~~Department of~~ State Police shall contract with qualified
3 personnel and certified laboratories for the collection,
4 analysis, and categorization of known specimens, except as
5 provided in subsection (n) of this Section.

6 (d-6) Agencies designated by the Illinois ~~Department of~~
7 State Police and the Illinois ~~Department of~~ State Police may
8 contract with third parties to provide for the collection or
9 analysis of DNA, or both, of an offender's blood, saliva, and
10 tissue specimens, except as provided in subsection (n) of this
11 Section.

12 (e) The genetic marker groupings shall be maintained by the
13 Illinois ~~Department of~~ State Police, Division of Forensic
14 Services.

15 (f) The genetic marker grouping analysis information
16 obtained pursuant to this Act shall be confidential and shall
17 be released only to peace officers of the United States, of
18 other states or territories, of the insular possessions of the
19 United States, of foreign countries duly authorized to receive
20 the same, to all peace officers of the State of Illinois and to
21 all prosecutorial agencies, and to defense counsel as provided
22 by Section 116-5 of the Code of Criminal Procedure of 1963. The
23 genetic marker grouping analysis information obtained pursuant
24 to this Act shall be used only for (i) valid law enforcement
25 identification purposes and as required by the Federal Bureau
26 of Investigation for participation in the National DNA

1 database, (ii) technology validation purposes, (iii) a
2 population statistics database, (iv) quality assurance
3 purposes if personally identifying information is removed, (v)
4 assisting in the defense of the criminally accused pursuant to
5 Section 116-5 of the Code of Criminal Procedure of 1963, or
6 (vi) identifying and assisting in the prosecution of a person
7 who is suspected of committing a sexual assault as defined in
8 Section 1a of the Sexual Assault Survivors Emergency Treatment
9 Act. Notwithstanding any other statutory provision to the
10 contrary, all information obtained under this Section shall be
11 maintained in a single State data base, which may be uploaded
12 into a national database, and which information may be subject
13 to expungement only as set forth in subsection (f-1).

14 (f-1) Upon receipt of notification of a reversal of a
15 conviction based on actual innocence, or of the granting of a
16 pardon pursuant to Section 12 of Article V of the Illinois
17 Constitution, if that pardon document specifically states that
18 the reason for the pardon is the actual innocence of an
19 individual whose DNA record has been stored in the State or
20 national DNA identification index in accordance with this
21 Section by the Illinois ~~Department of~~ State Police, the DNA
22 record shall be expunged from the DNA identification index, and
23 the Department shall by rule prescribe procedures to ensure
24 that the record and any specimens, analyses, or other documents
25 relating to such record, whether in the possession of the
26 Department or any law enforcement or police agency, or any

1 forensic DNA laboratory, including any duplicates or copies
2 thereof, are destroyed and a letter is sent to the court
3 verifying the expungement is completed. For specimens required
4 to be collected prior to conviction, unless the individual has
5 other charges or convictions that require submission of a
6 specimen, the DNA record for an individual shall be expunged
7 from the DNA identification databases and the specimen
8 destroyed upon receipt of a certified copy of a final court
9 order for each charge against an individual in which the charge
10 has been dismissed, resulted in acquittal, or that the charge
11 was not filed within the applicable time period. The Department
12 shall by rule prescribe procedures to ensure that the record
13 and any specimens in the possession or control of the
14 Department are destroyed and a letter is sent to the court
15 verifying the expungement is completed.

16 (f-5) Any person who intentionally uses genetic marker
17 grouping analysis information, or any other information
18 derived from a DNA specimen, beyond the authorized uses as
19 provided under this Section, or any other Illinois law, is
20 guilty of a Class 4 felony, and shall be subject to a fine of
21 not less than \$5,000.

22 (f-6) The Illinois ~~Department of~~ State Police may contract
23 with third parties for the purposes of implementing this
24 amendatory Act of the 93rd General Assembly, except as provided
25 in subsection (n) of this Section. Any other party contracting
26 to carry out the functions of this Section shall be subject to

1 the same restrictions and requirements of this Section insofar
2 as applicable, as the Illinois ~~Department of~~ State Police, and
3 to any additional restrictions imposed by the Illinois
4 ~~Department of~~ State Police.

5 (g) For the purposes of this Section, "qualifying offense"
6 means any of the following:

7 (1) any violation or inchoate violation of Section
8 11-1.50, 11-1.60, 11-6, 11-9.1, 11-11, 11-18.1, 12-15, or
9 12-16 of the Criminal Code of 1961 or the Criminal Code of
10 2012;

11 (1.1) any violation or inchoate violation of Section
12 9-1, 9-2, 10-1, 10-2, 12-11, 12-11.1, 18-1, 18-2, 18-3,
13 18-4, 18-6, 19-1, 19-2, or 19-6 of the Criminal Code of
14 1961 or the Criminal Code of 2012 for which persons are
15 convicted on or after July 1, 2001;

16 (2) any former statute of this State which defined a
17 felony sexual offense;

18 (3) (blank);

19 (4) any inchoate violation of Section 9-3.1, 9-3.4,
20 11-9.3, 12-7.3, or 12-7.4 of the Criminal Code of 1961 or
21 the Criminal Code of 2012; or

22 (5) any violation or inchoate violation of Article 29D
23 of the Criminal Code of 1961 or the Criminal Code of 2012.

24 (g-5) (Blank).

25 (h) The Illinois ~~Department of~~ State Police shall be the
26 State central repository for all genetic marker grouping

1 analysis information obtained pursuant to this Act. The
2 Illinois ~~Department of~~ State Police may promulgate rules for
3 the form and manner of the collection of blood, saliva, or
4 tissue specimens and other procedures for the operation of this
5 Act. The provisions of the Administrative Review Law shall
6 apply to all actions taken under the rules so promulgated.

7 (i) (1) A person required to provide a blood, saliva, or
8 tissue specimen shall cooperate with the collection of the
9 specimen and any deliberate act by that person intended to
10 impede, delay or stop the collection of the blood, saliva,
11 or tissue specimen is a Class 4 felony.

12 (2) In the event that a person's DNA specimen is not
13 adequate for any reason, the person shall provide another
14 DNA specimen for analysis. Duly authorized law enforcement
15 and corrections personnel may employ reasonable force in
16 cases in which an individual refuses to provide a DNA
17 specimen required under this Act.

18 (j) (Blank).

19 (k) All analysis and categorization assessments provided
20 under the Criminal and Traffic Assessments Act to the State
21 Offender DNA Identification System Fund shall be regulated as
22 follows:

23 (1) The State Offender DNA Identification System Fund
24 is hereby created as a special fund in the State Treasury.

25 (2) (Blank).

26 (3) Moneys deposited into the State Offender DNA

1 Identification System Fund shall be used by Illinois State
2 Police crime laboratories as designated by the Director of
3 the Illinois State Police. These funds shall be in addition
4 to any allocations made pursuant to existing laws and shall
5 be designated for the exclusive use of State crime
6 laboratories. These uses may include, but are not limited
7 to, the following:

8 (A) Costs incurred in providing analysis and
9 genetic marker categorization as required by
10 subsection (d).

11 (B) Costs incurred in maintaining genetic marker
12 groupings as required by subsection (e).

13 (C) Costs incurred in the purchase and maintenance
14 of equipment for use in performing analyses.

15 (D) Costs incurred in continuing research and
16 development of new techniques for analysis and genetic
17 marker categorization.

18 (E) Costs incurred in continuing education,
19 training, and professional development of forensic
20 scientists regularly employed by these laboratories.

21 (1) The failure of a person to provide a specimen, or of
22 any person or agency to collect a specimen, shall in no way
23 alter the obligation of the person to submit such specimen, or
24 the authority of the Illinois ~~Department of~~ State Police or
25 persons designated by the Department to collect the specimen,
26 or the authority of the Illinois ~~Department of~~ State Police to

1 accept, analyze and maintain the specimen or to maintain or
2 upload results of genetic marker grouping analysis information
3 into a State or national database.

4 (m) If any provision of this amendatory Act of the 93rd
5 General Assembly is held unconstitutional or otherwise
6 invalid, the remainder of this amendatory Act of the 93rd
7 General Assembly is not affected.

8 (n) Neither the Illinois ~~Department of~~ State Police, the
9 Division of Forensic Services, nor any laboratory of the
10 Division of Forensic Services may contract out forensic testing
11 for the purpose of an active investigation or a matter pending
12 before a court of competent jurisdiction without the written
13 consent of the prosecuting agency. For the purposes of this
14 subsection (n), "forensic testing" includes the analysis of
15 physical evidence in an investigation or other proceeding for
16 the prosecution of a violation of the Criminal Code of 1961 or
17 the Criminal Code of 2012 or for matters adjudicated under the
18 Juvenile Court Act of 1987, and includes the use of forensic
19 databases and databanks, including DNA, firearm, and
20 fingerprint databases, and expert testimony.

21 (o) Mistake does not invalidate a database match. The
22 detention, arrest, or conviction of a person based upon a
23 database match or database information is not invalidated if it
24 is determined that the specimen was obtained or placed in the
25 database by mistake.

26 (p) This Section may be referred to as the Illinois DNA

1 Database Law of 2011.

2 (Source: P.A. 100-987, eff. 7-1-19.)

3 (730 ILCS 5/5-4-3a)

4 Sec. 5-4-3a. DNA testing backlog accountability.

5 (a) On or before August 1 of each year, the Illinois
6 ~~Department of~~ State Police shall report to the Governor and
7 both houses of the General Assembly the following information:

8 (1) the extent of the backlog of cases awaiting testing
9 or awaiting DNA analysis by that Department, including but
10 not limited to those tests conducted under Section 5-4-3,
11 as of June 30 of the previous fiscal year, with the backlog
12 being defined as all cases awaiting forensic testing
13 whether in the physical custody of the Illinois State
14 Police or in the physical custody of local law enforcement,
15 provided that the Illinois State Police have written notice
16 of any evidence in the physical custody of local law
17 enforcement prior to June 1 of that year; and

18 (2) what measures have been and are being taken to
19 reduce that backlog and the estimated costs or expenditures
20 in doing so.

21 (b) The information reported under this Section shall be
22 made available to the public, at the time it is reported, on
23 the official web site of the Illinois ~~Department of~~ State
24 Police.

25 (c) Beginning January 1, 2016, the Illinois ~~Department of~~

1 State Police shall quarterly report on the status of the
2 processing of forensic biology and DNA evidence submitted to
3 the Illinois ~~Department of~~ State Police Laboratory for
4 analysis. The report shall be submitted to the Governor and the
5 General Assembly, and shall be posted on the Illinois
6 ~~Department of~~ State Police website. The report shall include
7 the following for each Illinois State Police Laboratory
8 location and any laboratory to which the Illinois ~~Department of~~
9 State Police has outsourced evidence for testing:

10 (1) For forensic biology submissions, report both
11 total case and sexual assault or abuse case (as defined by
12 the Sexual Assault Evidence Submission Act) figures for:

13 (A) The number of cases received in the preceding
14 quarter.

15 (B) The number of cases completed in the preceding
16 quarter.

17 (C) The number of cases waiting analysis.

18 (D) The number of cases sent for outsourcing.

19 (E) The number of cases waiting analysis that were
20 received within the past 30 days.

21 (F) The number of cases waiting analysis that were
22 received 31 to 90 days prior.

23 (G) The number of cases waiting analysis that were
24 received 91 to 180 days prior.

25 (H) The number of cases waiting analysis that were
26 received 181 to 365 days prior.

1 (I) The number of cases waiting analysis that were
2 received more than 365 days prior.

3 (J) The number of cases forwarded for DNA analyses.

4 (2) For DNA submissions, report both total case and
5 sexual assault or abuse case (as defined by the Sexual
6 Assault Evidence Submission Act) figures for:

7 (A) The number of cases received in the preceding
8 quarter.

9 (B) The number of cases completed in the preceding
10 quarter.

11 (C) The number of cases waiting analysis.

12 (D) The number of cases sent for outsourcing.

13 (E) The number of cases waiting analysis that were
14 received within the past 30 days.

15 (F) The number of cases waiting analysis that were
16 received 31 to 90 days prior.

17 (G) The number of cases waiting analysis that were
18 received 91 to 180 days prior.

19 (H) The number of cases waiting analysis that were
20 received 181 to 365 days prior.

21 (I) The number of cases waiting analysis that were
22 received more than 365 days prior.

23 (3) For all other categories of testing (e.g., drug
24 chemistry, firearms/toolmark, footwear/tire track, latent
25 prints, toxicology, and trace chemistry analysis):

26 (A) The number of cases received in the preceding

1 quarter.

2 (B) The number of cases completed in the preceding
3 quarter.

4 (C) The number of cases waiting analysis.

5 (4) For the Combined DNA Index System (CODIS), report
6 both total case and sexual assault or abuse case (as
7 defined by the Sexual Assault Evidence Submission Act)
8 figures for subparagraphs (D), (E), and (F) of this
9 paragraph (4):

10 (A) The number of new offender samples received in
11 the preceding quarter.

12 (B) The number of offender samples uploaded to
13 CODIS in the preceding quarter.

14 (C) The number of offender samples awaiting
15 analysis.

16 (D) The number of unknown DNA case profiles
17 uploaded to CODIS in the preceding quarter.

18 (E) The number of CODIS hits in the preceding
19 quarter.

20 (F) The number of forensic evidence submissions
21 submitted to confirm a previously reported CODIS hit.

22 (5) For each category of testing, report the number of
23 trained forensic scientists and the number of forensic
24 scientists in training.

25 As used in this subsection (c), "completed" means
26 completion of both the analysis of the evidence and the

1 provision of the results to the submitting law enforcement
2 agency.

3 (d) The provisions of this subsection (d), other than this
4 sentence, are inoperative on and after January 1, 2019 or 2
5 years after the effective date of this amendatory Act of the
6 99th General Assembly, whichever is later. In consultation with
7 and subject to the approval of the Chief Procurement Officer,
8 the Illinois ~~Department of~~ State Police may obtain contracts
9 for services, commodities, and equipment to assist in the
10 timely completion of forensic biology, DNA, drug chemistry,
11 firearms/toolmark, footwear/tire track, latent prints,
12 toxicology, microscopy, trace chemistry, and Combined DNA
13 Index System (CODIS) analysis. Contracts to support the
14 delivery of timely forensic science services are not subject to
15 the provisions of the Illinois Procurement Code, except for
16 Sections 20-60, 20-65, 20-70, and 20-160 and Article 50 of that
17 Code, provided that the Chief Procurement Officer may, in
18 writing with justification, waive any certification required
19 under Article 50 of the Illinois Procurement Code. For any
20 contracts for services which are currently provided by members
21 of a collective bargaining agreement, the applicable terms of
22 the collective bargaining agreement concerning subcontracting
23 shall be followed.

24 (Source: P.A. 99-352, eff. 1-1-16; 99-801, eff. 1-1-17.)

1 Sec. 5-4-3b. Electronic Laboratory Information Management
2 System.

3 (a) The Illinois ~~Department of~~ State Police shall obtain,
4 implement, and maintain an Electronic Laboratory Information
5 Management System (LIMS) to efficiently and effectively track
6 all evidence submitted for forensic testing. At a minimum, the
7 LIMS shall record:

8 (1) the criminal offense or suspected criminal offense
9 for which the evidence is being submitted;

10 (2) the law enforcement agency submitting the
11 evidence;

12 (3) the name of the victim;

13 (4) the law enforcement agency case number;

14 (5) the Illinois State Police Laboratory case number;

15 (6) the date the evidence was received by the Illinois
16 State Police Laboratory;

17 (7) if the Illinois State Police Laboratory sent the
18 evidence for analysis to another designated laboratory,
19 the name of the laboratory and the date the evidence was
20 sent to that laboratory; and

21 (8) the date and description of any results or
22 information regarding the analysis sent to the submitting
23 law enforcement agency by the Illinois State Police
24 Laboratory or any other designated laboratory.

25 The LIMS shall also link multiple forensic evidence
26 submissions pertaining to a single criminal investigation such

1 that evidence submitted to confirm a previously reported
2 Combined DNA Index System (CODIS) hit in a State or federal
3 database can be linked to the initial evidence submission. The
4 LIMS shall be such that the system provides ease of
5 interoperability with law enforcement agencies for evidence
6 submission and reporting, as well as supports expansion
7 capabilities for future internal networking and laboratory
8 operations.

9 (b) The Illinois ~~Department~~ of State Police, in
10 consultation with and subject to the approval of the Chief
11 Procurement Officer, may procure a single contract or multiple
12 contracts to implement the provisions of this Section. A
13 contract or contracts under this subsection are not subject to
14 the provisions of the Illinois Procurement Code, except for
15 Sections 20-60, 20-65, 20-70, and 20-160 and Article 50 of that
16 Code, provided that the Chief Procurement Officer may, in
17 writing with justification, waive any certification required
18 under Article 50 of the Illinois Procurement Code. This
19 exemption is inoperative 2 years from January 1, 2016 (the
20 effective date of Public Act 99-352).

21 (Source: P.A. 99-352, eff. 1-1-16; 99-642, eff. 7-28-16.)

22 (730 ILCS 5/5-5-4) (from Ch. 38, par. 1005-5-4)

23 Sec. 5-5-4. Resentences.

24 (a) Where a conviction or sentence has been set aside on
25 direct review or on collateral attack, the court shall not

1 impose a new sentence for the same offense or for a different
2 offense based on the same conduct which is more severe than the
3 prior sentence less the portion of the prior sentence
4 previously satisfied unless the more severe sentence is based
5 upon conduct on the part of the defendant occurring after the
6 original sentencing. If a sentence is vacated on appeal or on
7 collateral attack due to the failure of the trier of fact at
8 trial to determine beyond a reasonable doubt the existence of a
9 fact (other than a prior conviction) necessary to increase the
10 punishment for the offense beyond the statutory maximum
11 otherwise applicable, either the defendant may be re-sentenced
12 to a term within the range otherwise provided or, if the State
13 files notice of its intention to again seek the extended
14 sentence, the defendant shall be afforded a new trial.

15 (b) If a conviction or sentence has been set aside on
16 direct review or on collateral attack and the court determines
17 by clear and convincing evidence that the defendant was
18 factually innocent of the charge, the court shall enter an
19 order expunging the record of arrest from the official records
20 of the arresting authority and order that the records of the
21 clerk of the circuit court and Illinois ~~Department of~~ State
22 Police be sealed until further order of the court upon good
23 cause shown or as otherwise provided herein, and the name of
24 the defendant obliterated from the official index requested to
25 be kept by the circuit court clerk under Section 16 of the
26 Clerks of Courts Act in connection with the arrest and

1 conviction for the offense but the order shall not affect any
2 index issued by the circuit court clerk before the entry of the
3 order. The court shall enter the expungement order regardless
4 of whether the defendant has prior criminal convictions.

5 All records sealed by the Illinois ~~Department of~~ State
6 Police may be disseminated by the Department only as required
7 by law or to the arresting authority, the State's Attorney, the
8 court upon a later arrest for the same or similar offense, or
9 for the purpose of sentencing for any subsequent felony. Upon
10 conviction for any subsequent offense, the Department of
11 Corrections shall have access to all sealed records of the
12 Department pertaining to that individual.

13 Upon entry of the order of expungement, the clerk of the
14 circuit court shall promptly mail a copy of the order to the
15 person whose records were expunged and sealed.

16 (c) If a conviction has been vacated as a result of a claim
17 of actual innocence based on newly discovered evidence made
18 under Section 122-1 of the Code of Criminal Procedure of 1963
19 or Section 2-1401 of the Code of Civil Procedure, and the
20 provisions of paragraphs (1) and (2) of subsection (g) of
21 Section 2-702 of the Code of Civil Procedure are otherwise
22 satisfied, the court shall enter an order for a certificate of
23 innocence and an order expunging the conviction for which the
24 petitioner has been determined to be innocent as provided in
25 subsection (h) of Section 2-702 of the Code of Civil Procedure.

26 (Source: P.A. 98-133, eff. 1-1-14.)

1 (730 ILCS 5/5-5.5-40)

2 Sec. 5-5.5-40. Forms and filing.

3 (a) All applications, certificates, and orders of
4 revocation necessary for the purposes of this Article shall be
5 upon forms prescribed by the Chief Justice of the Supreme Court
6 or his or her designee. The forms relating to certificates of
7 relief from disabilities and certificates of good conduct shall
8 be distributed by the Director of the Division of Probation
9 Services.

10 (b) Any court or board issuing or revoking any certificate
11 under this Article shall immediately file a copy of the
12 certificate or of the order of revocation with the Director of
13 the Illinois State Police.

14 (Source: P.A. 96-852, eff. 1-1-10.)

15 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

16 Sec. 5-6-3. Conditions of probation and of conditional
17 discharge.

18 (a) The conditions of probation and of conditional
19 discharge shall be that the person:

20 (1) not violate any criminal statute of any
21 jurisdiction;

22 (2) report to or appear in person before such person or
23 agency as directed by the court;

24 (3) refrain from possessing a firearm or other

1 dangerous weapon where the offense is a felony or, if a
2 misdemeanor, the offense involved the intentional or
3 knowing infliction of bodily harm or threat of bodily harm;

4 (4) not leave the State without the consent of the
5 court or, in circumstances in which the reason for the
6 absence is of such an emergency nature that prior consent
7 by the court is not possible, without the prior
8 notification and approval of the person's probation
9 officer. Transfer of a person's probation or conditional
10 discharge supervision to another state is subject to
11 acceptance by the other state pursuant to the Interstate
12 Compact for Adult Offender Supervision;

13 (5) permit the probation officer to visit him at his
14 home or elsewhere to the extent necessary to discharge his
15 duties;

16 (6) perform no less than 30 hours of community service
17 and not more than 120 hours of community service, if
18 community service is available in the jurisdiction and is
19 funded and approved by the county board where the offense
20 was committed, where the offense was related to or in
21 furtherance of the criminal activities of an organized gang
22 and was motivated by the offender's membership in or
23 allegiance to an organized gang. The community service
24 shall include, but not be limited to, the cleanup and
25 repair of any damage caused by a violation of Section
26 21-1.3 of the Criminal Code of 1961 or the Criminal Code of

1 2012 and similar damage to property located within the
2 municipality or county in which the violation occurred.
3 When possible and reasonable, the community service should
4 be performed in the offender's neighborhood. For purposes
5 of this Section, "organized gang" has the meaning ascribed
6 to it in Section 10 of the Illinois Streetgang Terrorism
7 Omnibus Prevention Act. The court may give credit toward
8 the fulfillment of community service hours for
9 participation in activities and treatment as determined by
10 court services;

11 (7) if he or she is at least 17 years of age and has
12 been sentenced to probation or conditional discharge for a
13 misdemeanor or felony in a county of 3,000,000 or more
14 inhabitants and has not been previously convicted of a
15 misdemeanor or felony, may be required by the sentencing
16 court to attend educational courses designed to prepare the
17 defendant for a high school diploma and to work toward a
18 high school diploma or to work toward passing high school
19 equivalency testing or to work toward completing a
20 vocational training program approved by the court. The
21 person on probation or conditional discharge must attend a
22 public institution of education to obtain the educational
23 or vocational training required by this paragraph (7). The
24 court shall revoke the probation or conditional discharge
25 of a person who willfully ~~wilfully~~ fails to comply with
26 this paragraph (7). The person on probation or conditional

1 discharge shall be required to pay for the cost of the
2 educational courses or high school equivalency testing if a
3 fee is charged for those courses or testing. The court
4 shall resentence the offender whose probation or
5 conditional discharge has been revoked as provided in
6 Section 5-6-4. This paragraph (7) does not apply to a
7 person who has a high school diploma or has successfully
8 passed high school equivalency testing. This paragraph (7)
9 does not apply to a person who is determined by the court
10 to be a person with a developmental disability or otherwise
11 mentally incapable of completing the educational or
12 vocational program;

13 (8) if convicted of possession of a substance
14 prohibited by the Cannabis Control Act, the Illinois
15 Controlled Substances Act, or the Methamphetamine Control
16 and Community Protection Act after a previous conviction or
17 disposition of supervision for possession of a substance
18 prohibited by the Cannabis Control Act or Illinois
19 Controlled Substances Act or after a sentence of probation
20 under Section 10 of the Cannabis Control Act, Section 410
21 of the Illinois Controlled Substances Act, or Section 70 of
22 the Methamphetamine Control and Community Protection Act
23 and upon a finding by the court that the person is
24 addicted, undergo treatment at a substance abuse program
25 approved by the court;

26 (8.5) if convicted of a felony sex offense as defined

1 in the Sex Offender Management Board Act, the person shall
2 undergo and successfully complete sex offender treatment
3 by a treatment provider approved by the Board and conducted
4 in conformance with the standards developed under the Sex
5 Offender Management Board Act;

6 (8.6) if convicted of a sex offense as defined in the
7 Sex Offender Management Board Act, refrain from residing at
8 the same address or in the same condominium unit or
9 apartment unit or in the same condominium complex or
10 apartment complex with another person he or she knows or
11 reasonably should know is a convicted sex offender or has
12 been placed on supervision for a sex offense; the
13 provisions of this paragraph do not apply to a person
14 convicted of a sex offense who is placed in a Department of
15 Corrections licensed transitional housing facility for sex
16 offenders;

17 (8.7) if convicted for an offense committed on or after
18 June 1, 2008 (the effective date of Public Act 95-464) that
19 would qualify the accused as a child sex offender as
20 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
21 1961 or the Criminal Code of 2012, refrain from
22 communicating with or contacting, by means of the Internet,
23 a person who is not related to the accused and whom the
24 accused reasonably believes to be under 18 years of age;
25 for purposes of this paragraph (8.7), "Internet" has the
26 meaning ascribed to it in Section 16-0.1 of the Criminal

1 Code of 2012; and a person is not related to the accused if
2 the person is not: (i) the spouse, brother, or sister of
3 the accused; (ii) a descendant of the accused; (iii) a
4 first or second cousin of the accused; or (iv) a step-child
5 or adopted child of the accused;

6 (8.8) if convicted for an offense under Section 11-6,
7 11-9.1, 11-14.4 that involves soliciting for a juvenile
8 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
9 of the Criminal Code of 1961 or the Criminal Code of 2012,
10 or any attempt to commit any of these offenses, committed
11 on or after June 1, 2009 (the effective date of Public Act
12 95-983):

13 (i) not access or use a computer or any other
14 device with Internet capability without the prior
15 written approval of the offender's probation officer,
16 except in connection with the offender's employment or
17 search for employment with the prior approval of the
18 offender's probation officer;

19 (ii) submit to periodic unannounced examinations
20 of the offender's computer or any other device with
21 Internet capability by the offender's probation
22 officer, a law enforcement officer, or assigned
23 computer or information technology specialist,
24 including the retrieval and copying of all data from
25 the computer or device and any internal or external
26 peripherals and removal of such information,

1 equipment, or device to conduct a more thorough
2 inspection;

3 (iii) submit to the installation on the offender's
4 computer or device with Internet capability, at the
5 offender's expense, of one or more hardware or software
6 systems to monitor the Internet use; and

7 (iv) submit to any other appropriate restrictions
8 concerning the offender's use of or access to a
9 computer or any other device with Internet capability
10 imposed by the offender's probation officer;

11 (8.9) if convicted of a sex offense as defined in the
12 Sex Offender Registration Act committed on or after January
13 1, 2010 (the effective date of Public Act 96-262), refrain
14 from accessing or using a social networking website as
15 defined in Section 17-0.5 of the Criminal Code of 2012;

16 (9) if convicted of a felony or of any misdemeanor
17 violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or
18 12-3.5 of the Criminal Code of 1961 or the Criminal Code of
19 2012 that was determined, pursuant to Section 112A-11.1 of
20 the Code of Criminal Procedure of 1963, to trigger the
21 prohibitions of 18 U.S.C. 922(g)(9), physically surrender
22 at a time and place designated by the court, his or her
23 Firearm Owner's Identification Card and any and all
24 firearms in his or her possession. The Court shall return
25 to the Illinois ~~Department of~~ State Police Firearm Owner's
26 Identification Card Office the person's Firearm Owner's

1 Identification Card;

2 (10) if convicted of a sex offense as defined in
3 subsection (a-5) of Section 3-1-2 of this Code, unless the
4 offender is a parent or guardian of the person under 18
5 years of age present in the home and no non-familial minors
6 are present, not participate in a holiday event involving
7 children under 18 years of age, such as distributing candy
8 or other items to children on Halloween, wearing a Santa
9 Claus costume on or preceding Christmas, being employed as
10 a department store Santa Claus, or wearing an Easter Bunny
11 costume on or preceding Easter;

12 (11) if convicted of a sex offense as defined in
13 Section 2 of the Sex Offender Registration Act committed on
14 or after January 1, 2010 (the effective date of Public Act
15 96-362) that requires the person to register as a sex
16 offender under that Act, may not knowingly use any computer
17 scrub software on any computer that the sex offender uses;

18 (12) if convicted of a violation of the Methamphetamine
19 Control and Community Protection Act, the Methamphetamine
20 Precursor Control Act, or a methamphetamine related
21 offense:

22 (A) prohibited from purchasing, possessing, or
23 having under his or her control any product containing
24 pseudoephedrine unless prescribed by a physician; and

25 (B) prohibited from purchasing, possessing, or
26 having under his or her control any product containing

1 ammonium nitrate; and

2 (13) if convicted of a hate crime involving the
3 protected class identified in subsection (a) of Section
4 12-7.1 of the Criminal Code of 2012 that gave rise to the
5 offense the offender committed, perform public or
6 community service of no less than 200 hours and enroll in
7 an educational program discouraging hate crimes that
8 includes racial, ethnic, and cultural sensitivity training
9 ordered by the court.

10 (b) The Court may in addition to other reasonable
11 conditions relating to the nature of the offense or the
12 rehabilitation of the defendant as determined for each
13 defendant in the proper discretion of the Court require that
14 the person:

15 (1) serve a term of periodic imprisonment under Article
16 7 for a period not to exceed that specified in paragraph
17 (d) of Section 5-7-1;

18 (2) pay a fine and costs;

19 (3) work or pursue a course of study or vocational
20 training;

21 (4) undergo medical, psychological or psychiatric
22 treatment; or treatment for drug addiction or alcoholism;

23 (5) attend or reside in a facility established for the
24 instruction or residence of defendants on probation;

25 (6) support his dependents;

26 (7) and in addition, if a minor:

- 1 (i) reside with his parents or in a foster home;
- 2 (ii) attend school;
- 3 (iii) attend a non-residential program for youth;
- 4 (iv) contribute to his own support at home or in a
5 foster home;
- 6 (v) with the consent of the superintendent of the
7 facility, attend an educational program at a facility
8 other than the school in which the offense was
9 committed if he or she is convicted of a crime of
10 violence as defined in Section 2 of the Crime Victims
11 Compensation Act committed in a school, on the real
12 property comprising a school, or within 1,000 feet of
13 the real property comprising a school;
- 14 (8) make restitution as provided in Section 5-5-6 of
15 this Code;
- 16 (9) perform some reasonable public or community
17 service;
- 18 (10) serve a term of home confinement. In addition to
19 any other applicable condition of probation or conditional
20 discharge, the conditions of home confinement shall be that
21 the offender:
- 22 (i) remain within the interior premises of the
23 place designated for his confinement during the hours
24 designated by the court;
- 25 (ii) admit any person or agent designated by the
26 court into the offender's place of confinement at any

1 time for purposes of verifying the offender's
2 compliance with the conditions of his confinement; and

3 (iii) if further deemed necessary by the court or
4 the Probation or Court Services Department, be placed
5 on an approved electronic monitoring device, subject
6 to Article 8A of Chapter V;

7 (iv) for persons convicted of any alcohol,
8 cannabis or controlled substance violation who are
9 placed on an approved monitoring device as a condition
10 of probation or conditional discharge, the court shall
11 impose a reasonable fee for each day of the use of the
12 device, as established by the county board in
13 subsection (g) of this Section, unless after
14 determining the inability of the offender to pay the
15 fee, the court assesses a lesser fee or no fee as the
16 case may be. This fee shall be imposed in addition to
17 the fees imposed under subsections (g) and (i) of this
18 Section. The fee shall be collected by the clerk of the
19 circuit court, except as provided in an administrative
20 order of the Chief Judge of the circuit court. The
21 clerk of the circuit court shall pay all monies
22 collected from this fee to the county treasurer for
23 deposit in the substance abuse services fund under
24 Section 5-1086.1 of the Counties Code, except as
25 provided in an administrative order of the Chief Judge
26 of the circuit court.

1 The Chief Judge of the circuit court of the county
2 may by administrative order establish a program for
3 electronic monitoring of offenders, in which a vendor
4 supplies and monitors the operation of the electronic
5 monitoring device, and collects the fees on behalf of
6 the county. The program shall include provisions for
7 indigent offenders and the collection of unpaid fees.
8 The program shall not unduly burden the offender and
9 shall be subject to review by the Chief Judge.

10 The Chief Judge of the circuit court may suspend
11 any additional charges or fees for late payment,
12 interest, or damage to any device; and

13 (v) for persons convicted of offenses other than
14 those referenced in clause (iv) above and who are
15 placed on an approved monitoring device as a condition
16 of probation or conditional discharge, the court shall
17 impose a reasonable fee for each day of the use of the
18 device, as established by the county board in
19 subsection (g) of this Section, unless after
20 determining the inability of the defendant to pay the
21 fee, the court assesses a lesser fee or no fee as the
22 case may be. This fee shall be imposed in addition to
23 the fees imposed under subsections (g) and (i) of this
24 Section. The fee shall be collected by the clerk of the
25 circuit court, except as provided in an administrative
26 order of the Chief Judge of the circuit court. The

1 clerk of the circuit court shall pay all monies
2 collected from this fee to the county treasurer who
3 shall use the monies collected to defray the costs of
4 corrections. The county treasurer shall deposit the
5 fee collected in the probation and court services fund.
6 The Chief Judge of the circuit court of the county may
7 by administrative order establish a program for
8 electronic monitoring of offenders, in which a vendor
9 supplies and monitors the operation of the electronic
10 monitoring device, and collects the fees on behalf of
11 the county. The program shall include provisions for
12 indigent offenders and the collection of unpaid fees.
13 The program shall not unduly burden the offender and
14 shall be subject to review by the Chief Judge.

15 The Chief Judge of the circuit court may suspend
16 any additional charges or fees for late payment,
17 interest, or damage to any device.

18 (11) comply with the terms and conditions of an order
19 of protection issued by the court pursuant to the Illinois
20 Domestic Violence Act of 1986, as now or hereafter amended,
21 or an order of protection issued by the court of another
22 state, tribe, or United States territory. A copy of the
23 order of protection shall be transmitted to the probation
24 officer or agency having responsibility for the case;

25 (12) reimburse any "local anti-crime program" as
26 defined in Section 7 of the Anti-Crime Advisory Council Act

1 for any reasonable expenses incurred by the program on the
2 offender's case, not to exceed the maximum amount of the
3 fine authorized for the offense for which the defendant was
4 sentenced;

5 (13) contribute a reasonable sum of money, not to
6 exceed the maximum amount of the fine authorized for the
7 offense for which the defendant was sentenced, (i) to a
8 "local anti-crime program", as defined in Section 7 of the
9 Anti-Crime Advisory Council Act, or (ii) for offenses under
10 the jurisdiction of the Department of Natural Resources, to
11 the fund established by the Department of Natural Resources
12 for the purchase of evidence for investigation purposes and
13 to conduct investigations as outlined in Section 805-105 of
14 the Department of Natural Resources (Conservation) Law;

15 (14) refrain from entering into a designated
16 geographic area except upon such terms as the court finds
17 appropriate. Such terms may include consideration of the
18 purpose of the entry, the time of day, other persons
19 accompanying the defendant, and advance approval by a
20 probation officer, if the defendant has been placed on
21 probation or advance approval by the court, if the
22 defendant was placed on conditional discharge;

23 (15) refrain from having any contact, directly or
24 indirectly, with certain specified persons or particular
25 types of persons, including but not limited to members of
26 street gangs and drug users or dealers;

1 (16) refrain from having in his or her body the
2 presence of any illicit drug prohibited by the Cannabis
3 Control Act, the Illinois Controlled Substances Act, or the
4 Methamphetamine Control and Community Protection Act,
5 unless prescribed by a physician, and submit samples of his
6 or her blood or urine or both for tests to determine the
7 presence of any illicit drug;

8 (17) if convicted for an offense committed on or after
9 June 1, 2008 (the effective date of Public Act 95-464) that
10 would qualify the accused as a child sex offender as
11 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
12 1961 or the Criminal Code of 2012, refrain from
13 communicating with or contacting, by means of the Internet,
14 a person who is related to the accused and whom the accused
15 reasonably believes to be under 18 years of age; for
16 purposes of this paragraph (17), "Internet" has the meaning
17 ascribed to it in Section 16-0.1 of the Criminal Code of
18 2012; and a person is related to the accused if the person
19 is: (i) the spouse, brother, or sister of the accused; (ii)
20 a descendant of the accused; (iii) a first or second cousin
21 of the accused; or (iv) a step-child or adopted child of
22 the accused;

23 (18) if convicted for an offense committed on or after
24 June 1, 2009 (the effective date of Public Act 95-983) that
25 would qualify as a sex offense as defined in the Sex
26 Offender Registration Act:

1 (i) not access or use a computer or any other
2 device with Internet capability without the prior
3 written approval of the offender's probation officer,
4 except in connection with the offender's employment or
5 search for employment with the prior approval of the
6 offender's probation officer;

7 (ii) submit to periodic unannounced examinations
8 of the offender's computer or any other device with
9 Internet capability by the offender's probation
10 officer, a law enforcement officer, or assigned
11 computer or information technology specialist,
12 including the retrieval and copying of all data from
13 the computer or device and any internal or external
14 peripherals and removal of such information,
15 equipment, or device to conduct a more thorough
16 inspection;

17 (iii) submit to the installation on the offender's
18 computer or device with Internet capability, at the
19 subject's expense, of one or more hardware or software
20 systems to monitor the Internet use; and

21 (iv) submit to any other appropriate restrictions
22 concerning the offender's use of or access to a
23 computer or any other device with Internet capability
24 imposed by the offender's probation officer; and

25 (19) refrain from possessing a firearm or other
26 dangerous weapon where the offense is a misdemeanor that

1 did not involve the intentional or knowing infliction of
2 bodily harm or threat of bodily harm.

3 (c) The court may as a condition of probation or of
4 conditional discharge require that a person under 18 years of
5 age found guilty of any alcohol, cannabis or controlled
6 substance violation, refrain from acquiring a driver's license
7 during the period of probation or conditional discharge. If
8 such person is in possession of a permit or license, the court
9 may require that the minor refrain from driving or operating
10 any motor vehicle during the period of probation or conditional
11 discharge, except as may be necessary in the course of the
12 minor's lawful employment.

13 (d) An offender sentenced to probation or to conditional
14 discharge shall be given a certificate setting forth the
15 conditions thereof.

16 (e) Except where the offender has committed a fourth or
17 subsequent violation of subsection (c) of Section 6-303 of the
18 Illinois Vehicle Code, the court shall not require as a
19 condition of the sentence of probation or conditional discharge
20 that the offender be committed to a period of imprisonment in
21 excess of 6 months. This 6-month limit shall not include
22 periods of confinement given pursuant to a sentence of county
23 impact incarceration under Section 5-8-1.2.

24 Persons committed to imprisonment as a condition of
25 probation or conditional discharge shall not be committed to
26 the Department of Corrections.

1 (f) The court may combine a sentence of periodic
2 imprisonment under Article 7 or a sentence to a county impact
3 incarceration program under Article 8 with a sentence of
4 probation or conditional discharge.

5 (g) An offender sentenced to probation or to conditional
6 discharge and who during the term of either undergoes mandatory
7 drug or alcohol testing, or both, or is assigned to be placed
8 on an approved electronic monitoring device, shall be ordered
9 to pay all costs incidental to such mandatory drug or alcohol
10 testing, or both, and all costs incidental to such approved
11 electronic monitoring in accordance with the defendant's
12 ability to pay those costs. The county board with the
13 concurrence of the Chief Judge of the judicial circuit in which
14 the county is located shall establish reasonable fees for the
15 cost of maintenance, testing, and incidental expenses related
16 to the mandatory drug or alcohol testing, or both, and all
17 costs incidental to approved electronic monitoring, involved
18 in a successful probation program for the county. The
19 concurrence of the Chief Judge shall be in the form of an
20 administrative order. The fees shall be collected by the clerk
21 of the circuit court, except as provided in an administrative
22 order of the Chief Judge of the circuit court. The clerk of the
23 circuit court shall pay all moneys collected from these fees to
24 the county treasurer who shall use the moneys collected to
25 defray the costs of drug testing, alcohol testing, and
26 electronic monitoring. The county treasurer shall deposit the

1 fees collected in the county working cash fund under Section
2 6-27001 or Section 6-29002 of the Counties Code, as the case
3 may be. The Chief Judge of the circuit court of the county may
4 by administrative order establish a program for electronic
5 monitoring of offenders, in which a vendor supplies and
6 monitors the operation of the electronic monitoring device, and
7 collects the fees on behalf of the county. The program shall
8 include provisions for indigent offenders and the collection of
9 unpaid fees. The program shall not unduly burden the offender
10 and shall be subject to review by the Chief Judge.

11 The Chief Judge of the circuit court may suspend any
12 additional charges or fees for late payment, interest, or
13 damage to any device.

14 (h) Jurisdiction over an offender may be transferred from
15 the sentencing court to the court of another circuit with the
16 concurrence of both courts. Further transfers or retransfers of
17 jurisdiction are also authorized in the same manner. The court
18 to which jurisdiction has been transferred shall have the same
19 powers as the sentencing court. The probation department within
20 the circuit to which jurisdiction has been transferred, or
21 which has agreed to provide supervision, may impose probation
22 fees upon receiving the transferred offender, as provided in
23 subsection (i). For all transfer cases, as defined in Section
24 9b of the Probation and Probation Officers Act, the probation
25 department from the original sentencing court shall retain all
26 probation fees collected prior to the transfer. After the

1 transfer, all probation fees shall be paid to the probation
2 department within the circuit to which jurisdiction has been
3 transferred.

4 (i) The court shall impose upon an offender sentenced to
5 probation after January 1, 1989 or to conditional discharge
6 after January 1, 1992 or to community service under the
7 supervision of a probation or court services department after
8 January 1, 2004, as a condition of such probation or
9 conditional discharge or supervised community service, a fee of
10 \$50 for each month of probation or conditional discharge
11 supervision or supervised community service ordered by the
12 court, unless after determining the inability of the person
13 sentenced to probation or conditional discharge or supervised
14 community service to pay the fee, the court assesses a lesser
15 fee. The court may not impose the fee on a minor who is placed
16 in the guardianship or custody of the Department of Children
17 and Family Services under the Juvenile Court Act of 1987 while
18 the minor is in placement. The fee shall be imposed only upon
19 an offender who is actively supervised by the probation and
20 court services department. The fee shall be collected by the
21 clerk of the circuit court. The clerk of the circuit court
22 shall pay all monies collected from this fee to the county
23 treasurer for deposit in the probation and court services fund
24 under Section 15.1 of the Probation and Probation Officers Act.

25 A circuit court may not impose a probation fee under this
26 subsection (i) in excess of \$25 per month unless the circuit

1 court has adopted, by administrative order issued by the chief
2 judge, a standard probation fee guide determining an offender's
3 ability to pay. Of the amount collected as a probation fee, up
4 to \$5 of that fee collected per month may be used to provide
5 services to crime victims and their families.

6 The Court may only waive probation fees based on an
7 offender's ability to pay. The probation department may
8 re-evaluate an offender's ability to pay every 6 months, and,
9 with the approval of the Director of Court Services or the
10 Chief Probation Officer, adjust the monthly fee amount. An
11 offender may elect to pay probation fees due in a lump sum. Any
12 offender that has been assigned to the supervision of a
13 probation department, or has been transferred either under
14 subsection (h) of this Section or under any interstate compact,
15 shall be required to pay probation fees to the department
16 supervising the offender, based on the offender's ability to
17 pay.

18 Public Act 93-970 deletes the \$10 increase in the fee under
19 this subsection that was imposed by Public Act 93-616. This
20 deletion is intended to control over any other Act of the 93rd
21 General Assembly that retains or incorporates that fee
22 increase.

23 (i-5) In addition to the fees imposed under subsection (i)
24 of this Section, in the case of an offender convicted of a
25 felony sex offense (as defined in the Sex Offender Management
26 Board Act) or an offense that the court or probation department

1 has determined to be sexually motivated (as defined in the Sex
2 Offender Management Board Act), the court or the probation
3 department shall assess additional fees to pay for all costs of
4 treatment, assessment, evaluation for risk and treatment, and
5 monitoring the offender, based on that offender's ability to
6 pay those costs either as they occur or under a payment plan.

7 (j) All fines and costs imposed under this Section for any
8 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
9 Code, or a similar provision of a local ordinance, and any
10 violation of the Child Passenger Protection Act, or a similar
11 provision of a local ordinance, shall be collected and
12 disbursed by the circuit clerk as provided under the Criminal
13 and Traffic Assessment Act.

14 (k) Any offender who is sentenced to probation or
15 conditional discharge for a felony sex offense as defined in
16 the Sex Offender Management Board Act or any offense that the
17 court or probation department has determined to be sexually
18 motivated as defined in the Sex Offender Management Board Act
19 shall be required to refrain from any contact, directly or
20 indirectly, with any persons specified by the court and shall
21 be available for all evaluations and treatment programs
22 required by the court or the probation department.

23 (l) The court may order an offender who is sentenced to
24 probation or conditional discharge for a violation of an order
25 of protection be placed under electronic surveillance as
26 provided in Section 5-8A-7 of this Code.

1 (Source: P.A. 99-143, eff. 7-27-15; 99-797, eff. 8-12-16;
2 100-159, eff. 8-18-17; 100-260, eff. 1-1-18; 100-575, eff.
3 1-8-18; 100-987, eff. 7-1-19; revised 7-12-19.)

4 (730 ILCS 5/5-9-1.2) (from Ch. 38, par. 1005-9-1.2)

5 Sec. 5-9-1.2. (a) Twelve and one-half percent of all
6 amounts collected as fines pursuant to Section 5-9-1.1 shall be
7 paid into the Youth Drug Abuse Prevention Fund, which is hereby
8 created in the State treasury, to be used by the Department of
9 Human Services for the funding of programs and services for
10 drug-abuse treatment, and prevention and education services,
11 for juveniles.

12 (b) Eighty-seven and one-half percent of the proceeds of
13 all fines received pursuant to Section 5-9-1.1 shall be
14 transmitted to and deposited in the treasurer's office at the
15 level of government as follows:

16 (1) If such seizure was made by a combination of law
17 enforcement personnel representing differing units of
18 local government, the court levying the fine shall
19 equitably allocate 50% of the fine among these units of
20 local government and shall allocate 37 1/2% to the county
21 general corporate fund. In the event that the seizure was
22 made by law enforcement personnel representing a unit of
23 local government from a municipality where the number of
24 inhabitants exceeds 2 million in population, the court
25 levying the fine shall allocate 87 1/2% of the fine to that

1 unit of local government. If the seizure was made by a
2 combination of law enforcement personnel representing
3 differing units of local government, and at least one of
4 those units represents a municipality where the number of
5 inhabitants exceeds 2 million in population, the court
6 shall equitably allocate 87 1/2% of the proceeds of the
7 fines received among the differing units of local
8 government.

9 (2) If such seizure was made by State law enforcement
10 personnel, then the court shall allocate 37 1/2% to the
11 State treasury and 50% to the county general corporate
12 fund.

13 (3) If a State law enforcement agency in combination
14 with a law enforcement agency or agencies of a unit or
15 units of local government conducted the seizure, the court
16 shall equitably allocate 37 1/2% of the fines to or among
17 the law enforcement agency or agencies of the unit or units
18 of local government which conducted the seizure and shall
19 allocate 50% to the county general corporate fund.

20 (c) The proceeds of all fines allocated to the law
21 enforcement agency or agencies of the unit or units of local
22 government pursuant to subsection (b) shall be made available
23 to that law enforcement agency as expendable receipts for use
24 in the enforcement of laws regulating controlled substances and
25 cannabis. The proceeds of fines awarded to the State treasury
26 shall be deposited in a special fund known as the Drug Traffic

1 Prevention Fund. Monies from this fund may be used by the
2 Illinois ~~Department of~~ State Police for use in the enforcement
3 of laws regulating controlled substances and cannabis; to
4 satisfy funding provisions of the Intergovernmental Drug Laws
5 Enforcement Act; and to defray costs and expenses associated
6 with returning violators of the Cannabis Control Act, the
7 Illinois Controlled Substances Act, and the Methamphetamine
8 Control and Community Protection Act only, as provided in those
9 Acts, when punishment of the crime shall be confinement of the
10 criminal in the penitentiary. Moneys in the Drug Traffic
11 Prevention Fund deposited from fines awarded as a direct result
12 of enforcement efforts of the Illinois Conservation Police may
13 be used by the Department of Natural Resources Office of Law
14 Enforcement for use in enforcing laws regulating controlled
15 substances and cannabis on Department of Natural Resources
16 regulated lands and waterways. All other monies shall be paid
17 into the general revenue fund in the State treasury.

18 (d) There is created in the State treasury the
19 Methamphetamine Law Enforcement Fund. Moneys in the Fund shall
20 be equitably allocated to local law enforcement agencies to:
21 (1) reimburse those agencies for the costs of securing and
22 cleaning up sites and facilities used for the illegal
23 manufacture of methamphetamine; (2) defray the costs of
24 employing full-time or part-time peace officers from a
25 Metropolitan Enforcement Group or other local drug task force,
26 including overtime costs for those officers; and (3) defray the

1 costs associated with medical or dental expenses incurred by
2 the county resulting from the incarceration of methamphetamine
3 addicts in the county jail or County Department of Corrections.
4 (Source: P.A. 94-550, eff. 1-1-06; 94-556, eff. 9-11-05;
5 95-331, eff. 8-21-07.)

6 (730 ILCS 5/5-9-1.4) (from Ch. 38, par. 1005-9-1.4)

7 Sec. 5-9-1.4. (a) "Crime laboratory" means any
8 not-for-profit laboratory registered with the Drug Enforcement
9 Administration of the United States Department of Justice,
10 substantially funded by a unit or combination of units of local
11 government or the State of Illinois, which regularly employs at
12 least one person engaged in the analysis of controlled
13 substances, cannabis, methamphetamine, or steroids for
14 criminal justice agencies in criminal matters and provides
15 testimony with respect to such examinations.

16 (b) (Blank).

17 (c) In addition to any other disposition made pursuant to
18 the provisions of the Juvenile Court Act of 1987, any minor
19 adjudicated delinquent for an offense which if committed by an
20 adult would constitute a violation of the Cannabis Control Act,
21 the Illinois Controlled Substances Act, the Methamphetamine
22 Control and Community Protection Act, or the Steroid Control
23 Act shall be required to pay a criminal laboratory analysis
24 assessment of \$100 for each adjudication. Upon verified
25 petition of the minor, the court may suspend payment of all or

1 part of the assessment if it finds that the minor does not have
2 the ability to pay the assessment. The parent, guardian or
3 legal custodian of the minor may pay some or all of such
4 assessment on the minor's behalf.

5 (d) All criminal laboratory analysis fees provided for by
6 this Section shall be collected by the clerk of the court and
7 forwarded to the appropriate crime laboratory fund as provided
8 in subsection (f).

9 (e) Crime laboratory funds shall be established as follows:

10 (1) Any unit of local government which maintains a
11 crime laboratory may establish a crime laboratory fund
12 within the office of the county or municipal treasurer.

13 (2) Any combination of units of local government which
14 maintains a crime laboratory may establish a crime
15 laboratory fund within the office of the treasurer of the
16 county where the crime laboratory is situated.

17 (3) The State Crime Laboratory Fund is hereby created
18 as a special fund in the State Treasury.

19 (f) The analysis assessment provided for in subsection (c)
20 of this Section shall be forwarded to the office of the
21 treasurer of the unit of local government that performed the
22 analysis if that unit of local government has established a
23 crime laboratory fund, or to the State Crime Laboratory Fund if
24 the analysis was performed by a laboratory operated by the
25 Illinois State Police. If the analysis was performed by a crime
26 laboratory funded by a combination of units of local

1 government, the analysis assessment shall be forwarded to the
2 treasurer of the county where the crime laboratory is situated
3 if a crime laboratory fund has been established in that county.
4 If the unit of local government or combination of units of
5 local government has not established a crime laboratory fund,
6 then the analysis assessment shall be forwarded to the State
7 Crime Laboratory Fund.

8 (g) Moneys deposited into a crime laboratory fund created
9 pursuant to paragraphs (1) or (2) of subsection (e) of this
10 Section shall be in addition to any allocations made pursuant
11 to existing law and shall be designated for the exclusive use
12 of the crime laboratory. These uses may include, but are not
13 limited to, the following:

14 (1) costs incurred in providing analysis for
15 controlled substances in connection with criminal
16 investigations conducted within this State;

17 (2) purchase and maintenance of equipment for use in
18 performing analyses; and

19 (3) continuing education, training and professional
20 development of forensic scientists regularly employed by
21 these laboratories.

22 (h) Moneys deposited in the State Crime Laboratory Fund
23 created pursuant to paragraph (3) of subsection (d) of this
24 Section shall be used by State crime laboratories as designated
25 by the Director of the Illinois State Police. These funds shall
26 be in addition to any allocations made pursuant to existing law

1 and shall be designated for the exclusive use of State crime
2 laboratories or for the sexual assault evidence tracking system
3 created under Section 50 of the Sexual Assault Evidence
4 Submission Act. These uses may include those enumerated in
5 subsection (g) of this Section.

6 (Source: P.A. 100-987, eff. 7-1-19; 101-377, eff. 8-16-19.)

7 (730 ILCS 5/5-9-1.9)

8 Sec. 5-9-1.9. DUI analysis fee.

9 (a) "Crime laboratory" means a not-for-profit laboratory
10 substantially funded by a single unit or combination of units
11 of local government or the State of Illinois that regularly
12 employs at least one person engaged in the DUI analysis of
13 blood, other bodily substance, and urine for criminal justice
14 agencies in criminal matters and provides testimony with
15 respect to such examinations.

16 "DUI analysis" means an analysis of blood, other bodily
17 substance, or urine for purposes of determining whether a
18 violation of Section 11-501 of the Illinois Vehicle Code has
19 occurred.

20 (b) (Blank).

21 (c) In addition to any other disposition made under the
22 provisions of the Juvenile Court Act of 1987, any minor
23 adjudicated delinquent for an offense which if committed by an
24 adult would constitute a violation of Section 11-501 of the
25 Illinois Vehicle Code shall pay a crime laboratory DUI analysis

1 assessment of \$150 for each adjudication. Upon verified
2 petition of the minor, the court may suspend payment of all or
3 part of the assessment if it finds that the minor does not have
4 the ability to pay the assessment. The parent, guardian, or
5 legal custodian of the minor may pay some or all of the
6 assessment on the minor's behalf.

7 (d) All crime laboratory DUI analysis assessments provided
8 for by this Section shall be collected by the clerk of the
9 court and forwarded to the appropriate crime laboratory DUI
10 fund as provided in subsection (f).

11 (e) Crime laboratory funds shall be established as follows:

12 (1) A unit of local government that maintains a crime
13 laboratory may establish a crime laboratory DUI fund within
14 the office of the county or municipal treasurer.

15 (2) Any combination of units of local government that
16 maintains a crime laboratory may establish a crime
17 laboratory DUI fund within the office of the treasurer of
18 the county where the crime laboratory is situated.

19 (3) The State Police DUI Fund is created as a special
20 fund in the State Treasury.

21 (f) The analysis assessment provided for in subsection (c)
22 of this Section shall be forwarded to the office of the
23 treasurer of the unit of local government that performed the
24 analysis if that unit of local government has established a
25 crime laboratory DUI fund, or to the State Treasurer for
26 deposit into the State Crime Laboratory Fund if the analysis

1 was performed by a laboratory operated by the Illinois
2 ~~Department of~~ State Police. If the analysis was performed by a
3 crime laboratory funded by a combination of units of local
4 government, the analysis assessment shall be forwarded to the
5 treasurer of the county where the crime laboratory is situated
6 if a crime laboratory DUI fund has been established in that
7 county. If the unit of local government or combination of units
8 of local government has not established a crime laboratory DUI
9 fund, then the analysis assessment shall be forwarded to the
10 State Treasurer for deposit into the State Crime Laboratory
11 Fund.

12 (g) Moneys deposited into a crime laboratory DUI fund
13 created under paragraphs (1) and (2) of subsection (e) of this
14 Section shall be in addition to any allocations made pursuant
15 to existing law and shall be designated for the exclusive use
16 of the crime laboratory. These uses may include, but are not
17 limited to, the following:

18 (1) Costs incurred in providing analysis for DUI
19 investigations conducted within this State.

20 (2) Purchase and maintenance of equipment for use in
21 performing analyses.

22 (3) Continuing education, training, and professional
23 development of forensic scientists regularly employed by
24 these laboratories.

25 (h) Moneys deposited in the State Crime Laboratory Fund
26 shall be used by State crime laboratories as designated by the

1 Director of the Illinois State Police. These funds shall be in
2 addition to any allocations made according to existing law and
3 shall be designated for the exclusive use of State crime
4 laboratories. These uses may include those enumerated in
5 subsection (g) of this Section.

6 (Source: P.A. 99-697, eff. 7-29-16; 100-987, eff. 7-1-19;
7 100-1161, eff. 7-1-19.)

8 Section 1060. The Arsonist Registration Act is amended by
9 changing Sections 10, 15, 20, 25, 30, 35, 45, 50, 55, 60, 70,
10 75, and 80 as follows:

11 (730 ILCS 148/10)

12 Sec. 10. Duty to register.

13 (a) An arsonist shall, within the time period prescribed in
14 subsections (b) and (c), register in person and provide
15 accurate information as required by the Illinois ~~Department of~~
16 State Police. Such information shall include current address,
17 current place of employment, and school attended. The arsonist
18 shall register:

19 (1) with the chief of police in each of the
20 municipalities in which he or she attends school, is
21 employed, resides or is temporarily domiciled for a period
22 of time of 10 or more days, unless the municipality is the
23 City of Chicago, in which case he or she shall register at
24 a fixed location designated by the Superintendent of the

1 Chicago Police Department; or

2 (2) with the sheriff in each of the counties in which
3 he or she attends school, is employed, resides or is
4 temporarily domiciled in an unincorporated area or, if
5 incorporated, no police chief exists. For purposes of this
6 Act, the place of residence or temporary domicile is
7 defined as any and all places where the arsonist resides
8 for an aggregate period of time of 10 or more days during
9 any calendar year. The arsonist shall provide accurate
10 information as required by the Illinois ~~Department of State~~
11 Police. That information shall include the arsonist's
12 current place of employment.

13 (a-5) An out-of-state student or out-of-state employee
14 shall, within 10 days after beginning school or employment in
15 this State, register in person and provide accurate information
16 as required by the Illinois ~~Department of~~ State Police. Such
17 information must include current place of employment, school
18 attended, and address in state of residence:

19 (1) with the chief of police in each of the
20 municipalities in which he or she attends school or is
21 employed for a period of time of 10 or more days or for an
22 aggregate period of time of more than 30 days during any
23 calendar year, unless the municipality is the City of
24 Chicago, in which case he or she shall register at a fixed
25 location designated by the Superintendent of the Chicago
26 Police Department; or

1 (2) with the sheriff in each of the counties in which
2 he or she attends school or is employed for a period of
3 time of 10 or more days or for an aggregate period of time
4 of more than 30 days during any calendar year in an
5 unincorporated area or, if incorporated, no police chief
6 exists. The out-of-state student or out-of-state employee
7 shall provide accurate information as required by the
8 Illinois Department ~~of~~ State Police. That information
9 shall include the out-of-state student's current place of
10 school attendance or the out-of-state employee's current
11 place of employment.

12 (b) An arsonist as defined in Section 5 of this Act,
13 regardless of any initial, prior, or other registration, shall,
14 within 10 days of beginning school, or establishing a
15 residence, place of employment, or temporary domicile in any
16 county, register in person as set forth in subsection (a) or
17 (a-5).

18 (c) The registration for any person required to register
19 under this Act shall be as follows:

20 (1) Except as provided in paragraph (3) of this
21 subsection (c), any person who has not been notified of his
22 or her responsibility to register shall be notified by a
23 criminal justice entity of his or her responsibility to
24 register. Upon notification the person must then register
25 within 10 days of notification of his or her requirement to
26 register. If notification is not made within the offender's

1 10 year registration requirement, and the Illinois
2 ~~Department of~~ State Police determines no evidence exists or
3 indicates the offender attempted to avoid registration,
4 the offender will no longer be required to register under
5 this Act.

6 (2) Except as provided in paragraph (3) of this
7 subsection (c), any person convicted on or after the
8 effective date of this Act shall register in person within
9 10 days after the entry of the sentencing order based upon
10 his or her conviction.

11 (3) Any person unable to comply with the registration
12 requirements of this Act because he or she is confined,
13 institutionalized, or imprisoned in Illinois on or after
14 the effective date of this Act shall register in person
15 within 10 days of discharge, parole or release.

16 (4) The person shall provide positive identification
17 and documentation that substantiates proof of residence at
18 the registering address.

19 (5) The person shall pay a \$10 initial registration fee
20 and a \$5 annual renewal fee. The fees shall be used by the
21 registering agency for official purposes. The agency shall
22 establish procedures to document receipt and use of the
23 funds. The law enforcement agency having jurisdiction may
24 waive the registration fee if it determines that the person
25 is indigent and unable to pay the registration fee.

26 (d) Within 10 days after obtaining or changing employment,

1 a person required to register under this Section must report,
2 in person or in writing to the law enforcement agency having
3 jurisdiction, the business name and address where he or she is
4 employed. If the person has multiple businesses or work
5 locations, every business and work location must be reported to
6 the law enforcement agency having jurisdiction.

7 (Source: P.A. 99-755, eff. 8-5-16.)

8 (730 ILCS 148/15)

9 Sec. 15. Discharge of arsonist from penal institution. Any
10 arsonist who is discharged, paroled or released from a
11 Department of Corrections facility, a facility where such
12 person was placed by the Department of Corrections or another
13 penal institution, and whose liability for registration has not
14 terminated under Section 45 shall, within 10 days prior to
15 discharge, parole, or release from the facility or institution,
16 be informed of his or her duty to register in person under this
17 Act by the facility or institution in which he or she was
18 confined. The facility or institution shall also inform any
19 person who must register that if he or she establishes a
20 residence outside of the State of Illinois, is employed outside
21 of the State of Illinois, or attends school outside of the
22 State of Illinois, he or she must register in the new state
23 within 10 days after establishing the residence, beginning
24 employment, or beginning school. The facility shall require the
25 person to read and sign such form as may be required by the

1 Illinois ~~Department of~~ State Police stating that the duty to
2 register and the procedure for registration has been explained
3 to him or her and that he or she understands the duty to
4 register and the procedure for registration. The facility shall
5 further advise the person in writing that the failure to
6 register or other violation of this Act shall result in
7 revocation of parole, mandatory supervised release or
8 conditional release. The facility shall obtain information
9 about where the person expects to reside, work, and attend
10 school upon his or her discharge, parole or release and shall
11 report the information to the Illinois ~~Department of~~ State
12 Police. The facility shall give one copy of the form to the
13 person and shall send one copy to each of the law enforcement
14 agencies having jurisdiction where the person expects to
15 reside, work, and attend school upon his or her discharge,
16 parole or release and retain one copy for the files. Electronic
17 data files that include all notification form information and
18 photographs of arsonists being released from an Illinois
19 Department of Corrections facility shall be shared on a regular
20 basis as determined between the Illinois ~~Department of~~ State
21 Police and the Department of Corrections.

22 (Source: P.A. 93-949, eff. 1-1-05.)

23 (730 ILCS 148/20)

24 Sec. 20. Release of arsonist on probation. An arsonist who
25 is released on probation shall, prior to such release, be

1 informed of his or her duty to register under this Act by the
2 court in which he or she was convicted. The court shall also
3 inform any person who must register that if he or she
4 establishes a residence outside of the State of Illinois, is
5 employed outside of the State of Illinois, or attends school
6 outside of the State of Illinois, he or she must register in
7 the new state within 10 days after establishing the residence,
8 beginning employment, or beginning school. The court shall
9 require the person to read and sign such form as may be
10 required by the Illinois ~~Department of~~ State Police stating
11 that the duty to register and the procedure for registration
12 has been explained to him or her and that he or she understands
13 the duty to register and the procedure for registration. The
14 court shall further advise the person in writing that the
15 failure to register or other violation of this Act shall result
16 in probation revocation. The court shall obtain information
17 about where the person expects to reside, work, and attend
18 school upon his or her release, and shall report the
19 information to the Illinois ~~Department of~~ State Police. The
20 court shall give one copy of the form to the person and retain
21 the original in the court records. The Illinois ~~Department of~~
22 State Police shall notify the law enforcement agencies having
23 jurisdiction where the person expects to reside, work and
24 attend school upon his or her release.

25 (Source: P.A. 93-949, eff. 1-1-05.)

1 (730 ILCS 148/25)

2 Sec. 25. Discharge of arsonist from hospital or other
3 treatment facility. Any arsonist who is discharged or released
4 from a hospital or other treatment facility where he or she was
5 confined shall be informed by the hospital or treatment
6 facility in which he or she was confined, prior to discharge or
7 release from the hospital or treatment facility, of his or her
8 duty to register under this Act. The facility shall require the
9 person to read and sign such form as may be required by the
10 Illinois ~~Department of~~ State Police stating that the duty to
11 register and the procedure for registration has been explained
12 to him or her and that he or she understands the duty to
13 register and the procedure for registration. The facility shall
14 give one copy of the form to the person, retain one copy for
15 its records, and forward the original to the Illinois
16 ~~Department of~~ State Police. The facility shall obtain
17 information about where the person expects to reside, work, and
18 attend school upon his or her discharge, parole, or release and
19 shall report the information to the Illinois ~~Department of~~
20 State Police within 3 days. The facility or institution shall
21 also inform any person who must register that if he or she
22 establishes a residence outside of the State of Illinois, is
23 employed outside of the State of Illinois, or attends school
24 outside of the State of Illinois, he or she must register in
25 the new state within 10 days after establishing the residence,
26 beginning school, or beginning employment. The Illinois

1 ~~Department of~~ State Police shall notify the law enforcement
2 agencies having jurisdiction where the person expects to
3 reside, work, and attend school upon his or her release.

4 (Source: P.A. 93-949, eff. 1-1-05.)

5 (730 ILCS 148/30)

6 Sec. 30. Nonforwardable verification letter. The Illinois
7 ~~Department of~~ State Police shall mail an annual nonforwardable
8 verification letter to a person registered under this Act
9 beginning one year from the date of his or her last
10 registration. A person required to register under this Act who
11 is mailed a verification letter shall complete, sign, and
12 return the enclosed verification form to the Illinois
13 ~~Department of~~ State Police postmarked within 10 days after the
14 mailing date of the letter. A person's failure to return the
15 verification form to the Illinois ~~Department of~~ State Police
16 within 10 days after the mailing date of the letter shall be
17 considered a violation of this Act; however it is an
18 affirmative defense to a prosecution for failure of a person
19 who is required to return a verification form to the Illinois
20 ~~Department of~~ State Police if the post office fails to deliver
21 the verification form to the Illinois ~~Department of~~ State
22 Police or if it can be proven that the form has been lost by the
23 Department.

24 (Source: P.A. 93-949, eff. 1-1-05.)

1 (730 ILCS 148/35)

2 Sec. 35. Duty to report change of address, school, or
3 employment. Any person who is required to register under this
4 Act shall report in person to the appropriate law enforcement
5 agency with whom he or she last registered within one year from
6 the date of last registration and every year thereafter. If any
7 person required to register under this Act changes his or her
8 residence address, place of employment, or school, he or she
9 shall, in writing, within 10 days inform the law enforcement
10 agency with whom he or she last registered of his or her new
11 address, change in employment, or school and register with the
12 appropriate law enforcement agency within the time period
13 specified in Section 10. The law enforcement agency shall,
14 within 3 days of receipt, notify the Illinois ~~Department of~~
15 State Police and the law enforcement agency having jurisdiction
16 of the new place of residence, change in employment, or school.
17 If any person required to register under this Act establishes a
18 residence or employment outside of the State of Illinois,
19 within 10 days after establishing that residence or employment,
20 he or she shall, in writing, inform the law enforcement agency
21 with which he or she last registered of his or her out-of-state
22 residence or employment. The law enforcement agency with which
23 such person last registered shall, within 3 days notice of an
24 address or employment change, notify the Illinois ~~Department of~~
25 State Police. The Illinois ~~Department of~~ State Police shall
26 forward such information to the out-of-state law enforcement

1 agency having jurisdiction in the form and manner prescribed by
2 the Illinois ~~Department of~~ State Police.

3 (Source: P.A. 93-949, eff. 1-1-05.)

4 (730 ILCS 148/45)

5 Sec. 45. Duration of registration. Any person, other than a
6 minor who is tried and convicted in an adult criminal
7 prosecution for an offense for which the person is required to
8 register under this Act, who is required to register under this
9 Act shall be required to register for a period of 10 years
10 after conviction if not confined to a penal institution,
11 hospital or any other institution or facility, and if confined,
12 for a period of 10 years after parole, discharge or release
13 from any such facility. A minor who has been tried and
14 convicted in an adult criminal prosecution for an offense for
15 which the person is required to register under this Act shall
16 be required to register for a period of 10 years after his or
17 her conviction for an offense for which the person is required
18 to register under this Act. An arsonist who is allowed to leave
19 a county, State, or federal facility for the purposes of work
20 release, education, or overnight visitations shall be required
21 to register within 10 days of beginning such a program.
22 Liability for registration terminates at the expiration of 10
23 years from the date of conviction if not confined to a penal
24 institution, hospital or any other institution or facility and
25 if confined, at the expiration of 10 years from the date of

1 parole, discharge or release from any such facility, providing
2 such person does not, during that period, again become liable
3 to register under the provisions of this Act. In the case of a
4 minor who is tried and convicted in an adult criminal
5 prosecution, liability for registration terminates 10 years
6 after conviction. The Director of the Illinois State Police,
7 consistent with administrative rules, shall extend for 10 years
8 the registration period of any arsonist who fails to comply
9 with the provisions of this Act.

10 (Source: P.A. 93-949, eff. 1-1-05.)

11 (730 ILCS 148/50)

12 Sec. 50. Registration requirements. Registration as
13 required by this Act shall consist of a statement in writing
14 signed by the person giving the information that is required by
15 the Illinois ~~Department of~~ State Police, which may include the
16 fingerprints and must include a photograph of the person. The
17 registration information must include whether the person is an
18 arsonist. Within 3 days, the registering law enforcement agency
19 shall forward any required information to the Illinois
20 ~~Department of~~ State Police. The registering law enforcement
21 agency shall enter the information into I-CLEAR as provided in
22 Section 2605-378 of the Illinois ~~Department of~~ State Police Law
23 of the Civil Administrative Code of Illinois.

24 (Source: P.A. 93-949, eff. 1-1-05.)

1 (730 ILCS 148/55)

2 Sec. 55. Address verification requirements. The agency
3 having jurisdiction shall verify the address of arsonists
4 required to register with their agency at least once per
5 calendar year. The verification must be documented in I-CLEAR
6 in the form and manner required by the Illinois ~~Department of~~
7 State Police.

8 (Source: P.A. 93-949, eff. 1-1-05.)

9 (730 ILCS 148/60)

10 Sec. 60. Public inspection of registration data.

11 (a) Except as otherwise provided in subsection (b), the
12 statements or any other information required by this Act shall
13 not be open to inspection by the public, or by any person other
14 than by a law enforcement officer or other individual as may be
15 authorized by law and shall include law enforcement agencies of
16 this State, any other state, or of the federal government.
17 Similar information may be requested from any law enforcement
18 agency of another state or of the federal government for
19 purposes of this Act. It is a Class B misdemeanor to permit the
20 unauthorized release of any information required by this Act.

21 (b) The Illinois ~~Department of~~ State Police shall furnish
22 to the Office of the State Fire Marshal the registration
23 information concerning persons who are required to register
24 under this Act. The Office of the State Fire Marshal shall
25 establish and maintain a Statewide Arsonist Database for the

1 purpose of making that information available to the public on
2 the Internet by means of a hyperlink labeled "Arsonist
3 Information" on the Office of the State Fire Marshal's website.
4 (Source: P.A. 93-949, eff. 1-1-05.)

5 (730 ILCS 148/70)

6 Sec. 70. Arsonist Registration Fund. There is created in
7 the State treasury the Arsonist Registration Fund. Moneys in
8 the Fund shall be used to cover costs incurred by the criminal
9 justice system to administer this Act. The Illinois ~~Department~~
10 ~~of~~ State Police shall establish and promulgate rules and
11 procedures regarding the administration of this Fund. At least
12 50% of the moneys in the Fund shall be allocated by the
13 Department for sheriffs' offices and police departments.
14 (Source: P.A. 93-949, eff. 1-1-05.)

15 (730 ILCS 148/75)

16 Sec. 75. Access to State of Illinois databases. The
17 Illinois ~~Department of~~ State Police shall have access to State
18 of Illinois databases containing information that may help in
19 the identification or location of persons required to register
20 under this Act. Interagency agreements shall be implemented,
21 consistent with security and procedures established by the
22 State agency and consistent with the laws governing the
23 confidentiality of the information in the databases.
24 Information shall be used only for administration of this Act.

1 (Source: P.A. 93-949, eff. 1-1-05.)

2 (730 ILCS 148/80)

3 Sec. 80. Applicability. Until the Illinois ~~Department of~~
4 State Police establishes I-CLEAR throughout this State, this
5 Act applies only to arsonists who reside, are employed, or
6 attend school within the City of Chicago. Once I-CLEAR is
7 established throughout this State, this Act applies throughout
8 the State to arsonists who reside, are employed, or attend
9 school anywhere in this State. Any duties imposed upon the
10 Illinois ~~Department of~~ State Police by this Act are subject to
11 appropriation and shall not commence until I-CLEAR is
12 implemented throughout this State and until such time, those
13 duties shall be imposed upon the City of Chicago.

14 (Source: P.A. 93-949, eff. 1-1-05.)

15 Section 1065. The Sex Offender Registration Act is amended
16 by changing Sections 3, 4, 5, 5-5, 5-10, 6, 7, 8, 8-5, and 11 as
17 follows:

18 (730 ILCS 150/3)

19 Sec. 3. Duty to register.

20 (a) A sex offender, as defined in Section 2 of this Act, or
21 sexual predator shall, within the time period prescribed in
22 subsections (b) and (c), register in person and provide
23 accurate information as required by the Illinois ~~Department of~~

1 State Police. Such information shall include a current
2 photograph, current address, current place of employment, the
3 sex offender's or sexual predator's telephone number,
4 including cellular telephone number, the employer's telephone
5 number, school attended, all e-mail addresses, instant
6 messaging identities, chat room identities, and other Internet
7 communications identities that the sex offender uses or plans
8 to use, all Uniform Resource Locators (URLs) registered or used
9 by the sex offender, all blogs and other Internet sites
10 maintained by the sex offender or to which the sex offender has
11 uploaded any content or posted any messages or information,
12 extensions of the time period for registering as provided in
13 this Article and, if an extension was granted, the reason why
14 the extension was granted and the date the sex offender was
15 notified of the extension. The information shall also include a
16 copy of the terms and conditions of parole or release signed by
17 the sex offender and given to the sex offender by his or her
18 supervising officer or aftercare specialist, the county of
19 conviction, license plate numbers for every vehicle registered
20 in the name of the sex offender, the age of the sex offender at
21 the time of the commission of the offense, the age of the
22 victim at the time of the commission of the offense, and any
23 distinguishing marks located on the body of the sex offender. A
24 sex offender convicted under Section 11-6, 11-20.1, 11-20.1B,
25 11-20.3, or 11-21 of the Criminal Code of 1961 or the Criminal
26 Code of 2012 shall provide all Internet protocol (IP) addresses

1 in his or her residence, registered in his or her name,
2 accessible at his or her place of employment, or otherwise
3 under his or her control or custody. If the sex offender is a
4 child sex offender as defined in Section 11-9.3 or 11-9.4 of
5 the Criminal Code of 1961 or the Criminal Code of 2012, the sex
6 offender shall report to the registering agency whether he or
7 she is living in a household with a child under 18 years of age
8 who is not his or her own child, provided that his or her own
9 child is not the victim of the sex offense. The sex offender or
10 sexual predator shall register:

11 (1) with the chief of police in the municipality in
12 which he or she resides or is temporarily domiciled for a
13 period of time of 3 or more days, unless the municipality
14 is the City of Chicago, in which case he or she shall
15 register at a fixed location designated by the
16 Superintendent of the Chicago Police Department; or

17 (2) with the sheriff in the county in which he or she
18 resides or is temporarily domiciled for a period of time of
19 3 or more days in an unincorporated area or, if
20 incorporated, no police chief exists.

21 If the sex offender or sexual predator is employed at or
22 attends an institution of higher education, he or she shall
23 also register:

24 (i) with:

25 (A) the chief of police in the municipality in
26 which he or she is employed at or attends an

1 institution of higher education, unless the
2 municipality is the City of Chicago, in which case he
3 or she shall register at a fixed location designated by
4 the Superintendent of the Chicago Police Department;
5 or

6 (B) the sheriff in the county in which he or she is
7 employed or attends an institution of higher education
8 located in an unincorporated area, or if incorporated,
9 no police chief exists; and

10 (ii) with the public safety or security director of the
11 institution of higher education which he or she is employed
12 at or attends.

13 The registration fees shall only apply to the municipality
14 or county of primary registration, and not to campus
15 registration.

16 For purposes of this Article, the place of residence or
17 temporary domicile is defined as any and all places where the
18 sex offender resides for an aggregate period of time of 3 or
19 more days during any calendar year. Any person required to
20 register under this Article who lacks a fixed address or
21 temporary domicile must notify, in person, the agency of
22 jurisdiction of his or her last known address within 3 days
23 after ceasing to have a fixed residence.

24 A sex offender or sexual predator who is temporarily absent
25 from his or her current address of registration for 3 or more
26 days shall notify the law enforcement agency having

1 jurisdiction of his or her current registration, including the
2 itinerary for travel, in the manner provided in Section 6 of
3 this Act for notification to the law enforcement agency having
4 jurisdiction of change of address.

5 Any person who lacks a fixed residence must report weekly,
6 in person, with the sheriff's office of the county in which he
7 or she is located in an unincorporated area, or with the chief
8 of police in the municipality in which he or she is located.
9 The agency of jurisdiction will document each weekly
10 registration to include all the locations where the person has
11 stayed during the past 7 days.

12 The sex offender or sexual predator shall provide accurate
13 information as required by the Illinois ~~Department of~~ State
14 Police. That information shall include the sex offender's or
15 sexual predator's current place of employment.

16 (a-5) An out-of-state student or out-of-state employee
17 shall, within 3 days after beginning school or employment in
18 this State, register in person and provide accurate information
19 as required by the Illinois ~~Department of~~ State Police. Such
20 information will include current place of employment, school
21 attended, and address in state of residence. A sex offender
22 convicted under Section 11-6, 11-20.1, 11-20.1B, 11-20.3, or
23 11-21 of the Criminal Code of 1961 or the Criminal Code of 2012
24 shall provide all Internet protocol (IP) addresses in his or
25 her residence, registered in his or her name, accessible at his
26 or her place of employment, or otherwise under his or her

1 control or custody. The out-of-state student or out-of-state
2 employee shall register:

3 (1) with:

4 (A) the chief of police in the municipality in
5 which he or she attends school or is employed for a
6 period of time of 5 or more days or for an aggregate
7 period of time of more than 30 days during any calendar
8 year, unless the municipality is the City of Chicago,
9 in which case he or she shall register at a fixed
10 location designated by the Superintendent of the
11 Chicago Police Department; or

12 (B) the sheriff in the county in which he or she
13 attends school or is employed for a period of time of 5
14 or more days or for an aggregate period of time of more
15 than 30 days during any calendar year in an
16 unincorporated area or, if incorporated, no police
17 chief exists; and

18 (2) with the public safety or security director of the
19 institution of higher education he or she is employed at or
20 attends for a period of time of 5 or more days or for an
21 aggregate period of time of more than 30 days during a
22 calendar year.

23 The registration fees shall only apply to the municipality
24 or county of primary registration, and not to campus
25 registration.

26 The out-of-state student or out-of-state employee shall

1 provide accurate information as required by the Illinois
2 ~~Department of~~ State Police. That information shall include the
3 out-of-state student's current place of school attendance or
4 the out-of-state employee's current place of employment.

5 (a-10) Any law enforcement agency registering sex
6 offenders or sexual predators in accordance with subsections
7 (a) or (a-5) of this Section shall forward to the Attorney
8 General a copy of sex offender registration forms from persons
9 convicted under Section 11-6, 11-20.1, 11-20.1B, 11-20.3, or
10 11-21 of the Criminal Code of 1961 or the Criminal Code of
11 2012, including periodic and annual registrations under
12 Section 6 of this Act.

13 (b) Any sex offender, as defined in Section 2 of this Act,
14 or sexual predator, regardless of any initial, prior, or other
15 registration, shall, within 3 days of beginning school, or
16 establishing a residence, place of employment, or temporary
17 domicile in any county, register in person as set forth in
18 subsection (a) or (a-5).

19 (c) The registration for any person required to register
20 under this Article shall be as follows:

21 (1) Any person registered under the Habitual Child Sex
22 Offender Registration Act or the Child Sex Offender
23 Registration Act prior to January 1, 1996, shall be deemed
24 initially registered as of January 1, 1996; however, this
25 shall not be construed to extend the duration of
26 registration set forth in Section 7.

1 (2) Except as provided in subsection (c)(2.1) or
2 (c)(4), any person convicted or adjudicated prior to
3 January 1, 1996, whose liability for registration under
4 Section 7 has not expired, shall register in person prior
5 to January 31, 1996.

6 (2.1) A sex offender or sexual predator, who has never
7 previously been required to register under this Act, has a
8 duty to register if the person has been convicted of any
9 felony offense after July 1, 2011. A person who previously
10 was required to register under this Act for a period of 10
11 years and successfully completed that registration period
12 has a duty to register if: (i) the person has been
13 convicted of any felony offense after July 1, 2011, and
14 (ii) the offense for which the 10 year registration was
15 served currently requires a registration period of more
16 than 10 years. Notification of an offender's duty to
17 register under this subsection shall be pursuant to Section
18 5-7 of this Act.

19 (2.5) Except as provided in subsection (c)(4), any
20 person who has not been notified of his or her
21 responsibility to register shall be notified by a criminal
22 justice entity of his or her responsibility to register.
23 Upon notification the person must then register within 3
24 days of notification of his or her requirement to register.
25 Except as provided in subsection (c)(2.1), if notification
26 is not made within the offender's 10 year registration

1 requirement, and the Illinois ~~Department of~~ State Police
2 determines no evidence exists or indicates the offender
3 attempted to avoid registration, the offender will no
4 longer be required to register under this Act.

5 (3) Except as provided in subsection (c)(4), any person
6 convicted on or after January 1, 1996, shall register in
7 person within 3 days after the entry of the sentencing
8 order based upon his or her conviction.

9 (4) Any person unable to comply with the registration
10 requirements of this Article because he or she is confined,
11 institutionalized, or imprisoned in Illinois on or after
12 January 1, 1996, shall register in person within 3 days of
13 discharge, parole or release.

14 (5) The person shall provide positive identification
15 and documentation that substantiates proof of residence at
16 the registering address.

17 (6) The person shall pay a \$100 initial registration
18 fee and a \$100 annual renewal fee to the registering law
19 enforcement agency having jurisdiction. The registering
20 agency may waive the registration fee if it determines that
21 the person is indigent and unable to pay the registration
22 fee. Thirty-five dollars for the initial registration fee
23 and \$35 of the annual renewal fee shall be retained and
24 used by the registering agency for official purposes.
25 Having retained \$35 of the initial registration fee and \$35
26 of the annual renewal fee, the registering agency shall

1 remit the remainder of the fee to State agencies within 30
2 days of receipt for deposit into the State funds as
3 follows:

4 (A) Five dollars of the initial registration fee
5 and \$5 of the annual fee shall be remitted to the State
6 Treasurer who shall deposit the moneys into the Sex
7 Offender Management Board Fund under Section 19 of the
8 Sex Offender Management Board Act. Money deposited
9 into the Sex Offender Management Board Fund shall be
10 administered by the Sex Offender Management Board and
11 shall be used by the Board to comply with the
12 provisions of the Sex Offender Management Board Act.

13 (B) Thirty dollars of the initial registration fee
14 and \$30 of the annual renewal fee shall be remitted to
15 the Illinois Department ~~Department~~ of State Police which shall
16 deposit the moneys into the Offender Registration
17 Fund.

18 (C) Thirty dollars of the initial registration fee
19 and \$30 of the annual renewal fee shall be remitted to
20 the Attorney General who shall deposit the moneys into
21 the Attorney General Sex Offender Awareness, Training,
22 and Education Fund. Moneys deposited into the Fund
23 shall be used by the Attorney General to administer the
24 I-SORT program and to alert and educate the public,
25 victims, and witnesses of their rights under various
26 victim notification laws and for training law

1 enforcement agencies, State's Attorneys, and medical
2 providers of their legal duties concerning the
3 prosecution and investigation of sex offenses.

4 The registering agency shall establish procedures to
5 document the receipt and remittance of the \$100 initial
6 registration fee and \$100 annual renewal fee.

7 (d) Within 3 days after obtaining or changing employment
8 and, if employed on January 1, 2000, within 5 days after that
9 date, a person required to register under this Section must
10 report, in person to the law enforcement agency having
11 jurisdiction, the business name and address where he or she is
12 employed. If the person has multiple businesses or work
13 locations, every business and work location must be reported to
14 the law enforcement agency having jurisdiction.

15 (Source: P.A. 101-571, eff. 8-23-19.)

16 (730 ILCS 150/4) (from Ch. 38, par. 224)

17 Sec. 4. Discharge of sex offender, as defined in Section 2
18 of this Act, or sexual predator from Department of Corrections
19 facility or other penal institution; duties of official in
20 charge. Any sex offender, as defined in Section 2 of this Act,
21 or sexual predator, as defined by this Article, who is
22 discharged, paroled or released from a Department of
23 Corrections or Department of Juvenile Justice facility, a
24 facility where such person was placed by the Department of
25 Corrections or Department of Juvenile Justice or another penal

1 institution, and whose liability for registration has not
2 terminated under Section 7 shall, prior to discharge, parole or
3 release from the facility or institution, be informed of his or
4 her duty to register in person within 3 days of release by the
5 facility or institution in which he or she was confined. The
6 facility or institution shall also inform any person who must
7 register that if he or she establishes a residence outside of
8 the State of Illinois, is employed outside of the State of
9 Illinois, or attends school outside of the State of Illinois,
10 he or she must register in the new state within 3 days after
11 establishing the residence, beginning employment, or beginning
12 school.

13 The facility shall require the person to read and sign such
14 form as may be required by the Illinois ~~Department of~~ State
15 Police stating that the duty to register and the procedure for
16 registration has been explained to him or her and that he or
17 she understands the duty to register and the procedure for
18 registration. The facility shall further advise the person in
19 writing that the failure to register or other violation of this
20 Article shall result in revocation of parole, aftercare
21 release, mandatory supervised release or conditional release.
22 The facility shall obtain information about where the person
23 expects to reside, work, and attend school upon his or her
24 discharge, parole or release and shall report the information
25 to the Illinois ~~Department of~~ State Police. The facility shall
26 give one copy of the form to the person and shall send one copy

1 to each of the law enforcement agencies having jurisdiction
2 where the person expects to reside, work, and attend school
3 upon his or her discharge, parole or release and retain one
4 copy for the files. Electronic data files which includes all
5 notification form information and photographs of sex offenders
6 being released from an Illinois Department of Corrections or
7 Illinois Department of Juvenile Justice facility will be shared
8 on a regular basis as determined between the Illinois
9 ~~Department of~~ State Police, the Department of Corrections, and
10 Department of Juvenile Justice.

11 (Source: P.A. 98-558, eff. 1-1-14.)

12 (730 ILCS 150/5) (from Ch. 38, par. 225)

13 Sec. 5. Release of sex offender, as defined in Section 2 of
14 this Act, or sexual predator; duties of the Court. Any sex
15 offender, as defined in Section 2 of this Act, or sexual
16 predator, as defined by this Article, who is released on
17 probation or discharged upon payment of a fine because of the
18 commission of one of the offenses defined in subsection (B) of
19 Section 2 of this Article, shall, prior to such release be
20 informed of his or her duty to register under this Article by
21 the Court in which he or she was convicted. The Court shall
22 also inform any person who must register that if he or she
23 establishes a residence outside of the State of Illinois, is
24 employed outside of the State of Illinois, or attends school
25 outside of the State of Illinois, he or she must register in

1 the new state within 3 days after establishing the residence,
2 beginning employment, or beginning school. The Court shall
3 require the person to read and sign such form as may be
4 required by the Illinois ~~Department of~~ State Police stating
5 that the duty to register and the procedure for registration
6 has been explained to him or her and that he or she understands
7 the duty to register and the procedure for registration. The
8 Court shall further advise the person in writing that the
9 failure to register or other violation of this Article shall
10 result in probation revocation. The Court shall obtain
11 information about where the person expects to reside, work, and
12 attend school upon his or her release, and shall report the
13 information to the Illinois ~~Department of~~ State Police. The
14 Court shall give one copy of the form to the person and retain
15 the original in the court records. The Illinois ~~Department of~~
16 State Police shall notify the law enforcement agencies having
17 jurisdiction where the person expects to reside, work and
18 attend school upon his or her release.

19 (Source: P.A. 94-168, eff. 1-1-06; 95-640, eff. 6-1-08.)

20 (730 ILCS 150/5-5)

21 Sec. 5-5. Discharge of sex offender or sexual predator from
22 a hospital or other treatment facility; duties of the official
23 in charge. Any sex offender, as defined in Section 2 of this
24 Act, or sexual predator, as defined in this Article, who is
25 discharged or released from a hospital or other treatment

1 facility where he or she was confined shall be informed by the
2 hospital or treatment facility in which he or she was confined,
3 prior to discharge or release from the hospital or treatment
4 facility, of his or her duty to register under this Article.

5 The facility shall require the person to read and sign such
6 form as may be required by the Illinois ~~Department of~~ State
7 Police stating that the duty to register and the procedure for
8 registration has been explained to him or her and that he or
9 she understands the duty to register and the procedure for
10 registration. The facility shall give one copy of the form to
11 the person, retain one copy for their records, and forward the
12 original to the Illinois ~~Department of~~ State Police. The
13 facility shall obtain information about where the person
14 expects to reside, work, and attend school upon his or her
15 discharge, parole, or release and shall report the information
16 to the Illinois ~~Department of~~ State Police within 3 days. The
17 facility or institution shall also inform any person who must
18 register that if he or she establishes a residence outside of
19 the State of Illinois, is employed outside of the State of
20 Illinois, or attends school outside of the State of Illinois,
21 he or she must register in the new state within 3 days after
22 establishing the residence, beginning school, or beginning
23 employment. The Illinois ~~Department of~~ State Police shall
24 notify the law enforcement agencies having jurisdiction where
25 the person expects to reside, work, and attend school upon his
26 or her release.

1 (Source: P.A. 94-168, eff. 1-1-06; 95-640, eff. 6-1-08.)

2 (730 ILCS 150/5-10)

3 Sec. 5-10. Nonforwardable verification letters. The
4 Illinois ~~Department of~~ State Police shall mail a quarterly
5 nonforwardable verification letter to each registered person
6 who has been adjudicated to be sexually dangerous or is a
7 sexually violent person and is later released, or found to be
8 no longer sexually dangerous or no longer a sexually violent
9 person and discharged, beginning 90 days from the date of his
10 or her last registration. To any other person registered under
11 this Article, the Illinois ~~Department of~~ State Police shall
12 mail an annual nonforwardable verification letter, beginning
13 one year from the date of his or her last registration. A
14 person required to register under this Article who is mailed a
15 verification letter shall complete, sign, and return the
16 enclosed verification form to the Illinois ~~Department of~~ State
17 Police postmarked within 10 days after the mailing date of the
18 letter. A person's failure to return the verification form to
19 the Illinois ~~Department of~~ State Police within 10 days after
20 the mailing date of the letter shall be considered a violation
21 of this Article.

22 (Source: P.A. 90-193, eff. 7-24-97; 91-48, eff. 7-1-99.)

23 (730 ILCS 150/6)

24 Sec. 6. Duty to report; change of address, school, or

1 employment; duty to inform. A person who has been adjudicated
2 to be sexually dangerous or is a sexually violent person and is
3 later released, or found to be no longer sexually dangerous or
4 no longer a sexually violent person and discharged, or
5 convicted of a violation of this Act after July 1, 2005, shall
6 report in person to the law enforcement agency with whom he or
7 she last registered no later than 90 days after the date of his
8 or her last registration and every 90 days thereafter and at
9 such other times at the request of the law enforcement agency
10 not to exceed 4 times a year. Such sexually dangerous or
11 sexually violent person must report all new or changed e-mail
12 addresses, all new or changed instant messaging identities, all
13 new or changed chat room identities, and all other new or
14 changed Internet communications identities that the sexually
15 dangerous or sexually violent person uses or plans to use, all
16 new or changed Uniform Resource Locators (URLs) registered or
17 used by the sexually dangerous or sexually violent person, and
18 all new or changed blogs and other Internet sites maintained by
19 the sexually dangerous or sexually violent person or to which
20 the sexually dangerous or sexually violent person has uploaded
21 any content or posted any messages or information. Any person
22 who lacks a fixed residence must report weekly, in person, to
23 the appropriate law enforcement agency where the sex offender
24 is located. Any other person who is required to register under
25 this Article shall report in person to the appropriate law
26 enforcement agency with whom he or she last registered within

1 one year from the date of last registration and every year
2 thereafter and at such other times at the request of the law
3 enforcement agency not to exceed 4 times a year. If any person
4 required to register under this Article lacks a fixed residence
5 or temporary domicile, he or she must notify, in person, the
6 agency of jurisdiction of his or her last known address within
7 3 days after ceasing to have a fixed residence and if the
8 offender leaves the last jurisdiction of residence, he or she,
9 must within 3 days after leaving register in person with the
10 new agency of jurisdiction. If any other person required to
11 register under this Article changes his or her residence
12 address, place of employment, telephone number, cellular
13 telephone number, or school, he or she shall report in person,
14 to the law enforcement agency with whom he or she last
15 registered, his or her new address, change in employment,
16 telephone number, cellular telephone number, or school, all new
17 or changed e-mail addresses, all new or changed instant
18 messaging identities, all new or changed chat room identities,
19 and all other new or changed Internet communications identities
20 that the sex offender uses or plans to use, all new or changed
21 Uniform Resource Locators (URLs) registered or used by the sex
22 offender, and all new or changed blogs and other Internet sites
23 maintained by the sex offender or to which the sex offender has
24 uploaded any content or posted any messages or information, and
25 register, in person, with the appropriate law enforcement
26 agency within the time period specified in Section 3. If the

1 sex offender is a child sex offender as defined in Section
2 11-9.3 or 11-9.4 of the Criminal Code of 1961 or the Criminal
3 Code of 2012, the sex offender shall within 3 days after
4 beginning to reside in a household with a child under 18 years
5 of age who is not his or her own child, provided that his or her
6 own child is not the victim of the sex offense, report that
7 information to the registering law enforcement agency. The law
8 enforcement agency shall, within 3 days of the reporting in
9 person by the person required to register under this Article,
10 notify the Illinois ~~Department of~~ State Police of the new place
11 of residence, change in employment, telephone number, cellular
12 telephone number, or school.

13 If any person required to register under this Article
14 intends to establish a residence or employment outside of the
15 State of Illinois, at least 10 days before establishing that
16 residence or employment, he or she shall report in person to
17 the law enforcement agency with which he or she last registered
18 of his or her out-of-state intended residence or employment.
19 The law enforcement agency with which such person last
20 registered shall, within 3 days after the reporting in person
21 of the person required to register under this Article of an
22 address or employment change, notify the Illinois ~~Department of~~
23 State Police. The Illinois ~~Department of~~ State Police shall
24 forward such information to the out-of-state law enforcement
25 agency having jurisdiction in the form and manner prescribed by
26 the Illinois ~~Department of~~ State Police.

1 (Source: P.A. 96-1094, eff. 1-1-11; 96-1104, eff. 1-1-11;
2 97-333, eff. 8-12-11; 97-1150, eff. 1-25-13.)

3 (730 ILCS 150/7) (from Ch. 38, par. 227)

4 Sec. 7. Duration of registration. A person who has been
5 adjudicated to be sexually dangerous and is later released or
6 found to be no longer sexually dangerous and discharged, shall
7 register for the period of his or her natural life. A sexually
8 violent person or sexual predator shall register for the period
9 of his or her natural life after conviction or adjudication if
10 not confined to a penal institution, hospital, or other
11 institution or facility, and if confined, for the period of his
12 or her natural life after parole, discharge, or release from
13 any such facility. A person who becomes subject to registration
14 under paragraph (2.1) of subsection (c) of Section 3 of this
15 Article who has previously been subject to registration under
16 this Article shall register for the period currently required
17 for the offense for which the person was previously registered
18 if not confined to a penal institution, hospital, or other
19 institution or facility, and if confined, for the same period
20 after parole, discharge, or release from any such facility.
21 Except as otherwise provided in this Section, a person who
22 becomes subject to registration under this Article who has
23 previously been subject to registration under this Article or
24 under the Murderer and Violent Offender Against Youth
25 Registration Act or similar registration requirements of other

1 jurisdictions shall register for the period of his or her
2 natural life if not confined to a penal institution, hospital,
3 or other institution or facility, and if confined, for the
4 period of his or her natural life after parole, discharge, or
5 release from any such facility. Any other person who is
6 required to register under this Article shall be required to
7 register for a period of 10 years after conviction or
8 adjudication if not confined to a penal institution, hospital
9 or any other institution or facility, and if confined, for a
10 period of 10 years after parole, discharge or release from any
11 such facility. A sex offender who is allowed to leave a county,
12 State, or federal facility for the purposes of work release,
13 education, or overnight visitations shall be required to
14 register within 3 days of beginning such a program. Liability
15 for registration terminates at the expiration of 10 years from
16 the date of conviction or adjudication if not confined to a
17 penal institution, hospital or any other institution or
18 facility and if confined, at the expiration of 10 years from
19 the date of parole, discharge or release from any such
20 facility, providing such person does not, during that period,
21 again become liable to register under the provisions of this
22 Article. Reconfinement due to a violation of parole or other
23 circumstances that relates to the original conviction or
24 adjudication shall extend the period of registration to 10
25 years after final parole, discharge, or release. Reconfinement
26 due to a violation of parole, a conviction reviving

1 registration, or other circumstances that do not relate to the
2 original conviction or adjudication shall toll the running of
3 the balance of the 10-year period of registration, which shall
4 not commence running until after final parole, discharge, or
5 release. The Director of the Illinois State Police, consistent
6 with administrative rules, shall extend for 10 years the
7 registration period of any sex offender, as defined in Section
8 2 of this Act, who fails to comply with the provisions of this
9 Article. The registration period for any sex offender who fails
10 to comply with any provision of the Act shall extend the period
11 of registration by 10 years beginning from the first date of
12 registration after the violation. If the registration period is
13 extended, the Illinois ~~Department of~~ State Police shall send a
14 registered letter to the law enforcement agency where the sex
15 offender resides within 3 days after the extension of the
16 registration period. The sex offender shall report to that law
17 enforcement agency and sign for that letter. One copy of that
18 letter shall be kept on file with the law enforcement agency of
19 the jurisdiction where the sex offender resides and one copy
20 shall be returned to the Illinois ~~Department of~~ State Police.

21 (Source: P.A. 97-154, eff. 1-1-12; 97-578, eff. 1-1-12; 97-813,
22 eff. 7-13-12.)

23 (730 ILCS 150/8) (from Ch. 38, par. 228)

24 Sec. 8. Registration and DNA submission requirements.

25 (a) Registration. Registration as required by this Article

1 shall consist of a statement in writing signed by the person
2 giving the information that is required by the Illinois
3 ~~Department of~~ State Police, which may include the fingerprints
4 and must include a current photograph of the person, to be
5 updated annually. If the sex offender is a child sex offender
6 as defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
7 1961 or the Criminal Code of 2012, he or she shall sign a
8 statement that he or she understands that according to Illinois
9 law as a child sex offender he or she may not reside within 500
10 feet of a school, park, or playground. The offender may also
11 not reside within 500 feet of a facility providing services
12 directed exclusively toward persons under 18 years of age
13 unless the sex offender meets specified exemptions. The
14 registration information must include whether the person is a
15 sex offender as defined in the Sex Offender Community
16 Notification Law. Within 3 days, the registering law
17 enforcement agency shall forward any required information to
18 the Illinois ~~Department of~~ State Police. The registering law
19 enforcement agency shall enter the information into the Law
20 Enforcement Agencies Data System (LEADS) as provided in
21 Sections 6 and 7 of the Intergovernmental Missing Child
22 Recovery Act of 1984.

23 (b) DNA submission. Every person registering as a sex
24 offender pursuant to this Act, regardless of the date of
25 conviction or the date of initial registration who is required
26 to submit specimens of blood, saliva, or tissue for DNA

1 analysis as required by subsection (a) of Section 5-4-3 of the
2 Unified Code of Corrections shall submit the specimens as
3 required by that Section. Registered sex offenders who have
4 previously submitted a DNA specimen which has been uploaded to
5 the Illinois DNA database shall not be required to submit an
6 additional specimen pursuant to this Section.

7 (Source: P.A. 97-383, eff. 1-1-12; 97-1150, eff. 1-25-13.)

8 (730 ILCS 150/8-5)

9 Sec. 8-5. Verification requirements.

10 (a) Address verification. The agency having jurisdiction
11 shall verify the address of sex offenders, as defined in
12 Section 2 of this Act, or sexual predators required to register
13 with their agency at least once per year. The verification must
14 be documented in LEADS in the form and manner required by the
15 Illinois Department of State Police.

16 (a-5) Internet Protocol address verification. The agency
17 having jurisdiction may verify the Internet protocol (IP)
18 address of sex offenders, as defined in Section 2 of this Act,
19 who are required to register with their agency under Section 3
20 of this Act. A copy of any such verification must be sent to
21 the Attorney General for entrance in the Illinois Cyber-crimes
22 Location Database pursuant to Section 5-4-3.2 of the Unified
23 Code of Corrections.

24 (b) Registration verification. The supervising officer or
25 aftercare specialist, shall, within 15 days of sentencing to

1 probation or release from an Illinois Department of Corrections
2 or Illinois Department of Juvenile Justice facility or other
3 penal institution, contact the law enforcement agency in the
4 jurisdiction in which the sex offender or sexual predator
5 designated as his or her intended residence and verify
6 compliance with the requirements of this Act. Revocation
7 proceedings shall be immediately commenced against a sex
8 offender or sexual predator on probation, parole, aftercare
9 release, or mandatory supervised release who fails to comply
10 with the requirements of this Act.

11 (c) In an effort to ensure that sexual predators and sex
12 offenders who fail to respond to address-verification attempts
13 or who otherwise abscond from registration are located in a
14 timely manner, the Illinois Department ~~of~~ State Police shall
15 share information with local law enforcement agencies. The
16 Department shall use analytical resources to assist local law
17 enforcement agencies to determine the potential whereabouts of
18 any sexual predator or sex offender who fails to respond to
19 address-verification attempts or who otherwise absconds from
20 registration. The Department shall review and analyze all
21 available information concerning any such predator or offender
22 who fails to respond to address-verification attempts or who
23 otherwise absconds from registration and provide the
24 information to local law enforcement agencies in order to
25 assist the agencies in locating and apprehending the sexual
26 predator or sex offender.

1 (Source: P.A. 98-558, eff. 1-1-14.)

2 (730 ILCS 150/11)

3 Sec. 11. Offender Registration Fund. There is created the
4 Offender Registration Fund (formerly known as the Sex Offender
5 Registration Fund). Moneys in the Fund shall be used to cover
6 costs incurred by the criminal justice system to administer
7 this Article and the Murderer and Violent Offender Against
8 Youth Registration Act, and for purposes as authorized under
9 Section 5-9-1.15 of the Unified Code of Corrections. The
10 Illinois ~~Department~~ of State Police shall establish and
11 promulgate rules and procedures regarding the administration
12 of this Fund. Fifty percent of the moneys in the Fund shall be
13 allocated by the Department for sheriffs' offices and police
14 departments. The remaining moneys in the Fund received under
15 this amendatory Act of the 101st General Assembly shall be
16 allocated to the Illinois State Police for education and
17 administration of the Act.

18 (Source: P.A. 101-571, eff. 8-23-19.)

19 Section 1070. The Sex Offender Community Notification Law
20 is amended by changing Sections 115, 116, 117, 120, and 121 as
21 follows:

22 (730 ILCS 152/115)

23 Sec. 115. Sex offender database.

1 (a) The Illinois ~~Department of~~ State Police shall establish
2 and maintain a Statewide Sex Offender Database for the purpose
3 of identifying sex offenders and making that information
4 available to the persons specified in Sections 120 and 125 of
5 this Law. The Database shall be created from the Law
6 Enforcement Agencies Data System (LEADS) established under
7 Section 6 of the Intergovernmental Missing Child Recovery Act
8 of 1984. The Illinois ~~Department of~~ State Police shall examine
9 its LEADS database for persons registered as sex offenders
10 under the Sex Offender Registration Act and shall identify
11 those who are sex offenders and shall add all the information,
12 including photographs if available, on those sex offenders to
13 the Statewide Sex Offender Database.

14 (b) The Illinois ~~Department of~~ State Police must make the
15 information contained in the Statewide Sex Offender Database
16 accessible on the Internet by means of a hyperlink labeled "Sex
17 Offender Information" on the Department's World Wide Web home
18 page. The Department must make the information contained in the
19 Statewide Sex Offender Database searchable via a mapping system
20 which identifies registered sex offenders living within 5 miles
21 of an identified address. The Illinois ~~Department of~~ State
22 Police must update that information as it deems necessary.

23 The Illinois ~~Department of~~ State Police may require that a
24 person who seeks access to the sex offender information submit
25 biographical information about himself or herself before
26 permitting access to the sex offender information. The Illinois

1 ~~Department of~~ State Police must promulgate rules in accordance
2 with the Illinois Administrative Procedure Act to implement
3 this subsection (b) and those rules must include procedures to
4 ensure that the information in the database is accurate.

5 (c) The Illinois ~~Department of~~ State Police, Sex Offender
6 Registration Unit, must develop and conduct training to educate
7 all those entities involved in the Sex Offender Registration
8 Program.

9 (Source: P.A. 93-979, eff. 8-20-04; 94-994, eff. 1-1-07.)

10 (730 ILCS 152/116)

11 Sec. 116. Missing Sex Offender Database.

12 (a) The Illinois ~~Department of~~ State Police shall establish
13 and maintain a Statewide Missing Sex Offender Database for the
14 purpose of identifying missing sex offenders and making that
15 information available to the persons specified in Sections 120
16 and 125 of this Law. The Database shall be created from the Law
17 Enforcement Agencies Data System (LEADS) established under
18 Section 6 of the Intergovernmental Missing Child Recovery Act
19 of 1984. The Illinois ~~Department of~~ State Police shall examine
20 its LEADS database for persons registered as sex offenders
21 under the Sex Offender Registration Act and shall identify
22 those who are sex offenders and who have not complied with the
23 provisions of Section 6 of that Act or whose address can not be
24 verified under Section 8-5 of that Act and shall add all the
25 information, including photographs if available, on those

1 missing sex offenders to the Statewide Sex Offender Database.

2 (b) The Illinois ~~Department of~~ State Police must make the
3 information contained in the Statewide Missing Sex Offender
4 Database accessible on the Internet by means of a hyperlink
5 labeled "Missing Sex Offender Information" on the Department's
6 World Wide Web home page and on the Attorney General's I-SORT
7 page. The Illinois ~~Department of~~ State Police must update that
8 information as it deems necessary. The Internet page shall also
9 include information that rewards may be available to persons
10 who inform the Illinois ~~Department of~~ State Police or a local
11 law enforcement agency of the whereabouts of a missing sex
12 offender.

13 The Illinois ~~Department of~~ State Police may require that a
14 person who seeks access to the missing sex offender information
15 submit biographical information about himself or herself
16 before permitting access to the missing sex offender
17 information. The Illinois ~~Department of~~ State Police must
18 promulgate rules in accordance with the Illinois
19 Administrative Procedure Act to implement this subsection (b)
20 and those rules must include procedures to ensure that the
21 information in the database is accurate.

22 (c) The Illinois ~~Department of~~ State Police, Sex Offender
23 Registration Unit, must develop and conduct training to educate
24 all those entities involved in the Missing Sex Offender
25 Registration Program.

26 (Source: P.A. 98-921, eff. 8-15-14.)

1 (730 ILCS 152/117)

2 Sec. 117. The Illinois ~~Department of~~ State Police shall
3 promulgate rules to develop a list of sex offenders covered by
4 this Act and a list of child care facilities, schools, and
5 institutions of higher education eligible to receive notice
6 under this Act, so that the list can be disseminated in a
7 timely manner to law enforcement agencies having jurisdiction.

8 (Source: P.A. 92-828, eff. 8-22-02.)

9 (730 ILCS 152/120)

10 Sec. 120. Community notification of sex offenders.

11 (a) The sheriff of the county, except Cook County, shall
12 disclose to the following the name, address, date of birth,
13 place of employment, school attended, e-mail addresses,
14 instant messaging identities, chat room identities, other
15 Internet communications identities, all Uniform Resource
16 Locators (URLs) registered or used by the sex offender, all
17 blogs and other Internet sites maintained by the sex offender
18 or to which the sex offender has uploaded any content or posted
19 any messages or information, and offense or adjudication of all
20 sex offenders required to register under Section 3 of the Sex
21 Offender Registration Act:

22 (1) The boards of institutions of higher education or
23 other appropriate administrative offices of each
24 non-public institution of higher education located in the

1 county where the sex offender is required to register,
2 resides, is employed, or is attending an institution of
3 higher education;

4 (2) School boards of public school districts and the
5 principal or other appropriate administrative officer of
6 each nonpublic school located in the county where the sex
7 offender is required to register or is employed;

8 (3) Child care facilities located in the county where
9 the sex offender is required to register or is employed;

10 (4) Libraries located in the county where the sex
11 offender is required to register or is employed;

12 (5) Public libraries located in the county where the
13 sex offender is required to register or is employed;

14 (6) Public housing agencies located in the county where
15 the sex offender is required to register or is employed;

16 (7) The Illinois Department of Children and Family
17 Services;

18 (8) Social service agencies providing services to
19 minors located in the county where the sex offender is
20 required to register or is employed;

21 (9) Volunteer organizations providing services to
22 minors located in the county where the sex offender is
23 required to register or is employed; and

24 (10) A victim of a sex offense residing in the county
25 where the sex offender is required to register or is
26 employed, who is not otherwise required to be notified

1 under Section 4.5 of the Rights of Crime Victims and
2 Witnesses Act or Section 75 of the Sexually Violent Persons
3 Commitment Act.

4 (a-2) The sheriff of Cook County shall disclose to the
5 following the name, address, date of birth, place of
6 employment, school attended, e-mail addresses, instant
7 messaging identities, chat room identities, other Internet
8 communications identities, all Uniform Resource Locators
9 (URLs) registered or used by the sex offender, all blogs and
10 other Internet sites maintained by the sex offender or to which
11 the sex offender has uploaded any content or posted any
12 messages or information, and offense or adjudication of all sex
13 offenders required to register under Section 3 of the Sex
14 Offender Registration Act:

15 (1) School boards of public school districts and the
16 principal or other appropriate administrative officer of
17 each nonpublic school located within the region of Cook
18 County, as those public school districts and nonpublic
19 schools are identified in LEADS, other than the City of
20 Chicago, where the sex offender is required to register or
21 is employed;

22 (2) Child care facilities located within the region of
23 Cook County, as those child care facilities are identified
24 in LEADS, other than the City of Chicago, where the sex
25 offender is required to register or is employed;

26 (3) The boards of institutions of higher education or

1 other appropriate administrative offices of each
2 non-public institution of higher education located in the
3 county, other than the City of Chicago, where the sex
4 offender is required to register, resides, is employed, or
5 attending an institution of higher education;

6 (4) Libraries located in the county, other than the
7 City of Chicago, where the sex offender is required to
8 register, resides, is employed, or is attending an
9 institution of higher education;

10 (5) Public libraries located in the county, other than
11 the City of Chicago, where the sex offender is required to
12 register, resides, is employed, or attending an
13 institution of higher education;

14 (6) Public housing agencies located in the county,
15 other than the City of Chicago, where the sex offender is
16 required to register, resides, is employed, or attending an
17 institution of higher education;

18 (7) The Illinois Department of Children and Family
19 Services;

20 (8) Social service agencies providing services to
21 minors located in the county, other than the City of
22 Chicago, where the sex offender is required to register,
23 resides, is employed, or attending an institution of higher
24 education;

25 (9) Volunteer organizations providing services to
26 minors located in the county, other than the City of

1 Chicago, where the sex offender is required to register,
2 resides, is employed, or attending an institution of higher
3 education; and

4 (10) A victim of a sex offense residing in the county,
5 other than the City of Chicago, where the sex offender is
6 required to register, resides, is employed, or attends an
7 institution of higher education, who is not otherwise
8 required to be notified under Section 4.5 of the Rights of
9 Crime Victims and Witnesses Act or Section 75 of the
10 Sexually Violent Persons Commitment Act.

11 (a-3) The Chicago Police Department shall disclose to the
12 following the name, address, date of birth, place of
13 employment, school attended, e-mail addresses, instant
14 messaging identities, chat room identities, other Internet
15 communications identities, all Uniform Resource Locators
16 (URLs) registered or used by the sex offender, all blogs and
17 other Internet sites maintained by the sex offender or to which
18 the sex offender has uploaded any content or posted any
19 messages or information, and offense or adjudication of all sex
20 offenders required to register under Section 3 of the Sex
21 Offender Registration Act:

22 (1) School boards of public school districts and the
23 principal or other appropriate administrative officer of
24 each nonpublic school located in the police district where
25 the sex offender is required to register or is employed if
26 the offender is required to register or is employed in the

1 City of Chicago;

2 (2) Child care facilities located in the police
3 district where the sex offender is required to register or
4 is employed if the offender is required to register or is
5 employed in the City of Chicago;

6 (3) The boards of institutions of higher education or
7 other appropriate administrative offices of each
8 non-public institution of higher education located in the
9 police district where the sex offender is required to
10 register, resides, is employed, or attending an
11 institution of higher education in the City of Chicago;

12 (4) Libraries located in the police district where the
13 sex offender is required to register or is employed if the
14 offender is required to register or is employed in the City
15 of Chicago;

16 (5) Public libraries located in the police district
17 where the sex offender is required to register, resides, is
18 employed, or attending an institution of higher education
19 in the City of Chicago;

20 (6) Public housing agencies located in the police
21 district where the sex offender is required to register,
22 resides, is employed, or attending an institution of higher
23 education in the City of Chicago;

24 (7) The Illinois Department of Children and Family
25 Services;

26 (8) Social service agencies providing services to

1 minors located in the police district where the sex
2 offender is required to register, resides, is employed, or
3 attending an institution of higher education in the City of
4 Chicago;

5 (9) Volunteer organizations providing services to
6 minors located in the police district where the sex
7 offender is required to register, resides, is employed, or
8 attending an institution of higher education in the City of
9 Chicago; and

10 (10) A victim of a sex offense residing in the police
11 district where the sex offender is required to register,
12 resides, is employed, or attends an institution of higher
13 education in the City of Chicago, who is not otherwise
14 required to be notified under Section 4.5 of the Rights of
15 Crime Victims and Witnesses Act or Section 75 of the
16 Sexually Violent Persons Commitment Act.

17 (a-4) The Illinois ~~Department of~~ State Police shall provide
18 a list of sex offenders required to register to the Illinois
19 Department of Children and Family Services.

20 (b) The Illinois ~~Department of~~ State Police and any law
21 enforcement agency may disclose, in the Department's or
22 agency's discretion, the following information to any person
23 likely to encounter a sex offender, or sexual predator:

24 (1) The offender's name, address, date of birth, e-mail
25 addresses, instant messaging identities, chat room
26 identities, and other Internet communications identities,

1 all Uniform Resource Locators (URLs) registered or used by
2 the sex offender, and all blogs and other Internet sites
3 maintained by the sex offender or to which the sex offender
4 has uploaded any content or posted any messages or
5 information.

6 (2) The offense for which the offender was convicted.

7 (3) Adjudication as a sexually dangerous person.

8 (4) The offender's photograph or other such
9 information that will help identify the sex offender.

10 (5) Offender employment information, to protect public
11 safety.

12 (c) The name, address, date of birth, e-mail addresses,
13 instant messaging identities, chat room identities, other
14 Internet communications identities, all Uniform Resource
15 Locators (URLs) registered or used by the sex offender, all
16 blogs and other Internet sites maintained by the sex offender
17 or to which the sex offender has uploaded any content or posted
18 any messages or information, offense or adjudication, the
19 county of conviction, license plate numbers for every vehicle
20 registered in the name of the sex offender, the age of the sex
21 offender at the time of the commission of the offense, the age
22 of the victim at the time of the commission of the offense, and
23 any distinguishing marks located on the body of the sex
24 offender for sex offenders required to register under Section 3
25 of the Sex Offender Registration Act shall be open to
26 inspection by the public as provided in this Section. Every

1 municipal police department shall make available at its
2 headquarters the information on all sex offenders who are
3 required to register in the municipality under the Sex Offender
4 Registration Act. The sheriff shall also make available at his
5 or her headquarters the information on all sex offenders who
6 are required to register under that Act and who live in
7 unincorporated areas of the county. Sex offender information
8 must be made available for public inspection to any person, no
9 later than 72 hours or 3 business days from the date of the
10 request. The request must be made in person, in writing, or by
11 telephone. Availability must include giving the inquirer
12 access to a facility where the information may be copied. A
13 department or sheriff may charge a fee, but the fee may not
14 exceed the actual costs of copying the information. An inquirer
15 must be allowed to copy this information in his or her own
16 handwriting. A department or sheriff must allow access to the
17 information during normal public working hours. The sheriff or
18 a municipal police department may publish the photographs of
19 sex offenders where any victim was 13 years of age or younger
20 and who are required to register in the municipality or county
21 under the Sex Offender Registration Act in a newspaper or
22 magazine of general circulation in the municipality or county
23 or may disseminate the photographs of those sex offenders on
24 the Internet or on television. The law enforcement agency may
25 make available the information on all sex offenders residing
26 within any county.

1 (d) The Illinois ~~Department of~~ State Police and any law
2 enforcement agency having jurisdiction may, in the
3 Department's or agency's discretion, place the information
4 specified in subsection (b) on the Internet or in other media.

5 (e) (Blank).

6 (f) The administrator of a transitional housing facility
7 for sex offenders shall comply with the notification procedures
8 established in paragraph (4) of subsection (b) of Section
9 3-17-5 of the Unified Code of Corrections.

10 (g) A principal or teacher of a public or private
11 elementary or secondary school shall notify the parents of
12 children attending the school during school registration or
13 during parent-teacher conferences that information about sex
14 offenders is available to the public as provided in this Act.

15 (h) In order to receive notice under paragraph (10) of
16 subsection (a), paragraph (10) of subsection (a-2), or
17 paragraph (10) of subsection (a-3), the victim of the sex
18 offense must notify the appropriate sheriff or the Chicago
19 Police Department in writing, by facsimile transmission, or by
20 e-mail that the victim desires to receive such notice.

21 (i) For purposes of this Section, "victim of a sex offense"
22 means:

23 (1) the victim of the sex offense; or

24 (2) a single representative who may be the spouse,
25 parent, child, or sibling of a person killed during the
26 course of a sex offense perpetrated against the person

1 killed or the spouse, parent, child, or sibling of any
2 victim of a sex offense who is physically or mentally
3 incapable of comprehending or requesting notice.

4 (Source: P.A. 94-161, eff. 7-11-05; 94-168, eff. 1-1-06;
5 94-994, eff. 1-1-07; 95-229, eff. 8-16-07; 95-278, eff.
6 8-17-07; 95-640, eff. 6-1-08; 95-876, eff. 8-21-08; 95-896,
7 eff. 1-1-09.)

8 (730 ILCS 152/121)

9 Sec. 121. Notification regarding juvenile offenders.

10 (a) The Illinois ~~Department of~~ State Police and any law
11 enforcement agency having jurisdiction may, in the
12 Department's or agency's discretion, only provide the
13 information specified in subsection (b) of Section 120 of this
14 Act, with respect to an adjudicated juvenile delinquent, to any
15 person when that person's safety may be compromised for some
16 reason related to the juvenile sex offender.

17 (b) The local law enforcement agency having jurisdiction to
18 register the juvenile sex offender shall ascertain from the
19 juvenile sex offender whether the juvenile sex offender is
20 enrolled in school; and if so, shall provide a copy of the sex
21 offender registration form only to the principal or chief
22 administrative officer of the school and any guidance counselor
23 designated by him or her. The registration form shall be kept
24 separately from any and all school records maintained on behalf
25 of the juvenile sex offender.

1 (Source: P.A. 94-168, eff. 1-1-06; 95-331, eff. 8-21-07.)

2 Section 1075. The Murderer and Violent Offender Against
3 Youth Registration Act is amended by changing Sections 10, 11,
4 13, 15, 20, 25, 30, 40, 45, 46, 50, 85, 90, 95, and 100 as
5 follows:

6 (730 ILCS 154/10)

7 Sec. 10. Duty to register.

8 (a) A violent offender against youth shall, within the time
9 period prescribed in subsections (b) and (c), register in
10 person and provide accurate information as required by the
11 Illinois Department ~~of~~ State Police. Such information shall
12 include a current photograph, current address, current place of
13 employment, the employer's telephone number, school attended,
14 extensions of the time period for registering as provided in
15 this Act and, if an extension was granted, the reason why the
16 extension was granted and the date the violent offender against
17 youth was notified of the extension. A person who has been
18 adjudicated a juvenile delinquent for an act which, if
19 committed by an adult, would be a violent offense against youth
20 shall register as an adult violent offender against youth
21 within 10 days after attaining 17 years of age. The violent
22 offender against youth shall register:

23 (1) with the chief of police in the municipality in
24 which he or she resides or is temporarily domiciled for a

1 period of time of 5 or more days, unless the municipality
2 is the City of Chicago, in which case he or she shall
3 register at a fixed location designated by the
4 Superintendent of the Chicago Police Department; or

5 (2) with the sheriff in the county in which he or she
6 resides or is temporarily domiciled for a period of time of
7 5 or more days in an unincorporated area or, if
8 incorporated, no police chief exists.

9 If the violent offender against youth is employed at or
10 attends an institution of higher education, he or she shall
11 register:

12 (i) with the chief of police in the municipality in
13 which he or she is employed at or attends an institution of
14 higher education, unless the municipality is the City of
15 Chicago, in which case he or she shall register at a fixed
16 location designated by the Superintendent of the Chicago
17 Police Department; or

18 (ii) with the sheriff in the county in which he or she
19 is employed or attends an institution of higher education
20 located in an unincorporated area, or if incorporated, no
21 police chief exists.

22 For purposes of this Act, the place of residence or
23 temporary domicile is defined as any and all places where the
24 violent offender against youth resides for an aggregate period
25 of time of 5 or more days during any calendar year. Any person
26 required to register under this Act who lacks a fixed address

1 or temporary domicile must notify, in person, the agency of
2 jurisdiction of his or her last known address within 5 days
3 after ceasing to have a fixed residence.

4 Any person who lacks a fixed residence must report weekly,
5 in person, with the sheriff's office of the county in which he
6 or she is located in an unincorporated area, or with the chief
7 of police in the municipality in which he or she is located.
8 The agency of jurisdiction will document each weekly
9 registration to include all the locations where the person has
10 stayed during the past 7 days.

11 The violent offender against youth shall provide accurate
12 information as required by the Illinois ~~Department of~~ State
13 Police. That information shall include the current place of
14 employment of the violent offender against youth.

15 (a-5) An out-of-state student or out-of-state employee
16 shall, within 5 days after beginning school or employment in
17 this State, register in person and provide accurate information
18 as required by the Illinois ~~Department of~~ State Police. Such
19 information will include current place of employment, school
20 attended, and address in state of residence. The out-of-state
21 student or out-of-state employee shall register:

22 (1) with the chief of police in the municipality in
23 which he or she attends school or is employed for a period
24 of time of 5 or more days or for an aggregate period of
25 time of more than 30 days during any calendar year, unless
26 the municipality is the City of Chicago, in which case he

1 or she shall register at a fixed location designated by the
2 Superintendent of the Chicago Police Department; or

3 (2) with the sheriff in the county in which he or she
4 attends school or is employed for a period of time of 5 or
5 more days or for an aggregate period of time of more than
6 30 days during any calendar year in an unincorporated area
7 or, if incorporated, no police chief exists.

8 The out-of-state student or out-of-state employee shall
9 provide accurate information as required by the Illinois
10 ~~Department of~~ State Police. That information shall include the
11 out-of-state student's current place of school attendance or
12 the out-of-state employee's current place of employment.

13 (b) Any violent offender against youth regardless of any
14 initial, prior, or other registration, shall, within 5 days of
15 beginning school, or establishing a residence, place of
16 employment, or temporary domicile in any county, register in
17 person as set forth in subsection (a) or (a-5).

18 (c) The registration for any person required to register
19 under this Act shall be as follows:

20 (1) Except as provided in paragraph (3) of this
21 subsection (c), any person who has not been notified of his
22 or her responsibility to register shall be notified by a
23 criminal justice entity of his or her responsibility to
24 register. Upon notification the person must then register
25 within 5 days of notification of his or her requirement to
26 register. If notification is not made within the offender's

1 10 year registration requirement, and the Illinois
2 ~~Department of~~ State Police determines no evidence exists or
3 indicates the offender attempted to avoid registration,
4 the offender will no longer be required to register under
5 this Act.

6 (2) Except as provided in paragraph (3) of this
7 subsection (c), any person convicted on or after the
8 effective date of this Act shall register in person within
9 5 days after the entry of the sentencing order based upon
10 his or her conviction.

11 (3) Any person unable to comply with the registration
12 requirements of this Act because he or she is confined,
13 institutionalized, or imprisoned in Illinois on or after
14 the effective date of this Act shall register in person
15 within 5 days of discharge, parole or release.

16 (4) The person shall provide positive identification
17 and documentation that substantiates proof of residence at
18 the registering address.

19 (5) The person shall pay a \$20 initial registration fee
20 and a \$10 annual renewal fee. The fees shall be deposited
21 into the Offender Registration Fund. The fees shall be used
22 by the registering agency for official purposes. The agency
23 shall establish procedures to document receipt and use of
24 the funds. The law enforcement agency having jurisdiction
25 may waive the registration fee if it determines that the
26 person is indigent and unable to pay the registration fee.

1 (d) Within 5 days after obtaining or changing employment, a
2 person required to register under this Section must report, in
3 person to the law enforcement agency having jurisdiction, the
4 business name and address where he or she is employed. If the
5 person has multiple businesses or work locations, every
6 business and work location must be reported to the law
7 enforcement agency having jurisdiction.

8 (Source: P.A. 101-571, eff. 8-23-19.)

9 (730 ILCS 154/11)

10 Sec. 11. Transfer from the sex offender registry.

11 (a) The registration information for a person registered
12 under the Sex Offender Registration Act who was convicted or
13 adjudicated for an offense listed in subsection (b) of Section
14 5 of this Act may only be transferred to the Murderer and
15 Violent Offender Against Youth Registry if all the following
16 conditions are met:

17 (1) The offender's sole offense requiring registration
18 was a conviction or adjudication for an offense or offenses
19 listed in subsection (b) of Section 5 of this Act.

20 (2) The State's Attorney's Office in the county in
21 which the offender was convicted has verified, on a form
22 prescribed by the Illinois State Police, that the person's
23 crime that required or requires registration was not
24 sexually motivated as defined in Section 10 of the Sex
25 Offender Management Board Act.

1 (3) The completed form has been received by the
2 registering law enforcement agency and the Illinois State
3 Police's Sex Offender Registration Unit.

4 (b) Transfer under this Section shall not extend the
5 registration period for offenders who were registered under the
6 Sex Offender Registration Act.

7 (Source: P.A. 97-154, eff. 1-1-12.)

8 (730 ILCS 154/13)

9 Sec. 13. Request for Review.

10 (a) Any person who is required to register under this Act
11 may file a Request for Review with the office of the State's
12 Attorney of the county in which he or she was convicted, and
13 request that the office of the State's Attorney review his or
14 her registration information. Upon receipt of a Request for
15 Review, the State's Attorney shall review the information
16 provided by the offender, and if he or she determines that the
17 information currently relied upon for registration is
18 inaccurate, the State's Attorney shall correct the error before
19 reporting the offender's personal information to the Illinois
20 ~~Department of~~ State Police. If the State's Attorney makes a
21 determination to deny a Request for Review, the State's
22 Attorney shall give the reason why and the information relied
23 upon for denying the Request for Review.

24 (b) Within 60 days of a denial of a request for review an
25 offender may appeal the decision of the State's Attorney to

1 deny the Request for Review in the circuit court.

2 (Source: P.A. 100-946, eff. 1-1-19.)

3 (730 ILCS 154/15)

4 Sec. 15. Discharge of violent offender against youth.

5 Discharge of violent offender against youth from Department of
6 Corrections facility or other penal institution; duties of
7 official in charge. Any violent offender against youth who is
8 discharged, paroled, or released from a Department of
9 Corrections facility, a facility where such person was placed
10 by the Department of Corrections or another penal institution,
11 and whose liability for registration has not terminated under
12 Section 40 shall, prior to discharge, parole or release from
13 the facility or institution, be informed of his or her duty to
14 register in person within 5 days of release by the facility or
15 institution in which he or she was confined. The facility or
16 institution shall also inform any person who must register that
17 if he or she establishes a residence outside of the State of
18 Illinois, is employed outside of the State of Illinois, or
19 attends school outside of the State of Illinois, he or she must
20 register in the new state within 5 days after establishing the
21 residence, beginning employment, or beginning school.

22 The facility shall require the person to read and sign such
23 form as may be required by the Illinois ~~Department of~~ State
24 Police stating that the duty to register and the procedure for
25 registration has been explained to him or her and that he or

1 she understands the duty to register and the procedure for
2 registration. The facility shall further advise the person in
3 writing that the failure to register or other violation of this
4 Act shall result in revocation of parole, aftercare release,
5 mandatory supervised release or conditional release. The
6 facility shall obtain information about where the person
7 expects to reside, work, and attend school upon his or her
8 discharge, parole or release and shall report the information
9 to the Illinois ~~Department of~~ State Police. The facility shall
10 give one copy of the form to the person and shall send one copy
11 to each of the law enforcement agencies having jurisdiction
12 where the person expects to reside, work, and attend school
13 upon his or her discharge, parole or release and retain one
14 copy for the files. Electronic data files which includes all
15 notification form information and photographs of violent
16 offenders against youth being released from an Illinois
17 Department of Corrections or Illinois Department of Juvenile
18 Justice facility will be shared on a regular basis as
19 determined between the Illinois ~~Department of~~ State Police, the
20 Department of Corrections and Department of Juvenile Justice.

21 (Source: P.A. 98-558, eff. 1-1-14.)

22 (730 ILCS 154/20)

23 Sec. 20. Release of violent offender against youth; duties
24 of the Court. Any violent offender against youth who is
25 released on probation or discharged upon payment of a fine

1 because of the commission of one of the offenses defined in
2 subsection (b) of Section 5 of this Act, shall, prior to such
3 release be informed of his or her duty to register under this
4 Act by the Court in which he or she was convicted. The Court
5 shall also inform any person who must register that if he or
6 she establishes a residence outside of the State of Illinois,
7 is employed outside of the State of Illinois, or attends school
8 outside of the State of Illinois, he or she must register in
9 the new state within 5 days after establishing the residence,
10 beginning employment, or beginning school. The Court shall
11 require the person to read and sign such form as may be
12 required by the Illinois ~~Department of~~ State Police stating
13 that the duty to register and the procedure for registration
14 has been explained to him or her and that he or she understands
15 the duty to register and the procedure for registration. The
16 Court shall further advise the person in writing that the
17 failure to register or other violation of this Act shall result
18 in probation revocation. The Court shall obtain information
19 about where the person expects to reside, work, and attend
20 school upon his or her release, and shall report the
21 information to the Illinois ~~Department of~~ State Police. The
22 Court shall give one copy of the form to the person and retain
23 the original in the court records. The Illinois ~~Department of~~
24 State Police shall notify the law enforcement agencies having
25 jurisdiction where the person expects to reside, work and
26 attend school upon his or her release.

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

2 (730 ILCS 154/25)

3 Sec. 25. Discharge of violent offender against youth from
4 hospital. Discharge of violent offender against youth from a
5 hospital or other treatment facility; duties of the official in
6 charge. Any violent offender against youth who is discharged or
7 released from a hospital or other treatment facility where he
8 or she was confined shall be informed by the hospital or
9 treatment facility in which he or she was confined, prior to
10 discharge or release from the hospital or treatment facility,
11 of his or her duty to register under this Act.

12 The facility shall require the person to read and sign such
13 form as may be required by the Illinois ~~Department of~~ State
14 Police stating that the duty to register and the procedure for
15 registration have been explained to him or her and that he or
16 she understands the duty to register and the procedure for
17 registration. The facility shall give one copy of the form to
18 the person, retain one copy for its records, and forward the
19 original to the Illinois ~~Department of~~ State Police. The
20 facility shall obtain information about where the person
21 expects to reside, work, and attend school upon his or her
22 discharge, parole, or release and shall report the information
23 to the Illinois ~~Department of~~ State Police within 3 days. The
24 facility or institution shall also inform any person who must
25 register that if he or she establishes a residence outside of

1 the State of Illinois, is employed outside of the State of
2 Illinois, or attends school outside of the State of Illinois,
3 he or she must register in the new state within 5 days after
4 establishing the residence, beginning school, or beginning
5 employment. The Illinois ~~Department of~~ State Police shall
6 notify the law enforcement agencies having jurisdiction where
7 the person expects to reside, work, and attend school upon his
8 or her release.

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

10 (730 ILCS 154/30)

11 Sec. 30. Duty to report; change of address, school, or
12 employment; duty to inform. Any violent offender against youth
13 who is required to register under this Act shall report in
14 person to the appropriate law enforcement agency with whom he
15 or she last registered within one year from the date of last
16 registration and every year thereafter and at such other times
17 at the request of the law enforcement agency not to exceed 4
18 times a year. If any person required to register under this Act
19 lacks a fixed residence or temporary domicile, he or she must
20 notify, in person, the agency of jurisdiction of his or her
21 last known address within 5 days after ceasing to have a fixed
22 residence and if the offender leaves the last jurisdiction of
23 residence, he or she must, within 48 hours after leaving,
24 register in person with the new agency of jurisdiction. If any
25 other person required to register under this Act changes his or

1 her residence address, place of employment, or school, he or
2 she shall report in person to the law enforcement agency with
3 whom he or she last registered of his or her new address,
4 change in employment, or school and register, in person, with
5 the appropriate law enforcement agency within the time period
6 specified in Section 10. The law enforcement agency shall,
7 within 3 days of the reporting in person by the person required
8 to register under this Act, notify the Illinois ~~Department of~~
9 State Police of the new place of residence, change in
10 employment, or school.

11 If any person required to register under this Act intends
12 to establish a residence or employment outside of the State of
13 Illinois, at least 10 days before establishing that residence
14 or employment, he or she shall report in person to the law
15 enforcement agency with which he or she last registered of his
16 or her out-of-state intended residence or employment. The law
17 enforcement agency with which such person last registered
18 shall, within 3 days after the reporting in person of the
19 person required to register under this Act of an address or
20 employment change, notify the Illinois ~~Department of~~ State
21 Police. The Illinois ~~Department of~~ State Police shall forward
22 such information to the out-of-state law enforcement agency
23 having jurisdiction in the form and manner prescribed by the
24 Illinois ~~Department of~~ State Police.

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

1 (730 ILCS 154/40)

2 Sec. 40. Duration of registration. A person who becomes
3 subject to registration under this Article who has previously
4 been subject to registration under this Article or under the
5 Sex Offender Registration Act or similar registration
6 requirements of other jurisdictions shall register for the
7 period of his or her natural life if not confined to a penal
8 institution, hospital, or other institution or facility, and if
9 confined, for the period of his or her natural life after
10 parole, discharge, or release from any such facility. Any other
11 person who is required to register under this Act shall be
12 required to register for a period of 10 years after conviction
13 or adjudication if not confined to a penal institution,
14 hospital or any other institution or facility, and if confined,
15 for a period of 10 years after parole, discharge or release
16 from any such facility. A violent offender against youth who is
17 allowed to leave a county, State, or federal facility for the
18 purposes of work release, education, or overnight visitations
19 shall be required to register within 5 days of beginning such a
20 program. Liability for registration terminates at the
21 expiration of 10 years from the date of conviction or
22 adjudication if not confined to a penal institution, hospital
23 or any other institution or facility and if confined, at the
24 expiration of 10 years from the date of parole, discharge or
25 release from any such facility, providing such person does not,
26 during that period, again become liable to register under the

1 provisions of this Act. Reconfinement due to a violation of
2 parole or other circumstances that relates to the original
3 conviction or adjudication shall extend the period of
4 registration to 10 years after final parole, discharge, or
5 release. The Director of the Illinois State Police, consistent
6 with administrative rules, shall extend for 10 years the
7 registration period of any violent offender against youth who
8 fails to comply with the provisions of this Act. The
9 registration period for any violent offender against youth who
10 fails to comply with any provision of the Act shall extend the
11 period of registration by 10 years beginning from the first
12 date of registration after the violation. If the registration
13 period is extended, the Illinois ~~Department of~~ State Police
14 shall send a registered letter to the law enforcement agency
15 where the violent offender against youth resides within 3 days
16 after the extension of the registration period. The violent
17 offender against youth shall report to that law enforcement
18 agency and sign for that letter. One copy of that letter shall
19 be kept on file with the law enforcement agency of the
20 jurisdiction where the violent offender against youth resides
21 and one copy shall be returned to the Illinois ~~Department of~~
22 State Police.

23 (Source: P.A. 94-945, eff. 6-27-06; 95-169, eff. 8-14-07.)

24 (730 ILCS 154/45)

25 Sec. 45. Registration requirements. Registration as

1 required by this Act shall consist of a statement in writing
2 signed by the person giving the information that is required by
3 the Illinois ~~Department of~~ State Police, which may include the
4 fingerprints and must include a current photograph of the
5 person, to be updated annually. The registration information
6 must include whether the person is a violent offender against
7 youth. Within 3 days, the registering law enforcement agency
8 shall forward any required information to the Illinois
9 ~~Department of~~ State Police. The registering law enforcement
10 agency shall enter the information into the Law Enforcement
11 Agencies Data System (LEADS) as provided in Sections 6 and 7 of
12 the Intergovernmental Missing Child Recovery Act of 1984.

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

14 (730 ILCS 154/46)

15 Sec. 46. Notification of case information from the office
16 of the State's Attorney. The office of the State's Attorney
17 shall provide the Illinois ~~Department of~~ State Police
18 Registration Unit all relevant case information that
19 determines a registrant's place on the registry, including, but
20 not limited to, the date of the offense, the name of the
21 offender, the date of birth of the offender, the nature of the
22 crime, and the date of birth of the victim in order to
23 facilitate proper registry placement and to prevent the
24 necessity for future Requests for Review of a registrant's
25 information.

1 (Source: P.A. 100-946, eff. 1-1-19.)

2 (730 ILCS 154/50)

3 Sec. 50. Verification requirements.

4 (a) The agency having jurisdiction shall verify the address
5 of violent offenders against youth required to register with
6 their agency at least once per year. The verification must be
7 documented in LEADS in the form and manner required by the
8 Illinois ~~Department of~~ State Police.

9 (b) The supervising officer or aftercare specialist,
10 shall, within 15 days of sentencing to probation or release
11 from an Illinois Department of Corrections facility or other
12 penal institution, contact the law enforcement agency in the
13 jurisdiction which the violent offender against youth
14 designated as his or her intended residence and verify
15 compliance with the requirements of this Act. Revocation
16 proceedings shall be immediately commenced against a violent
17 offender against youth on probation, parole, aftercare
18 release, or mandatory supervised release who fails to comply
19 with the requirements of this Act.

20 (Source: P.A. 98-558, eff. 1-1-14.)

21 (730 ILCS 154/85)

22 Sec. 85. Murderer and Violent Offender Against Youth
23 Database.

24 (a) The Illinois ~~Department of~~ State Police shall establish

1 and maintain a Statewide Murderer and Violent Offender Against
2 Youth Database for the purpose of identifying violent offenders
3 against youth and making that information available to the
4 persons specified in Section 95. The Database shall be created
5 from the Law Enforcement Agencies Data System (LEADS)
6 established under Section 6 of the Intergovernmental Missing
7 Child Recovery Act of 1984. The Illinois ~~Department of~~ State
8 Police shall examine its LEADS database for persons registered
9 as violent offenders against youth under this Act and shall
10 identify those who are violent offenders against youth and
11 shall add all the information, including photographs if
12 available, on those violent offenders against youth to the
13 Statewide Murderer and Violent Offender Against Youth
14 Database.

15 (b) The Illinois ~~Department of~~ State Police must make the
16 information contained in the Statewide Murderer and Violent
17 Offender Against Youth Database accessible on the Internet by
18 means of a hyperlink labeled "Murderer and Violent Offender
19 Against Youth Information" on the Department's World Wide Web
20 home page. The Illinois ~~Department of~~ State Police must update
21 that information as it deems necessary.

22 The Illinois ~~Department of~~ State Police may require that a
23 person who seeks access to the violent offender against youth
24 information submit biographical information about himself or
25 herself before permitting access to the violent offender
26 against youth information. The Illinois ~~Department of~~ State

1 Police must promulgate rules in accordance with the Illinois
2 Administrative Procedure Act to implement this subsection (b)
3 and those rules must include procedures to ensure that the
4 information in the database is accurate.

5 (c) The Illinois ~~Department of~~ State Police must develop
6 and conduct training to educate all those entities involved in
7 the Murderer and Violent Offender Against Youth Registration
8 Program.

9 (d) The Illinois ~~Department of~~ State Police shall commence
10 the duties prescribed in the Murderer and Violent Offender
11 Against Youth Registration Act within 12 months after the
12 effective date of this Act.

13 (e) The Illinois ~~Department of~~ State Police shall collect
14 and annually report, on or before December 31 of each year, the
15 following information, making it publicly accessible on the
16 Illinois ~~Department of~~ State Police website:

- 17 (1) the number of registrants;
18 (2) the number of registrants currently registered for
19 each offense requiring registration; and
20 (3) biographical data, such as age of the registrant,
21 race of the registrant, and age of the victim.

22 (Source: P.A. 100-946, eff. 1-1-19.)

23 (730 ILCS 154/90)

24 Sec. 90. List of violent offenders against youth; list of
25 facilities, schools, and institutions of higher education. The

1 ~~Illinois Department of~~ State Police shall promulgate rules to
2 develop a list of violent offenders against youth covered by
3 this Act and a list of child care facilities, schools, and
4 institutions of higher education eligible to receive notice
5 under this Act, so that the list can be disseminated in a
6 timely manner to law enforcement agencies having jurisdiction.

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

8 (730 ILCS 154/95)

9 Sec. 95. Community notification of violent offenders
10 against youth.

11 (a) The sheriff of the county, except Cook County, shall
12 disclose to the following the name, address, date of birth,
13 place of employment, school attended, and offense or
14 adjudication of all violent offenders against youth required to
15 register under Section 10 of this Act:

16 (1) The boards of institutions of higher education or
17 other appropriate administrative offices of each
18 non-public institution of higher education located in the
19 county where the violent offender against youth is required
20 to register, resides, is employed, or is attending an
21 institution of higher education; and

22 (2) School boards of public school districts and the
23 principal or other appropriate administrative officer of
24 each nonpublic school located in the county where the
25 violent offender against youth is required to register or

1 is employed; and

2 (3) Child care facilities located in the county where
3 the violent offender against youth is required to register
4 or is employed; and

5 (4) Libraries located in the county where the violent
6 offender against youth is required to register or is
7 employed.

8 (a-2) The sheriff of Cook County shall disclose to the
9 following the name, address, date of birth, place of
10 employment, school attended, and offense or adjudication of all
11 violent offenders against youth required to register under
12 Section 10 of this Act:

13 (1) School boards of public school districts and the
14 principal or other appropriate administrative officer of
15 each nonpublic school located within the region of Cook
16 County, as those public school districts and nonpublic
17 schools are identified in LEADS, other than the City of
18 Chicago, where the violent offender against youth is
19 required to register or is employed; and

20 (2) Child care facilities located within the region of
21 Cook County, as those child care facilities are identified
22 in LEADS, other than the City of Chicago, where the violent
23 offender against youth is required to register or is
24 employed; and

25 (3) The boards of institutions of higher education or
26 other appropriate administrative offices of each

1 non-public institution of higher education located in the
2 county, other than the City of Chicago, where the violent
3 offender against youth is required to register, resides, is
4 employed, or attending an institution of higher education;
5 and

6 (4) Libraries located in the county, other than the
7 City of Chicago, where the violent offender against youth
8 is required to register, resides, is employed, or is
9 attending an institution of higher education.

10 (a-3) The Chicago Police Department shall disclose to the
11 following the name, address, date of birth, place of
12 employment, school attended, and offense or adjudication of all
13 violent offenders against youth required to register under
14 Section 10 of this Act:

15 (1) School boards of public school districts and the
16 principal or other appropriate administrative officer of
17 each nonpublic school located in the police district where
18 the violent offender against youth is required to register
19 or is employed if the offender is required to register or
20 is employed in the City of Chicago; and

21 (2) Child care facilities located in the police
22 district where the violent offender against youth is
23 required to register or is employed if the offender is
24 required to register or is employed in the City of Chicago;
25 and

26 (3) The boards of institutions of higher education or

1 other appropriate administrative offices of each
2 non-public institution of higher education located in the
3 police district where the violent offender against youth is
4 required to register, resides, is employed, or attending an
5 institution of higher education in the City of Chicago; and

6 (4) Libraries located in the police district where the
7 violent offender against youth is required to register or
8 is employed if the offender is required to register or is
9 employed in the City of Chicago.

10 (a-4) The Illinois ~~Department of~~ State Police shall provide
11 a list of violent offenders against youth required to register
12 to the Illinois Department of Children and Family Services.

13 (b) The Illinois ~~Department of~~ State Police and any law
14 enforcement agency may disclose, in the Department's or
15 agency's discretion, the following information to any person
16 likely to encounter a violent offender against youth:

17 (1) The offender's name, address, and date of birth.

18 (2) The offense for which the offender was convicted.

19 (3) The offender's photograph or other such
20 information that will help identify the violent offender
21 against youth.

22 (4) Offender employment information, to protect public
23 safety.

24 (c) The name, address, date of birth, and offense or
25 adjudication for violent offenders against youth required to
26 register under Section 10 of this Act shall be open to

1 inspection by the public as provided in this Section. Every
2 municipal police department shall make available at its
3 headquarters the information on all violent offenders against
4 youth who are required to register in the municipality under
5 this Act. The sheriff shall also make available at his or her
6 headquarters the information on all violent offenders against
7 youth who are required to register under this Act and who live
8 in unincorporated areas of the county. Violent offender against
9 youth information must be made available for public inspection
10 to any person, no later than 72 hours or 3 business days from
11 the date of the request. The request must be made in person, in
12 writing, or by telephone. Availability must include giving the
13 inquirer access to a facility where the information may be
14 copied. A department or sheriff may charge a fee, but the fee
15 may not exceed the actual costs of copying the information. An
16 inquirer must be allowed to copy this information in his or her
17 own handwriting. A department or sheriff must allow access to
18 the information during normal public working hours. The sheriff
19 or a municipal police department may publish the photographs of
20 violent offenders against youth where any victim was 13 years
21 of age or younger and who are required to register in the
22 municipality or county under this Act in a newspaper or
23 magazine of general circulation in the municipality or county
24 or may disseminate the photographs of those violent offenders
25 against youth on the Internet or on television. The law
26 enforcement agency may make available the information on all

1 violent offenders against youth residing within any county.

2 (d) The Illinois ~~Department of~~ State Police and any law
3 enforcement agency having jurisdiction may, in the
4 Department's or agency's discretion, place the information
5 specified in subsection (b) on the Internet or in other media.

6 (Source: P.A. 94-945, eff. 6-27-06; 95-278, eff. 8-17-07.)

7 (730 ILCS 154/100)

8 Sec. 100. Notification regarding juvenile offenders.

9 (a) The Illinois ~~Department of~~ State Police and any law
10 enforcement agency having jurisdiction may, in the
11 Department's or agency's discretion, only provide the
12 information specified in subsection (b) of Section 95, with
13 respect to an adjudicated juvenile delinquent, to any person
14 when that person's safety may be compromised for some reason
15 related to the juvenile violent offender against youth.

16 (b) The local law enforcement agency having jurisdiction to
17 register the juvenile violent offender against youth shall
18 ascertain from the juvenile violent offender against youth
19 whether the juvenile violent offender against youth is enrolled
20 in school; and if so, shall provide a copy of the violent
21 offender against youth registration form only to the principal
22 or chief administrative officer of the school and any guidance
23 counselor designated by him or her. The registration form shall
24 be kept separately from any and all school records maintained
25 on behalf of the juvenile violent offender against youth.

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

2 Section 1085. The Methamphetamine Manufacturer Registry
3 Act is amended by changing Sections 10 and 15 as follows:

4 (730 ILCS 180/10)

5 Sec. 10. Methamphetamine Manufacturer Database.

6 (a) The Illinois ~~Department of~~ State Police shall establish
7 and maintain a Methamphetamine Manufacturer Database for the
8 purpose of identifying methamphetamine manufacturers and
9 making that information available to law enforcement and the
10 general public. For every person convicted of a violation of
11 Section 15 of the Methamphetamine Control and Community
12 Protection Act on or after the effective date of this Act, the
13 methamphetamine manufacturer database shall contain
14 information relating to each methamphetamine manufacturer. The
15 information shall include the methamphetamine manufacturer's
16 name, date of birth, offense or offenses requiring inclusion in
17 the Methamphetamine Manufacturer Database, the conviction date
18 and county of each such offense, and such other identifying
19 information as the Illinois ~~Department of~~ State Police deems
20 necessary to identify the methamphetamine manufacturer, but
21 shall not include the social security number of the
22 methamphetamine manufacturer.

23 (b) The Illinois ~~Department of~~ State Police must make the
24 information contained in the Statewide Methamphetamine

1 Manufacturer Database accessible on the Internet by means of a
2 hyperlink labeled "Methamphetamine Manufacturer Information"
3 on the Department's World Wide Web home page. The Illinois
4 ~~Department of~~ State Police must update that information as it
5 deems necessary.

6 (c) The Illinois ~~Department of~~ State Police must promulgate
7 rules in accordance with the Illinois Administrative Procedure
8 Act to implement this Section and those rules must include
9 procedures to ensure that the information in the database is
10 accurate, and that the information in the database reflects any
11 changes based on the reversal of a conviction for an offense
12 requiring inclusion in the Methamphetamine Manufacturer
13 Database, or a court order requiring the sealing or expungement
14 of records relating to the offense. A certified copy of such an
15 order shall be deemed prima facie true and correct and, shall
16 be sufficient to require the immediate amendment or removal of
17 any person's information from the Methamphetamine Manufacturer
18 Database by the Illinois ~~Department of~~ State Police.

19 (Source: P.A. 94-831, eff. 6-5-06.)

20 (730 ILCS 180/15)

21 Sec. 15. Conviction Information.

22 (a) Within 60 days after the effective date of this Act,
23 each circuit clerk shall forward monthly to the Illinois
24 ~~Department of~~ State Police a copy of the judgment for each and
25 all persons convicted of an offense within the definition of

1 methamphetamine manufacturer, as defined in Section 5 of this
2 Act, during the previous month.

3 (b) Within 120 days after the effective date of this Act,
4 the Director of Corrections shall forward to the Illinois
5 ~~Department of~~ State Police a list of all persons incarcerated
6 or on mandatory supervised release, who have been convicted of
7 an offense within the definition of methamphetamine
8 manufacturer, as defined in Section 5 of this Act.

9 (Source: P.A. 94-831, eff. 6-5-06.)

10 Section 1090. The Department of Juvenile Justice Mortality
11 Review Team Act is amended by changing Section 15 as follows:

12 (730 ILCS 195/15)

13 Sec. 15. Mortality review teams; establishment.

14 (a) Upon the occurrence of the death of any youth in the
15 Department's custody, the Director shall appoint members and a
16 chairperson to a mortality review team. The Director shall make
17 the appointments within 30 days after the youth's death.

18 (b) Each mortality review team shall consist of at least
19 one member from each of the following categories:

20 (1) Pediatrician or other physician.

21 (2) Representative of the Department.

22 (3) State's Attorney or State's Attorney
23 representative.

24 (4) Representative of a local law enforcement agency.

- 1 (5) Psychologist or psychiatrist.
- 2 (6) Representative of a local health department.
- 3 (7) Designee of the Board of Education of the
4 Department of Juvenile Justice School District created
5 under Section 13-40 of the School Code.
- 6 (8) Coroner or forensic pathologist.
- 7 (9) Representative of a juvenile justice advocacy
8 organization.
- 9 (10) Representative of a local hospital, trauma
10 center, or provider of emergency medical services.
- 11 (11) Representative of the Illinois ~~Department of~~
12 State Police.
- 13 (12) Representative of the Office of the Governor's
14 Executive Inspector General.
- 15 A mortality review team may make recommendations to the
16 Director concerning additional appointments.
- 17 (c) Each mortality review team member must have
18 demonstrated experience or an interest in the welfare of youth
19 in State custody.
- 20 (d) The mortality review teams shall be funded in the
21 Department's annual budget to provide for the travel expenses
22 of team members and professional services engaged by the team.
- 23 (e) If a death of a youth in the Department's custody
24 occurs while a prior youth death is under review by a team
25 pursuant to this Act, the Director may request that the team
26 review the subsequent death.

1 (f) Upon the conclusion of all reporting required under
2 Sections 20, 25, and 30 with respect to a death reviewed by a
3 team, all appointments to the team shall expire.

4 (Source: P.A. 96-1378, eff. 7-29-10.)

5 Section 1095. The Code of Civil Procedure is amended by
6 changing Sections 2-202, 2-702, 21-101, 21-102, 21-102.5, and
7 21-103 as follows:

8 (735 ILCS 5/2-202) (from Ch. 110, par. 2-202)

9 Sec. 2-202. Persons authorized to serve process; place of
10 service; failure to make return.

11 (a) Process shall be served by a sheriff, or if the sheriff
12 is disqualified, by a coroner of some county of the State. In
13 matters where the county or State is an interested party,
14 process may be served by a special investigator appointed by
15 the State's Attorney of the county, as defined in Section
16 3-9005 of the Counties Code. A sheriff of a county with a
17 population of less than 2,000,000 may employ civilian personnel
18 to serve process. In counties with a population of less than
19 2,000,000, process may be served, without special appointment,
20 by a person who is licensed or registered as a private
21 detective under the Private Detective, Private Alarm, Private
22 Security, Fingerprint Vendor, and Locksmith Act of 2004 or by a
23 registered employee of a private detective agency certified
24 under that Act as defined in Section (a-5). A private detective

1 or licensed employee must supply the sheriff of any county in
2 which he serves process with a copy of his license or
3 certificate; however, the failure of a person to supply the
4 copy shall not in any way impair the validity of process served
5 by the person. The court may, in its discretion upon motion,
6 order service to be made by a private person over 18 years of
7 age and not a party to the action. It is not necessary that
8 service be made by a sheriff or coroner of the county in which
9 service is made. If served or sought to be served by a sheriff
10 or coroner, he or she shall endorse his or her return thereon,
11 and if by a private person the return shall be by affidavit.

12 (a-5) Upon motion and in its discretion, the court may
13 appoint as a special process server a private detective agency
14 certified under the Private Detective, Private Alarm, Private
15 Security, Fingerprint Vendor, and Locksmith Act of 2004. Under
16 the appointment, any employee of the private detective agency
17 who is registered under that Act may serve the process. The
18 motion and the order of appointment must contain the number of
19 the certificate issued to the private detective agency by the
20 Department of Professional Regulation under the Private
21 Detective, Private Alarm, Private Security, Fingerprint
22 Vendor, and Locksmith Act of 2004. A private detective or
23 private detective agency shall send, one time only, a copy of
24 his, her, or its individual private detective license or
25 private detective agency certificate to the county sheriff in
26 each county in which the detective or detective agency or his,

1 her, or its employees serve process, regardless of the size of
2 the population of the county. As long as the license or
3 certificate is valid and meets the requirements of the
4 Department of Financial and Professional Regulation, a new copy
5 of the current license or certificate need not be sent to the
6 sheriff. A private detective agency shall maintain a list of
7 its registered employees. Registered employees shall consist
8 of:

9 (1) an employee who works for the agency holding a
10 valid Permanent Employee Registration Card;

11 (2) a person who has applied for a Permanent Employee
12 Registration Card, has had his or her fingerprints
13 processed and cleared by the Illinois ~~Department of~~ State
14 Police and the FBI, and as to whom the Department of
15 Financial and Professional Regulation website shows that
16 the person's application for a Permanent Employee
17 Registration Card is pending;

18 (3) a person employed by a private detective agency who
19 is exempt from a Permanent Employee Registration Card
20 requirement because the person is a current peace officer;
21 and

22 (4) a private detective who works for a private
23 detective agency as an employee.

24 A detective agency shall maintain this list and forward it to
25 any sheriff's department that requests this list within 5
26 business days after the receipt of the request.

1 (b) Summons may be served upon the defendants wherever they
2 may be found in the State, by any person authorized to serve
3 process. An officer may serve summons in his or her official
4 capacity outside his or her county, but fees for mileage
5 outside the county of the officer cannot be taxed as costs. The
6 person serving the process in a foreign county may make return
7 by mail.

8 (c) If any sheriff, coroner, or other person to whom any
9 process is delivered, neglects or refuses to make return of the
10 same, the plaintiff may petition the court to enter a rule
11 requiring the sheriff, coroner, or other person, to make return
12 of the process on a day to be fixed by the court, or to show
13 cause on that day why that person should not be attached for
14 contempt of the court. The plaintiff shall then cause a written
15 notice of the rule to be served on the sheriff, coroner, or
16 other person. If good and sufficient cause be not shown to
17 excuse the officer or other person, the court shall adjudge him
18 or her guilty of a contempt, and shall impose punishment as in
19 other cases of contempt.

20 (d) If process is served by a sheriff, coroner, or special
21 investigator appointed by the State's Attorney, the court may
22 tax the fee of the sheriff, coroner, or State's Attorney's
23 special investigator as costs in the proceeding. If process is
24 served by a private person or entity, the court may establish a
25 fee therefor and tax such fee as costs in the proceedings.

26 (e) In addition to the powers stated in Section 8.1a of the

1 Housing Authorities Act, in counties with a population of
2 3,000,000 or more inhabitants, members of a housing authority
3 police force may serve process for eviction actions commenced
4 by that housing authority and may execute eviction orders for
5 that housing authority.

6 (f) In counties with a population of 3,000,000 or more,
7 process may be served, with special appointment by the court,
8 by a private process server or a law enforcement agency other
9 than the county sheriff in proceedings instituted under Article
10 IX of this Code as a result of a lessor or lessor's assignee
11 declaring a lease void pursuant to Section 11 of the Controlled
12 Substance and Cannabis Nuisance Act.

13 (Source: P.A. 99-169, eff. 7-28-15; 100-173, eff. 1-1-18.)

14 (735 ILCS 5/2-702)

15 Sec. 2-702. Petition for a certificate of innocence that
16 the petitioner was innocent of all offenses for which he or she
17 was incarcerated.

18 (a) The General Assembly finds and declares that innocent
19 persons who have been wrongly convicted of crimes in Illinois
20 and subsequently imprisoned have been frustrated in seeking
21 legal redress due to a variety of substantive and technical
22 obstacles in the law and that such persons should have an
23 available avenue to obtain a finding of innocence so that they
24 may obtain relief through a petition in the Court of Claims.
25 The General Assembly further finds misleading the current legal

1 nomenclature which compels an innocent person to seek a pardon
2 for being wrongfully incarcerated. It is the intent of the
3 General Assembly that the court, in exercising its discretion
4 as permitted by law regarding the weight and admissibility of
5 evidence submitted pursuant to this Section, shall, in the
6 interest of justice, give due consideration to difficulties of
7 proof caused by the passage of time, the death or
8 unavailability of witnesses, the destruction of evidence or
9 other factors not caused by such persons or those acting on
10 their behalf.

11 (b) Any person convicted and subsequently imprisoned for
12 one or more felonies by the State of Illinois which he or she
13 did not commit may, under the conditions hereinafter provided,
14 file a petition for certificate of innocence in the circuit
15 court of the county in which the person was convicted. The
16 petition shall request a certificate of innocence finding that
17 the petitioner was innocent of all offenses for which he or she
18 was incarcerated.

19 (c) In order to present the claim for certificate of
20 innocence of an unjust conviction and imprisonment, the
21 petitioner must attach to his or her petition documentation
22 demonstrating that:

23 (1) he or she has been convicted of one or more
24 felonies by the State of Illinois and subsequently
25 sentenced to a term of imprisonment, and has served all or
26 any part of the sentence; and

1 (2) his or her judgment of conviction was reversed or
2 vacated, and the indictment or information dismissed or, if
3 a new trial was ordered, either he or she was found not
4 guilty at the new trial or he or she was not retried and
5 the indictment or information dismissed; or the statute, or
6 application thereof, on which the indictment or
7 information was based violated the Constitution of the
8 United States or the State of Illinois; and

9 (3) his or her claim is not time barred by the
10 provisions of subsection (i) of this Section.

11 (d) The petition shall state facts in sufficient detail to
12 permit the court to find that the petitioner is likely to
13 succeed at trial in proving that the petitioner is innocent of
14 the offenses charged in the indictment or information or his or
15 her acts or omissions charged in the indictment or information
16 did not constitute a felony or misdemeanor against the State of
17 Illinois, and the petitioner did not by his or her own conduct
18 voluntarily cause or bring about his or her conviction. The
19 petition shall be verified by the petitioner.

20 (e) A copy of the petition shall be served on the Attorney
21 General and the State's Attorney of the county where the
22 conviction was had. The Attorney General and the State's
23 Attorney of the county where the conviction was had shall have
24 the right to intervene as parties.

25 (f) In any hearing seeking a certificate of innocence, the
26 court may take judicial notice of prior sworn testimony or

1 evidence admitted in the criminal proceedings related to the
2 convictions which resulted in the alleged wrongful
3 incarceration, if the petitioner was either represented by
4 counsel at such prior proceedings or the right to counsel was
5 knowingly waived.

6 (g) In order to obtain a certificate of innocence the
7 petitioner must prove by a preponderance of evidence that:

8 (1) the petitioner was convicted of one or more
9 felonies by the State of Illinois and subsequently
10 sentenced to a term of imprisonment, and has served all or
11 any part of the sentence;

12 (2) (A) the judgment of conviction was reversed or
13 vacated, and the indictment or information dismissed or, if
14 a new trial was ordered, either the petitioner was found
15 not guilty at the new trial or the petitioner was not
16 retried and the indictment or information dismissed; or (B)
17 the statute, or application thereof, on which the
18 indictment or information was based violated the
19 Constitution of the United States or the State of Illinois;

20 (3) the petitioner is innocent of the offenses charged
21 in the indictment or information or his or her acts or
22 omissions charged in the indictment or information did not
23 constitute a felony or misdemeanor against the State; and

24 (4) the petitioner did not by his or her own conduct
25 voluntarily cause or bring about his or her conviction.

26 (h) If the court finds that the petitioner is entitled to a

1 judgment, it shall enter a certificate of innocence finding
2 that the petitioner was innocent of all offenses for which he
3 or she was incarcerated. Upon entry of the certificate of
4 innocence or pardon from the Governor stating that such pardon
5 was issued on the ground of innocence of the crime for which he
6 or she was imprisoned, (1) the clerk of the court shall
7 transmit a copy of the certificate of innocence to the clerk of
8 the Court of Claims, together with the claimant's current
9 address; and (2) the court shall enter an order expunging the
10 record of arrest from the official records of the arresting
11 authority and order that the records of the clerk of the
12 circuit court and the Illinois ~~Department of~~ State Police be
13 sealed until further order of the court upon good cause shown
14 or as otherwise provided herein, and the name of the defendant
15 obliterated from the official index requested to be kept by the
16 circuit court clerk under Section 16 of the Clerks of Courts
17 Act in connection with the arrest and conviction for the
18 offense but the order shall not affect any index issued by the
19 circuit court clerk before the entry of the order. The court
20 shall enter the expungement order regardless of whether the
21 petitioner has prior criminal convictions.

22 All records sealed by the Illinois ~~Department of~~ State
23 Police may be disseminated by the Department only as required
24 by law or to the arresting authority, the State's Attorney, the
25 court upon a later arrest for the same or similar offense, or
26 for the purpose of sentencing for any subsequent felony. Upon

1 conviction for any subsequent offense, the Department of
2 Corrections shall have access to all sealed records of the
3 Department pertaining to that individual.

4 Upon entry of the order of expungement, the clerk of the
5 circuit court shall promptly mail a copy of the order to the
6 person whose records were expunged and sealed.

7 (i) Any person seeking a certificate of innocence under
8 this Section based on the dismissal of an indictment or
9 information or acquittal that occurred before the effective
10 date of this amendatory Act of the 95th General Assembly shall
11 file his or her petition within 2 years after the effective
12 date of this amendatory Act of the 95th General Assembly. Any
13 person seeking a certificate of innocence under this Section
14 based on the dismissal of an indictment or information or
15 acquittal that occurred on or after the effective date of this
16 amendatory Act of the 95th General Assembly shall file his or
17 her petition within 2 years after the dismissal.

18 (j) The decision to grant or deny a certificate of
19 innocence shall be binding only with respect to claims filed in
20 the Court of Claims and shall not have a res judicata effect on
21 any other proceedings.

22 (Source: P.A. 98-133, eff. 1-1-14.)

23 (735 ILCS 5/21-101) (from Ch. 110, par. 21-101)

24 Sec. 21-101. Proceedings; parties.

25 (a) If any person who is a resident of this State and has

1 resided in this State for 6 months desires to change his or her
2 name and to assume another name by which to be afterwards
3 called and known, the person may file a petition in the circuit
4 court of the county wherein he or she resides praying for that
5 relief.

6 (b) The filing of a petition in accordance with this
7 Section shall be the sole and exclusive means by which any
8 person committed under the laws of this State to a penal
9 institution may change his or her name and assume another name.
10 However, any person convicted of a felony in this State or any
11 other state who has not been pardoned may not file a petition
12 for a name change until 10 years have passed since completion
13 and discharge from his or her sentence. A person who has been
14 convicted of identity theft, aggravated identity theft, felony
15 or misdemeanor criminal sexual abuse when the victim of the
16 offense at the time of its commission is under 18 years of age,
17 felony or misdemeanor sexual exploitation of a child, felony or
18 misdemeanor indecent solicitation of a child, or felony or
19 misdemeanor indecent solicitation of an adult, or any other
20 offense for which a person is required to register under the
21 Sex Offender Registration Act in this State or any other state
22 who has not been pardoned shall not be permitted to file a
23 petition for a name change in the courts of Illinois.

24 (c) A petitioner may include his or her spouse and adult
25 unmarried children, with their consent, and his or her minor
26 children where it appears to the court that it is for their

1 best interest, in the petition and prayer, and the court's
2 order shall then include the spouse and children. Whenever any
3 minor has resided in the family of any person for the space of
4 3 years and has been recognized and known as an adopted child
5 in the family of that person, the application herein provided
6 for may be made by the person having that minor in his or her
7 family.

8 An order shall be entered as to a minor only if the court
9 finds by clear and convincing evidence that the change is
10 necessary to serve the best interest of the child. In
11 determining the best interest of a minor child under this
12 Section, the court shall consider all relevant factors,
13 including:

14 (1) The wishes of the child's parents and any person
15 acting as a parent who has physical custody of the child.

16 (2) The wishes of the child and the reasons for those
17 wishes. The court may interview the child in chambers to
18 ascertain the child's wishes with respect to the change of
19 name. Counsel shall be present at the interview unless
20 otherwise agreed upon by the parties. The court shall cause
21 a court reporter to be present who shall make a complete
22 record of the interview instantaneously to be part of the
23 record in the case.

24 (3) The interaction and interrelationship of the child
25 with his or her parents or persons acting as parents who
26 have physical custody of the child, step-parents,

1 siblings, step-siblings, or any other person who may
2 significantly affect the child's best interest.

3 (4) The child's adjustment to his or her home, school,
4 and community.

5 (d) If it appears to the court that the conditions and
6 requirements under this Article have been complied with and
7 that there is no reason why the prayer should not be granted,
8 the court, by an order to be entered of record, may direct and
9 provide that the name of that person be changed in accordance
10 with the prayer in the petition. If the circuit court orders
11 that a name change be granted to a person who has been
12 adjudicated or convicted of a felony or misdemeanor offense
13 under the laws of this State or any other state for which a
14 pardon has not been granted, or has an arrest for which a
15 charge has not been filed or a pending charge on a felony or
16 misdemeanor offense, a copy of the order, including a copy of
17 each applicable access and review response, shall be forwarded
18 to the Illinois ~~Department of~~ State Police. The Illinois
19 ~~Department of~~ State Police shall update any criminal history
20 transcript or offender registration of each person 18 years of
21 age or older in the order to include the change of name as well
22 as his or her former name.

23 (Source: P.A. 100-370, eff. 1-1-18.)

24 (735 ILCS 5/21-102) (from Ch. 110, par. 21-102)

25 Sec. 21-102. Petition; update criminal history transcript.

1 (a) The petition shall set forth the name then held, the
2 name sought to be assumed, the residence of the petitioner, the
3 length of time the petitioner has resided in this State, and
4 the state or country of the petitioner's nativity or supposed
5 nativity. The petition shall include a statement, verified
6 under oath as provided under Section 1-109 of this Code,
7 whether or not the petitioner or any other person 18 years of
8 age or older who will be subject to a change of name under the
9 petition if granted: (1) has been adjudicated or convicted of a
10 felony or misdemeanor offense under the laws of this State or
11 any other state for which a pardon has not been granted; or (2)
12 has an arrest for which a charge has not been filed or a
13 pending charge on a felony or misdemeanor offense. The petition
14 shall be signed by the person petitioning or, in case of
15 minors, by the parent or guardian having the legal custody of
16 the minor. The petition shall be verified by the affidavit of
17 some credible person.

18 (b) If the statement provided under subsection (a) of this
19 Section indicates the petitioner or any other person 18 years
20 of age or older who will be subject to a change of name under
21 the petition, if granted, has been adjudicated or convicted of
22 a felony or misdemeanor offense under the laws of this State or
23 any other state for which a pardon has not been granted, or has
24 an arrest for which a charge has not been filed or a pending
25 charge on a felony or misdemeanor offense, the State's Attorney
26 may request the court to or the court may on its own motion,

1 require the person, prior to a hearing on the petition, to
2 initiate an update of his or her criminal history transcript
3 with the Illinois ~~Department of~~ State Police. The Department
4 shall allow a person to use the Access and Review process,
5 established by rule in the Department, for this purpose. Upon
6 completion of the update of the criminal history transcript,
7 the petitioner shall file confirmation of each update with the
8 court, which shall seal the records from disclosure outside of
9 court proceedings on the petition.

10 (Source: P.A. 100-370, eff. 1-1-18.)

11 (735 ILCS 5/21-102.5)

12 Sec. 21-102.5. Notice; objection.

13 (a) The circuit court clerk shall promptly serve a copy of
14 the petition on the State's Attorney and the Illinois
15 ~~Department of~~ State Police.

16 (b) The State's Attorney may file an objection to the
17 petition. All objections shall be in writing, shall be filed
18 with the circuit court clerk, and shall state with specificity
19 the basis of the objection. Objections to a petition must be
20 filed within 30 days of the date of service of the petition
21 upon the State's Attorney.

22 (Source: P.A. 100-370, eff. 1-1-18.)

23 (735 ILCS 5/21-103) (from Ch. 110, par. 21-103)

24 Sec. 21-103. Notice by publication.

1 (a) Previous notice shall be given of the intended
2 application by publishing a notice thereof in some newspaper
3 published in the municipality in which the person resides if
4 the municipality is in a county with a population under
5 2,000,000, or if the person does not reside in a municipality
6 in a county with a population under 2,000,000, or if no
7 newspaper is published in the municipality or if the person
8 resides in a county with a population of 2,000,000 or more,
9 then in some newspaper published in the county where the person
10 resides, or if no newspaper is published in that county, then
11 in some convenient newspaper published in this State. The
12 notice shall be inserted for 3 consecutive weeks after filing,
13 the first insertion to be at least 6 weeks before the return
14 day upon which the petition is to be heard, and shall be signed
15 by the petitioner or, in case of a minor, the minor's parent or
16 guardian, and shall set forth the return day of court on which
17 the petition is to be heard and the name sought to be assumed.

18 (b) The publication requirement of subsection (a) shall not
19 be required in any application for a change of name involving a
20 minor if, before making judgment under this Article, reasonable
21 notice and opportunity to be heard is given to any parent whose
22 parental rights have not been previously terminated and to any
23 person who has physical custody of the child. If any of these
24 persons are outside this State, notice and opportunity to be
25 heard shall be given under Section 21-104.

26 (b-3) The publication requirement of subsection (a) shall

1 not be required in any application for a change of name
2 involving a person who has received a judgment for dissolution
3 of marriage or declaration of invalidity of marriage and wishes
4 to change his or her name to resume the use of his or her former
5 or maiden name.

6 (b-5) Upon motion, the court may issue an order directing
7 that the notice and publication requirement be waived for a
8 change of name involving a person who files with the court a
9 written declaration that the person believes that publishing
10 notice of the name change would put the person at risk of
11 physical harm or discrimination. The person must provide
12 evidence to support the claim that publishing notice of the
13 name change would put the person at risk of physical harm or
14 discrimination.

15 (c) The Director of the Illinois State Police or his or her
16 designee may apply to the circuit court for an order directing
17 that the notice and publication requirements of this Section be
18 waived if the Director or his or her designee certifies that
19 the name change being sought is intended to protect a witness
20 during and following a criminal investigation or proceeding.

21 (c-1) The court may enter a written order waiving the
22 publication requirement of subsection (a) if:

23 (i) the petitioner is 18 years of age or older; and

24 (ii) concurrent with the petition, the petitioner
25 files with the court a statement, verified under oath as
26 provided under Section 1-109 of this Code, attesting that

1 the petitioner is or has been a person protected under the
2 Illinois Domestic Violence Act of 1986, the Stalking No
3 Contact Order Act, the Civil No Contact Order Act, Article
4 112A of the Code of Criminal Procedure of 1963, a condition
5 of bail under subsections (b) through (d) of Section 110-10
6 of the Code of Criminal Procedure of 1963, or a similar
7 provision of a law in another state or jurisdiction.

8 The petitioner may attach to the statement any supporting
9 documents, including relevant court orders.

10 (c-2) If the petitioner files a statement attesting that
11 disclosure of the petitioner's address would put the petitioner
12 or any member of the petitioner's family or household at risk
13 or reveal the confidential address of a shelter for domestic
14 violence victims, that address may be omitted from all
15 documents filed with the court, and the petitioner may
16 designate an alternative address for service.

17 (c-3) Court administrators may allow domestic abuse
18 advocates, rape crisis advocates, and victim advocates to
19 assist petitioners in the preparation of name changes under
20 subsection (c-1).

21 (c-4) If the publication requirements of subsection (a)
22 have been waived, the circuit court shall enter an order
23 impounding the case.

24 (d) The maximum rate charged for publication of a notice
25 under this Section may not exceed the lowest classified rate
26 paid by commercial users for comparable space in the newspaper

1 in which the notice appears and shall include all cash
2 discounts, multiple insertion discounts, and similar benefits
3 extended to the newspaper's regular customers.

4 (Source: P.A. 100-520, eff. 1-1-18 (see Section 5 of P.A.
5 100-565 for the effective date of P.A. 100-520); 100-788, eff.
6 1-1-19; 100-966, eff. 1-1-19; 101-81, eff. 7-12-19; 101-203,
7 eff. 1-1-20.)

8 Section 1100. The Stalking No Contact Order Act is amended
9 by changing Sections 80, 115, and 135 as follows:

10 (740 ILCS 21/80)

11 Sec. 80. Stalking no contact orders; remedies.

12 (a) If the court finds that the petitioner has been a
13 victim of stalking, a stalking no contact order shall issue;
14 provided that the petitioner must also satisfy the requirements
15 of Section 95 on emergency orders or Section 100 on plenary
16 orders. The petitioner shall not be denied a stalking no
17 contact order because the petitioner or the respondent is a
18 minor. The court, when determining whether or not to issue a
19 stalking no contact order, may not require physical injury on
20 the person of the petitioner. Modification and extension of
21 prior stalking no contact orders shall be in accordance with
22 this Act.

23 (b) A stalking no contact order shall order one or more of
24 the following:

1 (1) prohibit the respondent from threatening to commit
2 or committing stalking;

3 (2) order the respondent not to have any contact with
4 the petitioner or a third person specifically named by the
5 court;

6 (3) prohibit the respondent from knowingly coming
7 within, or knowingly remaining within a specified distance
8 of the petitioner or the petitioner's residence, school,
9 daycare, or place of employment, or any specified place
10 frequented by the petitioner; however, the court may order
11 the respondent to stay away from the respondent's own
12 residence, school, or place of employment only if the
13 respondent has been provided actual notice of the
14 opportunity to appear and be heard on the petition;

15 (4) prohibit the respondent from possessing a Firearm
16 Owners Identification Card, or possessing or buying
17 firearms; and

18 (5) order other injunctive relief the court determines
19 to be necessary to protect the petitioner or third party
20 specifically named by the court.

21 (b-5) When the petitioner and the respondent attend the
22 same public, private, or non-public elementary, middle, or high
23 school, the court when issuing a stalking no contact order and
24 providing relief shall consider the severity of the act, any
25 continuing physical danger or emotional distress to the
26 petitioner, the educational rights guaranteed to the

1 petitioner and respondent under federal and State law, the
2 availability of a transfer of the respondent to another school,
3 a change of placement or a change of program of the respondent,
4 the expense, difficulty, and educational disruption that would
5 be caused by a transfer of the respondent to another school,
6 and any other relevant facts of the case. The court may order
7 that the respondent not attend the public, private, or
8 non-public elementary, middle, or high school attended by the
9 petitioner, order that the respondent accept a change of
10 placement or program, as determined by the school district or
11 private or non-public school, or place restrictions on the
12 respondent's movements within the school attended by the
13 petitioner. The respondent bears the burden of proving by a
14 preponderance of the evidence that a transfer, change of
15 placement, or change of program of the respondent is not
16 available. The respondent also bears the burden of production
17 with respect to the expense, difficulty, and educational
18 disruption that would be caused by a transfer of the respondent
19 to another school. A transfer, change of placement, or change
20 of program is not unavailable to the respondent solely on the
21 ground that the respondent does not agree with the school
22 district's or private or non-public school's transfer, change
23 of placement, or change of program or solely on the ground that
24 the respondent fails or refuses to consent to or otherwise does
25 not take an action required to effectuate a transfer, change of
26 placement, or change of program. When a court orders a

1 respondent to stay away from the public, private, or non-public
2 school attended by the petitioner and the respondent requests a
3 transfer to another attendance center within the respondent's
4 school district or private or non-public school, the school
5 district or private or non-public school shall have sole
6 discretion to determine the attendance center to which the
7 respondent is transferred. In the event the court order results
8 in a transfer of the minor respondent to another attendance
9 center, a change in the respondent's placement, or a change of
10 the respondent's program, the parents, guardian, or legal
11 custodian of the respondent is responsible for transportation
12 and other costs associated with the transfer or change.

13 (b-6) The court may order the parents, guardian, or legal
14 custodian of a minor respondent to take certain actions or to
15 refrain from taking certain actions to ensure that the
16 respondent complies with the order. In the event the court
17 orders a transfer of the respondent to another school, the
18 parents, guardian, or legal custodian of the respondent are
19 responsible for transportation and other costs associated with
20 the change of school by the respondent.

21 (b-7) The court shall not hold a school district or private
22 or non-public school or any of its employees in civil or
23 criminal contempt unless the school district or private or
24 non-public school has been allowed to intervene.

25 (b-8) The court may hold the parents, guardian, or legal
26 custodian of a minor respondent in civil or criminal contempt

1 for a violation of any provision of any order entered under
2 this Act for conduct of the minor respondent in violation of
3 this Act if the parents, guardian, or legal custodian directed,
4 encouraged, or assisted the respondent minor in such conduct.

5 (c) The court may award the petitioner costs and attorneys
6 fees if a stalking no contact order is granted.

7 (d) Monetary damages are not recoverable as a remedy.

8 (e) If the stalking no contact order prohibits the
9 respondent from possessing a Firearm Owner's Identification
10 Card, or possessing or buying firearms; the court shall
11 confiscate the respondent's Firearm Owner's Identification
12 Card and immediately return the card to the Illinois Department
13 ~~of~~ State Police Firearm Owner's Identification Card Office.

14 (Source: P.A. 96-246, eff. 1-1-10; 97-294, eff. 1-1-12;
15 97-1131, eff. 1-1-13.)

16 (740 ILCS 21/115)

17 Sec. 115. Notice of orders.

18 (a) Upon issuance of any stalking no contact order, the
19 clerk shall immediately:

20 (1) enter the order on the record and file it in
21 accordance with the circuit court procedures; and

22 (2) provide a file stamped copy of the order to the
23 respondent, if present, and to the petitioner.

24 (b) The clerk of the issuing judge shall, or the petitioner
25 may, on the same day that a stalking no contact order is

1 issued, file a certified copy of that order with the sheriff or
2 other law enforcement officials charged with maintaining
3 Illinois ~~Department of~~ State Police records or charged with
4 serving the order upon the respondent. If the respondent, at
5 the time of the issuance of the order, is committed to the
6 custody of the Illinois Department of Corrections or Illinois
7 Department of Juvenile Justice or is on parole, aftercare
8 release, or mandatory supervised release, the sheriff or other
9 law enforcement officials charged with maintaining Illinois
10 ~~Department of~~ State Police records shall notify the Department
11 of Corrections or Department of Juvenile Justice within 48
12 hours of receipt of a copy of the stalking no contact order
13 from the clerk of the issuing judge or the petitioner. Such
14 notice shall include the name of the respondent, the
15 respondent's IDOC inmate number or IDJJ youth identification
16 number, the respondent's date of birth, and the LEADS Record
17 Index Number.

18 (c) Unless the respondent was present in court when the
19 order was issued, the sheriff, other law enforcement official,
20 or special process server shall promptly serve that order upon
21 the respondent and file proof of such service in the manner
22 provided for service of process in civil proceedings. Instead
23 of serving the order upon the respondent, however, the sheriff,
24 other law enforcement official, special process server, or
25 other persons defined in Section 117 may serve the respondent
26 with a short form notification as provided in Section 117. If

1 process has not yet been served upon the respondent, it shall
2 be served with the order or short form notification if such
3 service is made by the sheriff, other law enforcement official,
4 or special process server.

5 (d) If the person against whom the stalking no contact
6 order is issued is arrested and the written order is issued in
7 accordance with subsection (c) of Section 95 and received by
8 the custodial law enforcement agency before the respondent or
9 arrestee is released from custody, the custodial law
10 enforcement agent shall promptly serve the order upon the
11 respondent or arrestee before the respondent or arrestee is
12 released from custody. In no event shall detention of the
13 respondent or arrestee be extended for hearing on the petition
14 for stalking no contact order or receipt of the order issued
15 under Section 95 of this Act.

16 (e) Any order extending, modifying, or revoking any
17 stalking no contact order shall be promptly recorded, issued,
18 and served as provided in this Section.

19 (f) Upon the request of the petitioner, within 24 hours of
20 the issuance of a stalking no contact order, the clerk of the
21 issuing judge shall send written notice of the order along with
22 a certified copy of the order to any school, daycare, college,
23 or university at which the petitioner is enrolled.

24 (Source: P.A. 101-508, eff. 1-1-20.)

1 Sec. 135. Data maintenance by law enforcement agencies.

2 (a) All sheriffs shall furnish to the Illinois Department
3 ~~of~~ State Police, on the same day as received, in the form and
4 detail the Department requires, copies of any recorded
5 emergency or plenary stalking no contact orders issued by the
6 court and transmitted to the sheriff by the clerk of the court
7 in accordance with subsection (b) of Section 115 of this Act.
8 Each stalking no contact order shall be entered in the Law
9 Enforcement Agencies Data System on the same day it is issued
10 by the court. If an emergency stalking no contact order was
11 issued in accordance with subsection (c) of Section 100, the
12 order shall be entered in the Law Enforcement Agencies Data
13 System as soon as possible after receipt from the clerk of the
14 court.

15 (b) The Illinois Department ~~of~~ State Police shall maintain
16 a complete and systematic record and index of all valid and
17 recorded stalking no contact orders issued under this Act. The
18 data shall be used to inform all dispatchers and law
19 enforcement officers at the scene of an alleged incident of
20 stalking or violation of a stalking no contact order of any
21 recorded prior incident of stalking involving the petitioner
22 and the effective dates and terms of any recorded stalking no
23 contact order.

24 (Source: P.A. 96-246, eff. 1-1-10.)

25 Section 1105. The Civil No Contact Order Act is amended by

1 changing Sections 218 and 302 as follows:

2 (740 ILCS 22/218)

3 Sec. 218. Notice of orders.

4 (a) Upon issuance of any civil no contact order, the clerk
5 shall immediately:

6 (1) enter the order on the record and file it in
7 accordance with the circuit court procedures; and

8 (2) provide a file stamped copy of the order to the
9 respondent, if present, and to the petitioner.

10 (b) The clerk of the issuing judge shall, or the petitioner
11 may, on the same day that a civil no contact order is issued,
12 file a certified copy of that order with the sheriff or other
13 law enforcement officials charged with maintaining Illinois
14 ~~Department of~~ State Police records or charged with serving the
15 order upon the respondent. If the respondent, at the time of
16 the issuance of the order, is committed to the custody of the
17 Illinois Department of Corrections or Illinois Department of
18 Juvenile Justice, or is on parole, aftercare release, or
19 mandatory supervised release, the sheriff or other law
20 enforcement officials charged with maintaining Illinois
21 ~~Department of~~ State Police records shall notify the Department
22 of Corrections or Department of Juvenile Justice within 48
23 hours of receipt of a copy of the civil no contact order from
24 the clerk of the issuing judge or the petitioner. Such notice
25 shall include the name of the respondent, the respondent's IDOC

1 inmate number or IDJJ youth identification number, the
2 respondent's date of birth, and the LEADS Record Index Number.

3 (c) Unless the respondent was present in court when the
4 order was issued, the sheriff, other law enforcement official,
5 or special process server shall promptly serve that order upon
6 the respondent and file proof of such service in the manner
7 provided for service of process in civil proceedings. Instead
8 of serving the order upon the respondent, however, the sheriff,
9 other law enforcement official, special process server, or
10 other persons defined in Section 218.1 may serve the respondent
11 with a short form notification as provided in Section 218.1. If
12 process has not yet been served upon the respondent, it shall
13 be served with the order or short form notification if such
14 service is made by the sheriff, other law enforcement official,
15 or special process server.

16 (d) If the person against whom the civil no contact order
17 is issued is arrested and the written order is issued in
18 accordance with subsection (c) of Section 214 and received by
19 the custodial law enforcement agency before the respondent or
20 arrestee is released from custody, the custodial law
21 enforcement agent shall promptly serve the order upon the
22 respondent or arrestee before the respondent or arrestee is
23 released from custody. In no event shall detention of the
24 respondent or arrestee be extended for hearing on the petition
25 for civil no contact order or receipt of the order issued under
26 Section 214 of this Act.

1 (e) Any order extending, modifying, or revoking any civil
2 no contact order shall be promptly recorded, issued, and served
3 as provided in this Section.

4 (f) Upon the request of the petitioner, within 24 hours of
5 the issuance of a civil no contact order, the clerk of the
6 issuing judge shall send written notice of the order along with
7 a certified copy of the order to any school, college, or
8 university at which the petitioner is enrolled.

9 (Source: P.A. 101-508, eff. 1-1-20.)

10 (740 ILCS 22/302)

11 Sec. 302. Data maintenance by law enforcement agencies.

12 (a) All sheriffs shall furnish to the Illinois ~~Department~~
13 ~~of~~ State Police, on the same day as received, in the form and
14 detail the Department requires, copies of any recorded
15 emergency or plenary civil no contact orders issued by the
16 court and transmitted to the sheriff by the clerk of the court
17 in accordance with subsection (b) of Section 218 of this Act.
18 Each civil no contact order shall be entered in the Law
19 Enforcement Agencies Data System on the same day it is issued
20 by the court. If an emergency civil no contact order was issued
21 in accordance with subsection (c) of Section 214, the order
22 shall be entered in the Law Enforcement Agencies Data System as
23 soon as possible after receipt from the clerk of the court.

24 (b) The Illinois ~~Department of~~ State Police shall maintain
25 a complete and systematic record and index of all valid and

1 recorded civil no contact orders issued under this Act. The
2 data shall be used to inform all dispatchers and law
3 enforcement officers at the scene of an alleged incident of
4 non-consensual sexual conduct or non-consensual sexual
5 penetration or violation of a civil no contact order of any
6 recorded prior incident of non-consensual sexual conduct or
7 non-consensual sexual penetration involving the victim and the
8 effective dates and terms of any recorded civil no contact
9 order.

10 (Source: P.A. 93-236, eff. 1-1-04.)

11 Section 1110. The Controlled Substance and Cannabis
12 Nuisance Act is amended by changing Sections 1, 3, and 7 as
13 follows:

14 (740 ILCS 40/1) (from Ch. 100 1/2, par. 14)

15 Sec. 1. As used in this Act unless the context otherwise
16 requires:

17 ~~"Department" means the Department of State Police of the~~
18 ~~State of Illinois.~~

19 "Controlled Substances" means any substance as defined and
20 included in the Schedules of Article II of the "Illinois
21 Controlled Substances Act," and cannabis as defined in the
22 "Cannabis Control Act" enacted by the 77th General Assembly.

23 "Place" means any store, shop, warehouse, dwelling house,
24 building, apartment or any place whatever.

1 "Nuisance" means any place at which or in which controlled
2 substances are unlawfully sold, possessed, served, stored,
3 delivered, manufactured, cultivated, given away or used more
4 than once within a period of one year.

5 "Person" means any corporation, association, partner, or
6 one or more individuals.

7 (Source: P.A. 87-765.)

8 (740 ILCS 40/3) (from Ch. 100 1/2, par. 16)

9 Sec. 3. (a) The Illinois State Police ~~Department~~ or the
10 State's Attorney or any citizen of the county in which a
11 nuisance exists may file a complaint in the name of the People
12 of the State of Illinois to enjoin all persons from maintaining
13 or permitting such nuisance, to abate the same and to enjoin
14 the use of any such place for the period of one year.

15 (b) Upon the filing of a complaint by the State's Attorney
16 or the Illinois State Police ~~Department~~ in which the complaint
17 states that irreparable injury, loss or damage will result to
18 the People of the State of Illinois, the court shall enter a
19 temporary restraining order without notice enjoining the
20 maintenance of such nuisance, upon testimony under oath,
21 affidavit, or verified complaint containing facts sufficient,
22 if sustained, to justify the court in entering a preliminary
23 injunction upon a hearing after notice. Every such temporary
24 restraining order entered without notice shall be endorsed with
25 the date and hour of entry of the order, shall be filed of

1 record, and shall expire by its terms within such time after
2 entry, not to exceed 10 days as fixed by the court, unless the
3 temporary restraining order, for good cause, is extended for a
4 like period or unless the party against whom the order is
5 directed consents that it may be extended for a longer period.
6 The reason for extension shall be shown in the order. In case a
7 temporary restraining order is entered without notice, the
8 motion for a permanent injunction shall be set down for hearing
9 at the earliest possible time and takes precedence over all
10 matters except older matters of the same character, and when
11 the motion comes on for hearing, the Illinois State Police
12 ~~Department~~ or State's Attorney, as the case may be, shall
13 proceed with the application for a permanent injunction, and,
14 if he does not do so, the court shall dissolve the temporary
15 restraining order. On 2 days' notice to the Illinois State
16 Police ~~Department~~ or State's Attorney, as the case may be, the
17 defendant may appear and move the dissolution or modification
18 of such temporary restraining order and in that event the court
19 shall proceed to hear and determine such motion as
20 expeditiously as the ends of justice require.

21 (c) Upon the filing of the complaint by a citizen or the
22 Illinois State Police ~~Department~~ or the State's Attorney (in
23 cases in which the Illinois State Police ~~Department~~ or State's
24 Attorney does not request injunctive relief without notice) in
25 the circuit court, the court, if satisfied that the nuisance
26 complained of exists, shall allow a temporary restraining

1 order, with bond unless the application is filed by the
2 Illinois State Police Department or State's Attorney, in such
3 amount as the court may determine, enjoining the defendant from
4 maintaining any such nuisance within the jurisdiction of the
5 court granting the injunctive relief. However, no such
6 injunctive relief shall be granted, except on behalf of an
7 owner or agent, unless it be made to appear to the satisfaction
8 of the court that the owner or agent of such place knew or had
9 been personally served with a notice signed by the plaintiff
10 and that such notice has been served upon such owner or such
11 agent of such place at least 5 days prior thereto, that such
12 place, specifically describing the same, was being so used,
13 naming the date or dates of its being so used, and that such
14 owner or agent had failed to abate such nuisance, or that upon
15 diligent inquiry such owner or agent could not be found for the
16 service of such preliminary notice. The lessee, if any, of such
17 place shall be made a party defendant to such petition. If the
18 property owner is a corporation and the Illinois State Police
19 ~~Department~~ or the State's Attorney sends the preliminary notice
20 to the corporate address registered with the Secretary of
21 State, such action shall create a rebuttable presumption that
22 the parties have acted with due diligence and the court may
23 grant injunctive relief.

24 (d) In all cases in which the complaint is filed by a
25 citizen, such complaint shall be verified.

26 (Source: P.A. 99-78, eff. 7-20-15.)

1 (740 ILCS 40/7) (from Ch. 100 1/2, par. 20)

2 Sec. 7. The proceeds of the sale of the movable property
3 shall be applied in payment of the costs of the proceeding, and
4 the balance, if any, shall be forwarded by the clerk of the
5 circuit court to the State Treasurer for deposit into the Drug
6 Treatment Fund, which is established as a special fund within
7 the State Treasury. The Department of Human Services may make
8 grants to persons licensed under Section 15-10 of the Substance
9 Use Disorder Act or to municipalities or counties from funds
10 appropriated to the Illinois State Police ~~Department~~ from the
11 Drug Treatment Fund for the treatment of persons addicted to
12 alcohol, cannabis, or controlled substances. The Illinois
13 State Police ~~Department~~ may adopt any rules it deems
14 appropriate for the administration of these grants. The
15 Illinois State Police ~~Department~~ shall ensure that the moneys
16 collected in each county be returned proportionately to the
17 counties through grants to licensees located within the county
18 in which the assessment was collected. Moneys in the Fund shall
19 not supplant other local, state or federal funds.

20 (Source: P.A. 100-759, eff. 1-1-19.)

21 Section 1115. The Mental Health and Developmental
22 Disabilities Confidentiality Act is amended by changing
23 Sections 12 and 12.2 as follows:

1 (740 ILCS 110/12) (from Ch. 91 1/2, par. 812)

2 Sec. 12. (a) If the United States Secret Service or the
3 Illinois ~~Department of~~ State Police requests information from a
4 mental health or developmental disability facility, as defined
5 in Section 1-107 and 1-114 of the Mental Health and
6 Developmental Disabilities Code, relating to a specific
7 recipient and the facility director determines that disclosure
8 of such information may be necessary to protect the life of, or
9 to prevent the infliction of great bodily harm to, a public
10 official, or a person under the protection of the United States
11 Secret Service, only the following information may be
12 disclosed: the recipient's name, address, and age and the date
13 of any admission to or discharge from a facility; and any
14 information which would indicate whether or not the recipient
15 has a history of violence or presents a danger of violence to
16 the person under protection. Any information so disclosed shall
17 be used for investigative purposes only and shall not be
18 publicly disseminated. Any person participating in good faith
19 in the disclosure of such information in accordance with this
20 provision shall have immunity from any liability, civil,
21 criminal or otherwise, if such information is disclosed relying
22 upon the representation of an officer of the United States
23 Secret Service or the Illinois ~~Department of~~ State Police that
24 a person is under the protection of the United States Secret
25 Service or is a public official.

26 For the purpose of this subsection (a), the term "public

1 official" means the Governor, Lieutenant Governor, Attorney
2 General, Secretary of State, State Comptroller, State
3 Treasurer, member of the General Assembly, member of the United
4 States Congress, Judge of the United States as defined in 28
5 U.S.C. 451, Justice of the United States as defined in 28
6 U.S.C. 451, United States Magistrate Judge as defined in 28
7 U.S.C. 639, Bankruptcy Judge appointed under 28 U.S.C. 152, or
8 Supreme, Appellate, Circuit, or Associate Judge of the State of
9 Illinois. The term shall also include the spouse, child or
10 children of a public official.

11 (b) The Department of Human Services (acting as successor
12 to the Department of Mental Health and Developmental
13 Disabilities) and all public or private hospitals and mental
14 health facilities are required, as hereafter described in this
15 subsection, to furnish the Illinois ~~Department of~~ State Police
16 only such information as may be required for the sole purpose
17 of determining whether an individual who may be or may have
18 been a patient is disqualified because of that status from
19 receiving or retaining a Firearm Owner's Identification Card or
20 falls within the federal prohibitors under subsection (e), (f),
21 (g), (r), (s), or (t) of Section 8 of the Firearm Owners
22 Identification Card Act, or falls within the federal
23 prohibitors in 18 U.S.C. 922(g) and (n). All physicians,
24 clinical psychologists, or qualified examiners at public or
25 private mental health facilities or parts thereof as defined in
26 this subsection shall, in the form and manner required by the

1 Department, provide notice directly to the Department of Human
2 Services, or to his or her employer who shall then report to
3 the Department, within 24 hours after determining that a person
4 poses a clear and present danger to himself, herself, or
5 others, or within 7 days after a person 14 years or older is
6 determined to be a person with a developmental disability by a
7 physician, clinical psychologist, or qualified examiner as
8 described in Section 1.1 of the Firearm Owners Identification
9 Card Act. If a person is a patient as described in clause (1)
10 of the definition of "patient" in Section 1.1 of the Firearm
11 Owners Identification Card Act, this information shall be
12 furnished within 7 days after admission to a public or private
13 hospital or mental health facility or the provision of
14 services. Any such information disclosed under this subsection
15 shall remain privileged and confidential, and shall not be
16 redisclosed, except as required by subsection (e) of Section
17 3.1 of the Firearm Owners Identification Card Act, nor utilized
18 for any other purpose. The method of requiring the providing of
19 such information shall guarantee that no information is
20 released beyond what is necessary for this purpose. In
21 addition, the information disclosed shall be provided by the
22 Department within the time period established by Section 24-3
23 of the Criminal Code of 2012 regarding the delivery of
24 firearms. The method used shall be sufficient to provide the
25 necessary information within the prescribed time period, which
26 may include periodically providing lists to the Department of

1 Human Services or any public or private hospital or mental
2 health facility of Firearm Owner's Identification Card
3 applicants on which the Department or hospital shall indicate
4 the identities of those individuals who are to its knowledge
5 disqualified from having a Firearm Owner's Identification Card
6 for reasons described herein. The Department may provide for a
7 centralized source of information for the State on this subject
8 under its jurisdiction. The identity of the person reporting
9 under this subsection shall not be disclosed to the subject of
10 the report. For the purposes of this subsection, the physician,
11 clinical psychologist, or qualified examiner making the
12 determination and his or her employer shall not be held
13 criminally, civilly, or professionally liable for making or not
14 making the notification required under this subsection, except
15 for willful or wanton misconduct.

16 Any person, institution, or agency, under this Act,
17 participating in good faith in the reporting or disclosure of
18 records and communications otherwise in accordance with this
19 provision or with rules, regulations or guidelines issued by
20 the Department shall have immunity from any liability, civil,
21 criminal or otherwise, that might result by reason of the
22 action. For the purpose of any proceeding, civil or criminal,
23 arising out of a report or disclosure in accordance with this
24 provision, the good faith of any person, institution, or agency
25 so reporting or disclosing shall be presumed. The full extent
26 of the immunity provided in this subsection (b) shall apply to

1 any person, institution or agency that fails to make a report
2 or disclosure in the good faith belief that the report or
3 disclosure would violate federal regulations governing the
4 confidentiality of alcohol and drug abuse patient records
5 implementing 42 U.S.C. 290dd-3 and 290ee-3.

6 For purposes of this subsection (b) only, the following
7 terms shall have the meaning prescribed:

8 (1) (Blank).

9 (1.3) "Clear and present danger" has the meaning as
10 defined in Section 1.1 of the Firearm Owners Identification
11 Card Act.

12 (1.5) "Person with a developmental disability" has the
13 meaning as defined in Section 1.1 of the Firearm Owners
14 Identification Card Act.

15 (2) "Patient" has the meaning as defined in Section 1.1
16 of the Firearm Owners Identification Card Act.

17 (3) "Mental health facility" has the meaning as defined
18 in Section 1.1 of the Firearm Owners Identification Card
19 Act.

20 (c) Upon the request of a peace officer who takes a person
21 into custody and transports such person to a mental health or
22 developmental disability facility pursuant to Section 3-606 or
23 4-404 of the Mental Health and Developmental Disabilities Code
24 or who transports a person from such facility, a facility
25 director shall furnish said peace officer the name, address,
26 age and name of the nearest relative of the person transported

1 to or from the mental health or developmental disability
2 facility. In no case shall the facility director disclose to
3 the peace officer any information relating to the diagnosis,
4 treatment or evaluation of the person's mental or physical
5 health.

6 For the purposes of this subsection (c), the terms "mental
7 health or developmental disability facility", "peace officer"
8 and "facility director" shall have the meanings ascribed to
9 them in the Mental Health and Developmental Disabilities Code.

10 (d) Upon the request of a peace officer or prosecuting
11 authority who is conducting a bona fide investigation of a
12 criminal offense, or attempting to apprehend a fugitive from
13 justice, a facility director may disclose whether a person is
14 present at the facility. Upon request of a peace officer or
15 prosecuting authority who has a valid forcible felony warrant
16 issued, a facility director shall disclose: (1) whether the
17 person who is the subject of the warrant is present at the
18 facility and (2) the date of that person's discharge or future
19 discharge from the facility. The requesting peace officer or
20 prosecuting authority must furnish a case number and the
21 purpose of the investigation or an outstanding arrest warrant
22 at the time of the request. Any person, institution, or agency
23 participating in good faith in disclosing such information in
24 accordance with this subsection (d) is immune from any
25 liability, civil, criminal or otherwise, that might result by
26 reason of the action.

1 (Source: P.A. 98-63, eff. 7-9-13; 99-29, eff. 7-10-15; 99-143,
2 eff. 7-27-15; 99-642, eff. 7-28-16.)

3 (740 ILCS 110/12.2) (from Ch. 91 1/2, par. 812.2)

4 Sec. 12.2. (a) When a recipient who has been judicially or
5 involuntarily admitted, or is a forensic recipient admitted to
6 a developmental disability or mental health facility, as
7 defined in Section 1-107 or 1-114 of the Mental Health and
8 Developmental Disabilities Code, is on an unauthorized absence
9 or otherwise has left the custody of the Department of Human
10 Services without being discharged or being free to do so, the
11 facility director shall immediately furnish and disclose to the
12 appropriate local law enforcement agency identifying
13 information, as defined in this Section, and all further
14 information unrelated to the diagnosis, treatment or
15 evaluation of the recipient's mental or physical health that
16 would aid the law enforcement agency in recovering the
17 recipient and returning him or her to custody. When a forensic
18 recipient is on an unauthorized absence or otherwise has left
19 the custody of the Department without being discharged or being
20 free to do so, the facility director, or designee, of a mental
21 health facility or developmental facility operated by the
22 Department shall also immediately notify, in like manner, the
23 Illinois Department of State Police.

24 (b) If a law enforcement agency requests information from a
25 developmental disability or mental health facility, as defined

1 in Section 1-107 or 1-114 of the Mental Health and
2 Developmental Disabilities Code, relating to a recipient who
3 has been admitted to the facility and for whom a missing person
4 report has been filed with a law enforcement agency, the
5 facility director shall, except in the case of a voluntary
6 recipient wherein the recipient's permission in writing must
7 first be obtained, furnish and disclose to the law enforcement
8 agency identifying information as is necessary to confirm or
9 deny whether that person is, or has been since the missing
10 person report was filed, a resident of that facility. The
11 facility director shall notify the law enforcement agency if
12 the missing person is admitted after the request. Any person
13 participating in good faith in the disclosure of information in
14 accordance with this provision shall have immunity from any
15 liability, civil, criminal, or otherwise, if the information is
16 disclosed relying upon the representation of an officer of a
17 law enforcement agency that a missing person report has been
18 filed.

19 (c) Upon the request of a law enforcement agency in
20 connection with the investigation of a particular felony or sex
21 offense, when the investigation case file number is furnished
22 by the law enforcement agency, a facility director shall
23 immediately disclose to that law enforcement agency
24 identifying information on any forensic recipient who is
25 admitted to a developmental disability or mental health
26 facility, as defined in Section 1-107 or 1-114 of the Mental

1 Health and Developmental Disabilities Code, who was or may have
2 been away from the facility at or about the time of the
3 commission of a particular felony or sex offense, and: (1)
4 whose description, clothing, or both reasonably match the
5 physical description of any person allegedly involved in that
6 particular felony or sex offense; or (2) whose past modus
7 operandi matches the modus operandi of that particular felony
8 or sex offense.

9 (d) For the purposes of this Section and Section 12.1, "law
10 enforcement agency" means an agency of the State or unit of
11 local government that is vested by law or ordinance with the
12 duty to maintain public order and to enforce criminal laws or
13 ordinances, the Federal Bureau of Investigation, the Central
14 Intelligence Agency, and the United States Secret Service.

15 (e) For the purpose of this Section, "identifying
16 information" means the name, address, age, and a physical
17 description, including clothing, of the recipient of services,
18 the names and addresses of the recipient's nearest known
19 relatives, where the recipient was known to have been during
20 any past unauthorized absences from a facility, whether the
21 recipient may be suicidal, and the condition of the recipient's
22 physical health as it relates to exposure to the weather.
23 Except as provided in Section 11, in no case shall the facility
24 director disclose to the law enforcement agency any information
25 relating to the diagnosis, treatment, or evaluation of the
26 recipient's mental or physical health, unless the disclosure is

1 deemed necessary by the facility director to insure the safety
2 of the investigating officers or general public.

3 (f) For the purpose of this Section, "forensic recipient"
4 means a recipient who is placed in a developmental disability
5 facility or mental health facility, as defined in Section 1-107
6 or 1-114 of the Mental Health and Developmental Disabilities
7 Code, pursuant to Article 104 of the Code of Criminal Procedure
8 of 1963 or Sections 3-8-5, 3-10-5 or 5-2-4 of the Unified Code
9 of Corrections.

10 (Source: P.A. 98-756, eff. 7-16-14; 99-216, eff. 7-31-15.)

11 Section 1120. The Illinois False Claims Act is amended by
12 changing Sections 2, 4, and 8 as follows:

13 (740 ILCS 175/2) (from Ch. 127, par. 4102)

14 Sec. 2. Definitions. As used in this Act:

15 (a) "State" means the State of Illinois; any agency of
16 State government; the system of State colleges and
17 universities, any school district, community college district,
18 county, municipality, municipal corporation, unit of local
19 government, and any combination of the above under an
20 intergovernmental agreement that includes provisions for a
21 governing body of the agency created by the agreement.

22 (b) "Guard" means the Illinois National Guard.

23 (c) "Investigation" means any inquiry conducted by any
24 investigator for the purpose of ascertaining whether any person

1 is or has been engaged in any violation of this Act.

2 (d) "Investigator" means a person who is charged by the
3 Attorney General or the Illinois ~~Department of~~ State Police
4 with the duty of conducting any investigation under this Act,
5 or any officer or employee of the State acting under the
6 direction and supervision of the Attorney General or the
7 Illinois ~~Department of~~ State Police, ~~through the Division of~~
8 ~~Operations or the Division of Internal Investigation~~, in the
9 course of an investigation.

10 (e) "Documentary material" includes the original or any
11 copy of any book, record, report, memorandum, paper,
12 communication, tabulation, chart, or other document, or data
13 compilations stored in or accessible through computer or other
14 information retrieval systems, together with instructions and
15 all other materials necessary to use or interpret such data
16 compilations, and any product of discovery.

17 (f) "Custodian" means the custodian, or any deputy
18 custodian, designated by the Attorney General under subsection
19 (i) (1) of Section 6.

20 (g) "Product of discovery" includes:

21 (1) the original or duplicate of any deposition,
22 interrogatory, document, thing, result of the inspection
23 of land or other property, examination, or admission, which
24 is obtained by any method of discovery in any judicial or
25 administrative proceeding of an adversarial nature;

26 (2) any digest, analysis, selection, compilation, or

1 derivation of any item listed in paragraph (1); and
2 (3) any index or other manner of access to any item
3 listed in paragraph (1).

4 (Source: P.A. 95-128, eff. 1-1-08; 96-1304, eff. 7-27-10.)

5 (740 ILCS 175/4) (from Ch. 127, par. 4104)

6 Sec. 4. Civil actions for false claims.

7 (a) Responsibilities of the Attorney General and the
8 Illinois ~~Department of~~ State Police. The Attorney General or
9 the Illinois ~~Department of~~ State Police shall diligently
10 investigate a civil violation under Section 3. If the Attorney
11 General finds that a person violated or is violating Section 3,
12 the Attorney General may bring a civil action under this
13 Section against the person.

14 The State shall receive an amount for reasonable expenses
15 that the court finds to have been necessarily incurred by the
16 Attorney General, including reasonable attorneys' fees and
17 costs. All such expenses, fees, and costs shall be awarded
18 against the defendant. The court may award amounts from the
19 proceeds of an action or settlement that it considers
20 appropriate to any governmental entity or program that has been
21 adversely affected by a defendant. The Attorney General, if
22 necessary, shall direct the State Treasurer to make a
23 disbursement of funds as provided in court orders or settlement
24 agreements.

25 (b) Actions by private persons.

1 (1) A person may bring a civil action for a violation
2 of Section 3 for the person and for the State. The action
3 shall be brought in the name of the State. The action may
4 be dismissed only if the court and the Attorney General
5 give written consent to the dismissal and their reasons for
6 consenting.

7 (2) A copy of the complaint and written disclosure of
8 substantially all material evidence and information the
9 person possesses shall be served on the State. The
10 complaint shall be filed in camera, shall remain under seal
11 for at least 60 days, and shall not be served on the
12 defendant until the court so orders. The State may elect to
13 intervene and proceed with the action within 60 days after
14 it receives both the complaint and the material evidence
15 and information.

16 (3) The State may, for good cause shown, move the court
17 for extensions of the time during which the complaint
18 remains under seal under paragraph (2). Any such motions
19 may be supported by affidavits or other submissions in
20 camera. The defendant shall not be required to respond to
21 any complaint filed under this Section until 20 days after
22 the complaint is unsealed and served upon the defendant.

23 (4) Before the expiration of the 60-day period or any
24 extensions obtained under paragraph (3), the State shall:

25 (A) proceed with the action, in which case the
26 action shall be conducted by the State; or

1 (B) notify the court that it declines to take over
2 the action, in which case the person bringing the
3 action shall have the right to conduct the action.

4 (5) When a person brings an action under this
5 subsection (b), no person other than the State may
6 intervene or bring a related action based on the facts
7 underlying the pending action.

8 (c) Rights of the parties to Qui Tam actions.

9 (1) If the State proceeds with the action, it shall
10 have the primary responsibility for prosecuting the
11 action, and shall not be bound by an act of the person
12 bringing the action. Such person shall have the right to
13 continue as a party to the action, subject to the
14 limitations set forth in paragraph (2).

15 (2) (A) The State may dismiss the action
16 notwithstanding the objections of the person initiating
17 the action if the person has been notified by the State of
18 the filing of the motion and the court has provided the
19 person with an opportunity for a hearing on the motion.

20 (B) The State may settle the action with the defendant
21 notwithstanding the objections of the person initiating
22 the action if the court determines, after a hearing, that
23 the proposed settlement is fair, adequate, and reasonable
24 under all the circumstances. Upon a showing of good cause,
25 such hearing may be held in camera.

26 (C) Upon a showing by the State that unrestricted

1 participation during the course of the litigation by the
2 person initiating the action would interfere with or unduly
3 delay the State's prosecution of the case, or would be
4 repetitious, irrelevant, or for purposes of harassment,
5 the court may, in its discretion, impose limitations on the
6 person's participation, such as:

7 (i) limiting the number of witnesses the person may
8 call:

9 (ii) limiting the length of the testimony of such
10 witnesses;

11 (iii) limiting the person's cross-examination of
12 witnesses; or

13 (iv) otherwise limiting the participation by the
14 person in the litigation.

15 (D) Upon a showing by the defendant that unrestricted
16 participation during the course of the litigation by the
17 person initiating the action would be for purposes of
18 harassment or would cause the defendant undue burden or
19 unnecessary expense, the court may limit the participation
20 by the person in the litigation.

21 (3) If the State elects not to proceed with the action,
22 the person who initiated the action shall have the right to
23 conduct the action. If the State so requests, it shall be
24 served with copies of all pleadings filed in the action and
25 shall be supplied with copies of all deposition transcripts
26 (at the State's expense). When a person proceeds with the

1 action, the court, without limiting the status and rights
2 of the person initiating the action, may nevertheless
3 permit the State to intervene at a later date upon a
4 showing of good cause.

5 (4) Whether or not the State proceeds with the action,
6 upon a showing by the State that certain actions of
7 discovery by the person initiating the action would
8 interfere with the State's investigation or prosecution of
9 a criminal or civil matter arising out of the same facts,
10 the court may stay such discovery for a period of not more
11 than 60 days. Such a showing shall be conducted in camera.
12 The court may extend the 60-day period upon a further
13 showing in camera that the State has pursued the criminal
14 or civil investigation or proceedings with reasonable
15 diligence and any proposed discovery in the civil action
16 will interfere with the ongoing criminal or civil
17 investigation or proceedings.

18 (5) Notwithstanding subsection (b), the State may
19 elect to pursue its claim through any alternate remedy
20 available to the State, including any administrative
21 proceeding to determine a civil money penalty. If any such
22 alternate remedy is pursued in another proceeding, the
23 person initiating the action shall have the same rights in
24 such proceeding as such person would have had if the action
25 had continued under this Section. Any finding of fact or
26 conclusion of law made in such other proceeding that has

1 become final shall be conclusive on all parties to an
2 action under this Section. For purposes of the preceding
3 sentence, a finding or conclusion is final if it has been
4 finally determined on appeal to the appropriate court, if
5 all time for filing such an appeal with respect to the
6 finding or conclusion has expired, or if the finding or
7 conclusion is not subject to judicial review.

8 (d) Award to Qui Tam plaintiff.

9 (1) If the State proceeds with an action brought by a
10 person under subsection (b), such person shall, subject to
11 the second sentence of this paragraph, receive at least 15%
12 but not more than 25% of the proceeds of the action or
13 settlement of the claim, depending upon the extent to which
14 the person substantially contributed to the prosecution of
15 the action. Where the action is one which the court finds
16 to be based primarily on disclosures of specific
17 information (other than information provided by the person
18 bringing the action) relating to allegations or
19 transactions in a criminal, civil, or administrative
20 hearing, in a legislative, administrative, or Auditor
21 General's report, hearing, audit, or investigation, or
22 from the news media, the court may award such sums as it
23 considers appropriate, but in no case more than 10% of the
24 proceeds, taking into account the significance of the
25 information and the role of the person bringing the action
26 in advancing the case to litigation. Any payment to a

1 person under the first or second sentence of this paragraph
2 (1) shall be made from the proceeds. Any such person shall
3 also receive an amount for reasonable expenses which the
4 court finds to have been necessarily incurred, plus
5 reasonable attorneys' fees and costs. The State shall also
6 receive an amount for reasonable expenses which the court
7 finds to have been necessarily incurred by the Attorney
8 General, including reasonable attorneys' fees and costs.
9 All such expenses, fees, and costs shall be awarded against
10 the defendant. The court may award amounts from the
11 proceeds of an action or settlement that it considers
12 appropriate to any governmental entity or program that has
13 been adversely affected by a defendant. The Attorney
14 General, if necessary, shall direct the State Treasurer to
15 make a disbursement of funds as provided in court orders or
16 settlement agreements.

17 (2) If the State does not proceed with an action under
18 this Section, the person bringing the action or settling
19 the claim shall receive an amount which the court decides
20 is reasonable for collecting the civil penalty and damages.
21 The amount shall be not less than 25% and not more than 30%
22 of the proceeds of the action or settlement and shall be
23 paid out of such proceeds. Such person shall also receive
24 an amount for reasonable expenses which the court finds to
25 have been necessarily incurred, plus reasonable attorneys'
26 fees and costs. All such expenses, fees, and costs shall be

1 awarded against the defendant. The court may award amounts
2 from the proceeds of an action or settlement that it
3 considers appropriate to any governmental entity or
4 program that has been adversely affected by a defendant.
5 The Attorney General, if necessary, shall direct the State
6 Treasurer to make a disbursement of funds as provided in
7 court orders or settlement agreements.

8 (3) Whether or not the State proceeds with the action,
9 if the court finds that the action was brought by a person
10 who planned and initiated the violation of Section 3 upon
11 which the action was brought, then the court may, to the
12 extent the court considers appropriate, reduce the share of
13 the proceeds of the action which the person would otherwise
14 receive under paragraph (1) or (2) of this subsection (d),
15 taking into account the role of that person in advancing
16 the case to litigation and any relevant circumstances
17 pertaining to the violation. If the person bringing the
18 action is convicted of criminal conduct arising from his or
19 her role in the violation of Section 3, that person shall
20 be dismissed from the civil action and shall not receive
21 any share of the proceeds of the action. Such dismissal
22 shall not prejudice the right of the State to continue the
23 action, represented by the Attorney General.

24 (4) If the State does not proceed with the action and
25 the person bringing the action conducts the action, the
26 court may award to the defendant its reasonable attorneys'

1 fees and expenses if the defendant prevails in the action
2 and the court finds that the claim of the person bringing
3 the action was clearly frivolous, clearly vexatious, or
4 brought primarily for purposes of harassment.

5 (e) Certain actions barred.

6 (1) No court shall have jurisdiction over an action
7 brought by a former or present member of the Guard under
8 subsection (b) of this Section against a member of the
9 Guard arising out of such person's service in the Guard.

10 (2) (A) No court shall have jurisdiction over an action
11 brought under subsection (b) against a member of the
12 General Assembly, a member of the judiciary, or an exempt
13 official if the action is based on evidence or information
14 known to the State when the action was brought.

15 (B) For purposes of this paragraph (2), "exempt
16 official" means any of the following officials in State
17 service: directors of departments established under the
18 Civil Administrative Code of Illinois, the Adjutant
19 General, the Assistant Adjutant General, the Director of
20 the State Emergency Services and Disaster Agency, members
21 of the boards and commissions, and all other positions
22 appointed by the Governor by and with the consent of the
23 Senate.

24 (3) In no event may a person bring an action under
25 subsection (b) which is based upon allegations or
26 transactions which are the subject of a civil suit or an

1 administrative civil money penalty proceeding in which the
2 State is already a party.

3 (4) (A) The court shall dismiss an action or claim under
4 this Section, unless opposed by the State, if substantially
5 the same allegations or transactions as alleged in the
6 action or claim were publicly disclosed:

7 (i) in a criminal, civil, or administrative
8 hearing in which the State or its agent is a party;

9 (ii) in a State legislative, State Auditor
10 General, or other State report, hearing, audit, or
11 investigation; or

12 (iii) from the news media,

13 unless the action is brought by the Attorney General or the
14 person bringing the action is an original source of the
15 information.

16 (B) For purposes of this paragraph (4), "original
17 source" means an individual who either (i) prior to a
18 public disclosure under subparagraph (A) of this paragraph
19 (4), has voluntarily disclosed to the State the information
20 on which allegations or transactions in a claim are based,
21 or (ii) has knowledge that is independent of and materially
22 adds to the publicly disclosed allegations or
23 transactions, and who has voluntarily provided the
24 information to the State before filing an action under this
25 Section.

26 (f) State not liable for certain expenses. The State is not

1 liable for expenses which a person incurs in bringing an action
2 under this Section.

3 (g) Relief from retaliatory actions.

4 (1) In general, any employee, contractor, or agent
5 shall be entitled to all relief necessary to make that
6 employee, contractor, or agent whole, if that employee,
7 contractor, or agent is discharged, demoted, suspended,
8 threatened, harassed, or in any other manner discriminated
9 against in the terms and conditions of employment because
10 of lawful acts done by the employee, contractor, agent, or
11 associated others in furtherance of an action under this
12 Section or other efforts to stop one or more violations of
13 this Act.

14 (2) Relief under paragraph (1) shall include
15 reinstatement with the same seniority status that the
16 employee, contractor, or agent would have had but for the
17 discrimination, 2 times the amount of back pay, interest on
18 the back pay, and compensation for any special damages
19 sustained as a result of the discrimination, including
20 litigation costs and reasonable attorneys' fees. An action
21 under this subsection (g) may be brought in the appropriate
22 circuit court for the relief provided in this subsection
23 (g).

24 (3) A civil action under this subsection may not be
25 brought more than 3 years after the date when the
26 retaliation occurred.

1 (Source: P.A. 96-1304, eff. 7-27-10; 97-978, eff. 8-17-12.)

2 (740 ILCS 175/8) (from Ch. 127, par. 4108)

3 Sec. 8. Funds; Grants.

4 (a) There is hereby created the State Whistleblower Reward
5 and Protection Fund to be held outside of the State Treasury
6 with the State Treasurer as custodian. All proceeds of an
7 action or settlement of a claim brought under this Act shall be
8 deposited in the Fund. Any attorneys' fees, expenses, and costs
9 paid by or awarded against any defendant pursuant to Section 4
10 of this Act shall not be considered part of the proceeds to be
11 deposited in the Fund.

12 (b) Monies in the Fund shall be allocated as follows:
13 One-sixth of the monies shall be paid to the Attorney General
14 Whistleblower Reward and Protection Fund, which is hereby
15 created as a special fund in the State Treasury, and one-sixth
16 of the monies shall be paid to the State Police Whistleblower
17 Reward and Protection Fund, which is hereby created as a
18 special fund in the State Treasury, for State law enforcement
19 purposes. The remaining two-thirds of the monies in the Fund
20 shall be used for payment of awards to Qui Tam plaintiffs and
21 as otherwise specified in this Act, with any remainder to the
22 General Revenue Fund. The Attorney General shall direct the
23 State Treasurer to make disbursement of funds.

24 (Source: P.A. 101-148, eff. 7-26-19.)

1 Section 1125. The Illinois Marriage and Dissolution of
2 Marriage Act is amended by changing Section 607.5 as follows:

3 (750 ILCS 5/607.5)

4 Sec. 607.5. Abuse of allocated parenting time.

5 (a) The court shall provide an expedited procedure for the
6 enforcement of allocated parenting time.

7 (b) An action for the enforcement of allocated parenting
8 time may be commenced by a parent or a person appointed under
9 Section 506 by filing a petition setting forth: (i) the
10 petitioner's name and residence address or mailing address,
11 except that if the petition states that disclosure of
12 petitioner's address would risk abuse of petitioner or any
13 member of petitioner's family or household or reveal the
14 confidential address of a shelter for domestic violence
15 victims, that address may be omitted from the petition; (ii)
16 the respondent's name and place of residence, place of
17 employment, or mailing address; (iii) the terms of the
18 parenting plan or allocation judgment then in effect; (iv) the
19 nature of the violation of the allocation of parenting time,
20 giving dates and other relevant information; and (v) that a
21 reasonable attempt was made to resolve the dispute.

22 (c) If the court finds by a preponderance of the evidence
23 that a parent has not complied with allocated parenting time
24 according to an approved parenting plan or a court order, the
25 court, in the child's best interests, shall issue an order that

1 may include one or more of the following:

2 (1) an imposition of additional terms and conditions
3 consistent with the court's previous allocation of
4 parenting time or other order;

5 (2) a requirement that either or both of the parties
6 attend a parental education program at the expense of the
7 non-complying parent;

8 (3) upon consideration of all relevant factors,
9 particularly a history or possibility of domestic
10 violence, a requirement that the parties participate in
11 family or individual counseling, the expense of which shall
12 be allocated by the court; if counseling is ordered, all
13 counseling sessions shall be confidential, and the
14 communications in counseling shall not be used in any
15 manner in litigation nor relied upon by an expert appointed
16 by the court or retained by any party;

17 (4) a requirement that the non-complying parent post a
18 cash bond or other security to ensure future compliance,
19 including a provision that the bond or other security may
20 be forfeited to the other parent for payment of expenses on
21 behalf of the child as the court shall direct;

22 (5) a requirement that makeup parenting time be
23 provided for the aggrieved parent or child under the
24 following conditions:

25 (A) that the parenting time is of the same type and
26 duration as the parenting time that was denied,

1 including but not limited to parenting time during
2 weekends, on holidays, and on weekdays and during times
3 when the child is not in school;

4 (B) that the parenting time is made up within 6
5 months after the noncompliance occurs, unless the
6 period of time or holiday cannot be made up within 6
7 months, in which case the parenting time shall be made
8 up within one year after the noncompliance occurs;

9 (6) a finding that the non-complying parent is in
10 contempt of court;

11 (7) an imposition on the non-complying parent of an
12 appropriate civil fine per incident of denied parenting
13 time;

14 (8) a requirement that the non-complying parent
15 reimburse the other parent for all reasonable expenses
16 incurred as a result of the violation of the parenting plan
17 or court order; and

18 (9) any other provision that may promote the child's
19 best interests.

20 (d) In addition to any other order entered under subsection
21 (c), except for good cause shown, the court shall order a
22 parent who has failed to provide allocated parenting time or to
23 exercise allocated parenting time to pay the aggrieved party
24 his or her reasonable attorney's fees, court costs, and
25 expenses associated with an action brought under this Section.
26 If the court finds that the respondent in an action brought

1 under this Section has not violated the allocated parenting
2 time, the court may order the petitioner to pay the
3 respondent's reasonable attorney's fees, court costs, and
4 expenses incurred in the action.

5 (e) Nothing in this Section precludes a party from
6 maintaining any other action as provided by law.

7 (f) When the court issues an order holding a party in
8 contempt for violation of a parenting time order and finds that
9 the party engaged in parenting time abuse, the court may order
10 one or more of the following:

11 (1) Suspension of a party's Illinois driving
12 privileges pursuant to Section 7-703 of the Illinois
13 Vehicle Code until the court determines that the party is
14 in compliance with the parenting time order. The court may
15 also order that a party be issued a family financial
16 responsibility driving permit that would allow limited
17 driving privileges for employment, for medical purposes,
18 and to transport a child to or from scheduled parenting
19 time in order to comply with a parenting time order in
20 accordance with subsection (a-1) of Section 7-702.1 of the
21 Illinois Vehicle Code.

22 (2) Placement of a party on probation with such
23 conditions of probation as the court deems advisable.

24 (3) Sentencing of a party to periodic imprisonment for
25 a period not to exceed 6 months; provided, that the court
26 may permit the party to be released for periods of time

1 during the day or night to:

2 (A) work; or

3 (B) conduct a business or other self-employed
4 occupation.

5 (4) Find that a party in engaging in parenting time
6 abuse is guilty of a petty offense and should be fined an
7 amount of no more than \$500 for each finding of parenting
8 time abuse.

9 (g) When the court issues an order holding a party in
10 contempt of court for violation of a parenting order, the clerk
11 shall transmit a copy of the contempt order to the sheriff of
12 the county. The sheriff shall furnish a copy of each contempt
13 order to the Illinois ~~Department of~~ State Police on a daily
14 basis in the form and manner required by the Department. The
15 Department shall maintain a complete record and index of the
16 contempt orders and make this data available to all local law
17 enforcement agencies.

18 (h) Nothing contained in this Section shall be construed to
19 limit the court's contempt power.

20 (Source: P.A. 99-90, eff. 1-1-16; 99-763, eff. 1-1-17.)

21 Section 1130. The Adoption Act is amended by changing
22 Sections 6 and 12.3 as follows:

23 (750 ILCS 50/6) (from Ch. 40, par. 1508)

24 Sec. 6. A. Investigation; all cases. Within 10 days after

1 the filing of a petition for the adoption or standby adoption
2 of a child other than a related child, the court shall appoint
3 a child welfare agency approved by the Department of Children
4 and Family Services, or a person deemed competent by the court,
5 or in Cook County the Court Services Division of the Cook
6 County Department of Public Aid, or the Department of Children
7 and Family Services if the court determines that no child
8 welfare agency is available or that the petitioner is
9 financially unable to pay for the investigation, to investigate
10 accurately, fully and promptly, the allegations contained in
11 the petition; the character, reputation, health and general
12 standing in the community of the petitioners; the religious
13 faith of the petitioners and, if ascertainable, of the child
14 sought to be adopted; and whether the petitioners are proper
15 persons to adopt the child and whether the child is a proper
16 subject of adoption. The investigation required under this
17 Section shall include a fingerprint based criminal background
18 check with a review of fingerprints by the Illinois State
19 Police and Federal Bureau of Investigation. Each petitioner
20 subject to this investigation, shall submit his or her
21 fingerprints to the Illinois ~~Department of~~ State Police in the
22 form and manner prescribed by the Illinois ~~Department of~~ State
23 Police. These fingerprints shall be checked against the
24 fingerprint records now and hereafter filed in the Illinois
25 ~~Department of~~ State Police and Federal Bureau of Investigation
26 criminal history records databases. The Illinois ~~Department of~~

1 State Police shall charge a fee for conducting the criminal
2 history records check, which shall be deposited in the State
3 Police Services Fund and shall not exceed the actual cost of
4 the records check. The criminal background check required by
5 this Section shall include a listing of when, where and by whom
6 the criminal background check was prepared. The criminal
7 background check required by this Section shall not be more
8 than two years old.

9 Neither a clerk of the circuit court nor a judge may
10 require that a criminal background check or fingerprint review
11 be filed with, or at the same time as, an initial petition for
12 adoption.

13 B. Investigation; foreign-born child. In the case of a
14 child born outside the United States or a territory thereof, in
15 addition to the investigation required under subsection (A) of
16 this Section, a post-placement investigation shall be
17 conducted in accordance with the requirements of the Child Care
18 Act of 1969, the Interstate Compact on the Placement of
19 Children, and the Intercountry Adoption Act of 2000.

20 The requirements of a post-placement investigation shall
21 be deemed to have been satisfied if a valid final order or
22 judgment of adoption has been entered by a court of competent
23 jurisdiction in a country other than the United States or a
24 territory thereof with respect to such child and the
25 petitioners.

26 C. Report of investigation. The court shall determine

1 whether the costs of the investigation shall be charged to the
2 petitioners. The information obtained as a result of such
3 investigation shall be presented to the court in a written
4 report. The results of the criminal background check required
5 under subsection (A) shall be provided to the court for its
6 review. The court may, in its discretion, weigh the
7 significance of the results of the criminal background check
8 against the entirety of the background of the petitioners. The
9 Court, in its discretion, may accept the report of the
10 investigation previously made by a licensed child welfare
11 agency, if made within one year prior to the entry of the
12 judgment. Such report shall be treated as confidential and
13 withheld from inspection unless findings adverse to the
14 petitioners or to the child sought to be adopted are contained
15 therein, and in that event the court shall inform the
16 petitioners of the relevant portions pertaining to the adverse
17 findings. In no event shall any facts set forth in the report
18 be considered at the hearing of the proceeding, unless
19 established by competent evidence. The report shall be filed
20 with the record of the proceeding. If the file relating to the
21 proceeding is not impounded, the report shall be impounded by
22 the clerk of the court and shall be made available for
23 inspection only upon order of the court.

24 D. Related adoption. Such investigation shall not be made
25 when the petition seeks to adopt a related child or an adult
26 unless the court, in its discretion, shall so order. In such an

1 event the court may appoint a person deemed competent by the
2 court.

3 (Source: P.A. 98-455, eff. 1-1-14.)

4 (750 ILCS 50/12.3)

5 Sec. 12.3. Additional requirements in private adoptions.

6 In cases of adoptions in which an Illinois licensed child
7 welfare agency is not providing adoption services and the child
8 who is the subject of the adoption is not a related child of
9 the prospective adoptive parent and not under the custody or
10 guardianship of the Department of Children and Family Services
11 under the Juvenile Court Act of 1987, the following
12 requirements shall apply in addition to any other applicable
13 requirements set forth in Section 6 or other provisions of this
14 Act:

15 (1) Within 10 days of filing a petition for adoption
16 pursuant to Section 5 of this Act, the prospective adoptive
17 parents and anyone 18 years of age or older who resides in
18 the adoptive home must initiate requests for background
19 checks from the following: the State police and child abuse
20 registry from every state of residence for the 5 years
21 preceding the filing date of the petition, the FBI, the
22 National Sex Offender Registry, and, if Illinois
23 residents, from the Illinois State Police and Child Abuse
24 and Neglect Tracking System. The background checks must be
25 fingerprint-based, if available. The Child Abuse and

1 Neglect Tracking System background check must also be
2 requested for each person 13 to 17 years of age living in
3 the adoptive home.

4 (2) Within 30 days of filing a petition for adoption,
5 the results of the background checks set forth in paragraph
6 (1) of this Section shall be provided to the guardian ad
7 litem of the child appointed by the court or, should there
8 not be a guardian ad litem, to the investigator appointed
9 by the court pursuant to subsection A of Section 6 of this
10 Act.

11 (3) An initial assessment, including a home visit, must
12 be made by the guardian ad litem or the investigator
13 appointed by the court pursuant to subsection A of Section
14 6 of this Act no later than 30 days of said appointment;

15 (4) As part of the investigation, the guardian ad litem
16 or the investigator appointed by the court pursuant to
17 subsection A of Section 6 of this Act must provide the
18 prospective adoptive parents with the Adoptive Parent
19 Rights and Responsibilities-Private Form set forth in
20 Section 12.2 of this Act. The prospective adoptive parent
21 or parents must sign the form acknowledging receipt of the
22 form, and the original form must be filed with the court at
23 the time of the issuance of the interim order, and a copy
24 must be provided to the prospective parent or parents;

25 (5) The attorney for the prospective adoptive parent or
26 parents or the birth parent or parents shall provide the

1 prospective adoptive parent or parents with the Birth
2 Parent Medical form or forms if completed by the birth
3 parent or parents as set forth in subsection A-2 of Section
4 10 of this Act, as soon as practicable but no later than
5 the time of entry of the interim order;

6 (6) The guardian ad litem, or the court-appointed
7 investigator appointed pursuant to subsection A of Section
8 6 of this Act, shall provide a report of investigation to
9 the Court within 6 months after appointment, or earlier if
10 so ordered by the court.

11 (7) The birth parent shall have the right to request to
12 receive counseling before and after signing a Final and
13 Irrevocable Consent to Adoption form, a Final and
14 Irrevocable Consent to Adoption by a Specified Person or
15 Persons: Non-DCFS Case form, or a Consent to Adoption of
16 Unborn Child form. The prospective adoptive parent or
17 parents may agree to pay for the cost of counseling in a
18 manner consistent with Illinois law, but the prospective
19 adoptive parent or parents are not required to do so.

20 (Source: P.A. 99-833, eff. 1-1-17.)

21 Section 1135. The Illinois Domestic Violence Act of 1986 is
22 amended by changing Sections 214, 217, 220, 222, 222.5, and 302
23 as follows:

24 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

1 Sec. 214. Order of protection; remedies.

2 (a) Issuance of order. If the court finds that petitioner
3 has been abused by a family or household member or that
4 petitioner is a high-risk adult who has been abused, neglected,
5 or exploited, as defined in this Act, an order of protection
6 prohibiting the abuse, neglect, or exploitation shall issue;
7 provided that petitioner must also satisfy the requirements of
8 one of the following Sections, as appropriate: Section 217 on
9 emergency orders, Section 218 on interim orders, or Section 219
10 on plenary orders. Petitioner shall not be denied an order of
11 protection because petitioner or respondent is a minor. The
12 court, when determining whether or not to issue an order of
13 protection, shall not require physical manifestations of abuse
14 on the person of the victim. Modification and extension of
15 prior orders of protection shall be in accordance with this
16 Act.

17 (b) Remedies and standards. The remedies to be included in
18 an order of protection shall be determined in accordance with
19 this Section and one of the following Sections, as appropriate:
20 Section 217 on emergency orders, Section 218 on interim orders,
21 and Section 219 on plenary orders. The remedies listed in this
22 subsection shall be in addition to other civil or criminal
23 remedies available to petitioner.

24 (1) Prohibition of abuse, neglect, or exploitation.
25 Prohibit respondent's harassment, interference with
26 personal liberty, intimidation of a dependent, physical

1 abuse, or willful deprivation, neglect or exploitation, as
2 defined in this Act, or stalking of the petitioner, as
3 defined in Section 12-7.3 of the Criminal Code of 2012, if
4 such abuse, neglect, exploitation, or stalking has
5 occurred or otherwise appears likely to occur if not
6 prohibited.

7 (2) Grant of exclusive possession of residence.
8 Prohibit respondent from entering or remaining in any
9 residence, household, or premises of the petitioner,
10 including one owned or leased by respondent, if petitioner
11 has a right to occupancy thereof. The grant of exclusive
12 possession of the residence, household, or premises shall
13 not affect title to real property, nor shall the court be
14 limited by the standard set forth in subsection (c-2) of
15 Section 501 of the Illinois Marriage and Dissolution of
16 Marriage Act.

17 (A) Right to occupancy. A party has a right to
18 occupancy of a residence or household if it is solely
19 or jointly owned or leased by that party, that party's
20 spouse, a person with a legal duty to support that
21 party or a minor child in that party's care, or by any
22 person or entity other than the opposing party that
23 authorizes that party's occupancy (e.g., a domestic
24 violence shelter). Standards set forth in subparagraph
25 (B) shall not preclude equitable relief.

26 (B) Presumption of hardships. If petitioner and

1 respondent each has the right to occupancy of a
2 residence or household, the court shall balance (i) the
3 hardships to respondent and any minor child or
4 dependent adult in respondent's care resulting from
5 entry of this remedy with (ii) the hardships to
6 petitioner and any minor child or dependent adult in
7 petitioner's care resulting from continued exposure to
8 the risk of abuse (should petitioner remain at the
9 residence or household) or from loss of possession of
10 the residence or household (should petitioner leave to
11 avoid the risk of abuse). When determining the balance
12 of hardships, the court shall also take into account
13 the accessibility of the residence or household.
14 Hardships need not be balanced if respondent does not
15 have a right to occupancy.

16 The balance of hardships is presumed to favor
17 possession by petitioner unless the presumption is
18 rebutted by a preponderance of the evidence, showing
19 that the hardships to respondent substantially
20 outweigh the hardships to petitioner and any minor
21 child or dependent adult in petitioner's care. The
22 court, on the request of petitioner or on its own
23 motion, may order respondent to provide suitable,
24 accessible, alternate housing for petitioner instead
25 of excluding respondent from a mutual residence or
26 household.

1 (3) Stay away order and additional prohibitions. Order
2 respondent to stay away from petitioner or any other person
3 protected by the order of protection, or prohibit
4 respondent from entering or remaining present at
5 petitioner's school, place of employment, or other
6 specified places at times when petitioner is present, or
7 both, if reasonable, given the balance of hardships.
8 Hardships need not be balanced for the court to enter a
9 stay away order or prohibit entry if respondent has no
10 right to enter the premises.

11 (A) If an order of protection grants petitioner
12 exclusive possession of the residence, or prohibits
13 respondent from entering the residence, or orders
14 respondent to stay away from petitioner or other
15 protected persons, then the court may allow respondent
16 access to the residence to remove items of clothing and
17 personal adornment used exclusively by respondent,
18 medications, and other items as the court directs. The
19 right to access shall be exercised on only one occasion
20 as the court directs and in the presence of an
21 agreed-upon adult third party or law enforcement
22 officer.

23 (B) When the petitioner and the respondent attend
24 the same public, private, or non-public elementary,
25 middle, or high school, the court when issuing an order
26 of protection and providing relief shall consider the

1 severity of the act, any continuing physical danger or
2 emotional distress to the petitioner, the educational
3 rights guaranteed to the petitioner and respondent
4 under federal and State law, the availability of a
5 transfer of the respondent to another school, a change
6 of placement or a change of program of the respondent,
7 the expense, difficulty, and educational disruption
8 that would be caused by a transfer of the respondent to
9 another school, and any other relevant facts of the
10 case. The court may order that the respondent not
11 attend the public, private, or non-public elementary,
12 middle, or high school attended by the petitioner,
13 order that the respondent accept a change of placement
14 or change of program, as determined by the school
15 district or private or non-public school, or place
16 restrictions on the respondent's movements within the
17 school attended by the petitioner. The respondent
18 bears the burden of proving by a preponderance of the
19 evidence that a transfer, change of placement, or
20 change of program of the respondent is not available.
21 The respondent also bears the burden of production with
22 respect to the expense, difficulty, and educational
23 disruption that would be caused by a transfer of the
24 respondent to another school. A transfer, change of
25 placement, or change of program is not unavailable to
26 the respondent solely on the ground that the respondent

1 does not agree with the school district's or private or
2 non-public school's transfer, change of placement, or
3 change of program or solely on the ground that the
4 respondent fails or refuses to consent or otherwise
5 does not take an action required to effectuate a
6 transfer, change of placement, or change of program.
7 When a court orders a respondent to stay away from the
8 public, private, or non-public school attended by the
9 petitioner and the respondent requests a transfer to
10 another attendance center within the respondent's
11 school district or private or non-public school, the
12 school district or private or non-public school shall
13 have sole discretion to determine the attendance
14 center to which the respondent is transferred. In the
15 event the court order results in a transfer of the
16 minor respondent to another attendance center, a
17 change in the respondent's placement, or a change of
18 the respondent's program, the parents, guardian, or
19 legal custodian of the respondent is responsible for
20 transportation and other costs associated with the
21 transfer or change.

22 (C) The court may order the parents, guardian, or
23 legal custodian of a minor respondent to take certain
24 actions or to refrain from taking certain actions to
25 ensure that the respondent complies with the order. In
26 the event the court orders a transfer of the respondent

1 to another school, the parents, guardian, or legal
2 custodian of the respondent is responsible for
3 transportation and other costs associated with the
4 change of school by the respondent.

5 (4) Counseling. Require or recommend the respondent to
6 undergo counseling for a specified duration with a social
7 worker, psychologist, clinical psychologist, psychiatrist,
8 family service agency, alcohol or substance abuse program,
9 mental health center guidance counselor, agency providing
10 services to elders, program designed for domestic violence
11 abusers or any other guidance service the court deems
12 appropriate. The Court may order the respondent in any
13 intimate partner relationship to report to an Illinois
14 Department of Human Services protocol approved partner
15 abuse intervention program for an assessment and to follow
16 all recommended treatment.

17 (5) Physical care and possession of the minor child. In
18 order to protect the minor child from abuse, neglect, or
19 unwarranted separation from the person who has been the
20 minor child's primary caretaker, or to otherwise protect
21 the well-being of the minor child, the court may do either
22 or both of the following: (i) grant petitioner physical
23 care or possession of the minor child, or both, or (ii)
24 order respondent to return a minor child to, or not remove
25 a minor child from, the physical care of a parent or person
26 in loco parentis.

1 If a court finds, after a hearing, that respondent has
2 committed abuse (as defined in Section 103) of a minor
3 child, there shall be a rebuttable presumption that
4 awarding physical care to respondent would not be in the
5 minor child's best interest.

6 (6) Temporary allocation of parental responsibilities:
7 significant decision-making. Award temporary
8 decision-making responsibility to petitioner in accordance
9 with this Section, the Illinois Marriage and Dissolution of
10 Marriage Act, the Illinois Parentage Act of 2015, and this
11 State's Uniform Child-Custody Jurisdiction and Enforcement
12 Act.

13 If a court finds, after a hearing, that respondent has
14 committed abuse (as defined in Section 103) of a minor
15 child, there shall be a rebuttable presumption that
16 awarding temporary significant decision-making
17 responsibility to respondent would not be in the child's
18 best interest.

19 (7) Parenting time. Determine the parenting time, if
20 any, of respondent in any case in which the court awards
21 physical care or allocates temporary significant
22 decision-making responsibility of a minor child to
23 petitioner. The court shall restrict or deny respondent's
24 parenting time with a minor child if the court finds that
25 respondent has done or is likely to do any of the
26 following: (i) abuse or endanger the minor child during

1 parenting time; (ii) use the parenting time as an
2 opportunity to abuse or harass petitioner or petitioner's
3 family or household members; (iii) improperly conceal or
4 detain the minor child; or (iv) otherwise act in a manner
5 that is not in the best interests of the minor child. The
6 court shall not be limited by the standards set forth in
7 Section 603.10 of the Illinois Marriage and Dissolution of
8 Marriage Act. If the court grants parenting time, the order
9 shall specify dates and times for the parenting time to
10 take place or other specific parameters or conditions that
11 are appropriate. No order for parenting time shall refer
12 merely to the term "reasonable parenting time".

13 Petitioner may deny respondent access to the minor
14 child if, when respondent arrives for parenting time,
15 respondent is under the influence of drugs or alcohol and
16 constitutes a threat to the safety and well-being of
17 petitioner or petitioner's minor children or is behaving in
18 a violent or abusive manner.

19 If necessary to protect any member of petitioner's
20 family or household from future abuse, respondent shall be
21 prohibited from coming to petitioner's residence to meet
22 the minor child for parenting time, and the parties shall
23 submit to the court their recommendations for reasonable
24 alternative arrangements for parenting time. A person may
25 be approved to supervise parenting time only after filing
26 an affidavit accepting that responsibility and

1 acknowledging accountability to the court.

2 (8) Removal or concealment of minor child. Prohibit
3 respondent from removing a minor child from the State or
4 concealing the child within the State.

5 (9) Order to appear. Order the respondent to appear in
6 court, alone or with a minor child, to prevent abuse,
7 neglect, removal or concealment of the child, to return the
8 child to the custody or care of the petitioner or to permit
9 any court-ordered interview or examination of the child or
10 the respondent.

11 (10) Possession of personal property. Grant petitioner
12 exclusive possession of personal property and, if
13 respondent has possession or control, direct respondent to
14 promptly make it available to petitioner, if:

15 (i) petitioner, but not respondent, owns the
16 property; or

17 (ii) the parties own the property jointly; sharing
18 it would risk abuse of petitioner by respondent or is
19 impracticable; and the balance of hardships favors
20 temporary possession by petitioner.

21 If petitioner's sole claim to ownership of the property
22 is that it is marital property, the court may award
23 petitioner temporary possession thereof under the
24 standards of subparagraph (ii) of this paragraph only if a
25 proper proceeding has been filed under the Illinois
26 Marriage and Dissolution of Marriage Act, as now or

1 hereafter amended.

2 No order under this provision shall affect title to
3 property.

4 (11) Protection of property. Forbid the respondent
5 from taking, transferring, encumbering, concealing,
6 damaging or otherwise disposing of any real or personal
7 property, except as explicitly authorized by the court, if:

8 (i) petitioner, but not respondent, owns the
9 property; or

10 (ii) the parties own the property jointly, and the
11 balance of hardships favors granting this remedy.

12 If petitioner's sole claim to ownership of the property
13 is that it is marital property, the court may grant
14 petitioner relief under subparagraph (ii) of this
15 paragraph only if a proper proceeding has been filed under
16 the Illinois Marriage and Dissolution of Marriage Act, as
17 now or hereafter amended.

18 The court may further prohibit respondent from
19 improperly using the financial or other resources of an
20 aged member of the family or household for the profit or
21 advantage of respondent or of any other person.

22 (11.5) Protection of animals. Grant the petitioner the
23 exclusive care, custody, or control of any animal owned,
24 possessed, leased, kept, or held by either the petitioner
25 or the respondent or a minor child residing in the
26 residence or household of either the petitioner or the

1 respondent and order the respondent to stay away from the
2 animal and forbid the respondent from taking,
3 transferring, encumbering, concealing, harming, or
4 otherwise disposing of the animal.

5 (12) Order for payment of support. Order respondent to
6 pay temporary support for the petitioner or any child in
7 the petitioner's care or over whom the petitioner has been
8 allocated parental responsibility, when the respondent has
9 a legal obligation to support that person, in accordance
10 with the Illinois Marriage and Dissolution of Marriage Act,
11 which shall govern, among other matters, the amount of
12 support, payment through the clerk and withholding of
13 income to secure payment. An order for child support may be
14 granted to a petitioner with lawful physical care of a
15 child, or an order or agreement for physical care of a
16 child, prior to entry of an order allocating significant
17 decision-making responsibility. Such a support order shall
18 expire upon entry of a valid order allocating parental
19 responsibility differently and vacating the petitioner's
20 significant decision-making authority, unless otherwise
21 provided in the order.

22 (13) Order for payment of losses. Order respondent to
23 pay petitioner for losses suffered as a direct result of
24 the abuse, neglect, or exploitation. Such losses shall
25 include, but not be limited to, medical expenses, lost
26 earnings or other support, repair or replacement of

1 property damaged or taken, reasonable attorney's fees,
2 court costs and moving or other travel expenses, including
3 additional reasonable expenses for temporary shelter and
4 restaurant meals.

5 (i) Losses affecting family needs. If a party is
6 entitled to seek maintenance, child support or
7 property distribution from the other party under the
8 Illinois Marriage and Dissolution of Marriage Act, as
9 now or hereafter amended, the court may order
10 respondent to reimburse petitioner's actual losses, to
11 the extent that such reimbursement would be
12 "appropriate temporary relief", as authorized by
13 subsection (a) (3) of Section 501 of that Act.

14 (ii) Recovery of expenses. In the case of an
15 improper concealment or removal of a minor child, the
16 court may order respondent to pay the reasonable
17 expenses incurred or to be incurred in the search for
18 and recovery of the minor child, including but not
19 limited to legal fees, court costs, private
20 investigator fees, and travel costs.

21 (14) Prohibition of entry. Prohibit the respondent
22 from entering or remaining in the residence or household
23 while the respondent is under the influence of alcohol or
24 drugs and constitutes a threat to the safety and well-being
25 of the petitioner or the petitioner's children.

26 (14.5) Prohibition of firearm possession.

1 (a) Prohibit a respondent against whom an order of
2 protection was issued from possessing any firearms
3 during the duration of the order if the order:

4 (1) was issued after a hearing of which such
5 person received actual notice, and at which such
6 person had an opportunity to participate;

7 (2) restrains such person from harassing,
8 stalking, or threatening an intimate partner of
9 such person or child of such intimate partner or
10 person, or engaging in other conduct that would
11 place an intimate partner in reasonable fear of
12 bodily injury to the partner or child; and

13 (3) (i) includes a finding that such person
14 represents a credible threat to the physical
15 safety of such intimate partner or child; or (ii)
16 by its terms explicitly prohibits the use,
17 attempted use, or threatened use of physical force
18 against such intimate partner or child that would
19 reasonably be expected to cause bodily injury.

20 Any Firearm Owner's Identification Card in the
21 possession of the respondent, except as provided in
22 subsection (b), shall be ordered by the court to be
23 turned over to the local law enforcement agency. The
24 local law enforcement agency shall immediately mail
25 the card to the Illinois ~~Department of~~ State Police
26 Firearm Owner's Identification Card Office for

1 safekeeping. The court shall issue a warrant for
2 seizure of any firearm in the possession of the
3 respondent, to be kept by the local law enforcement
4 agency for safekeeping, except as provided in
5 subsection (b). The period of safekeeping shall be for
6 the duration of the order of protection. The firearm or
7 firearms and Firearm Owner's Identification Card, if
8 unexpired, shall at the respondent's request, be
9 returned to the respondent at the end of the order of
10 protection. It is the respondent's responsibility to
11 notify the Illinois ~~Department of~~ State Police Firearm
12 Owner's Identification Card Office.

13 (b) If the respondent is a peace officer as defined
14 in Section 2-13 of the Criminal Code of 2012, the court
15 shall order that any firearms used by the respondent in
16 the performance of his or her duties as a peace officer
17 be surrendered to the chief law enforcement executive
18 of the agency in which the respondent is employed, who
19 shall retain the firearms for safekeeping for the
20 duration of the order of protection.

21 (c) Upon expiration of the period of safekeeping,
22 if the firearms or Firearm Owner's Identification Card
23 cannot be returned to respondent because respondent
24 cannot be located, fails to respond to requests to
25 retrieve the firearms, or is not lawfully eligible to
26 possess a firearm, upon petition from the local law

1 enforcement agency, the court may order the local law
2 enforcement agency to destroy the firearms, use the
3 firearms for training purposes, or for any other
4 application as deemed appropriate by the local law
5 enforcement agency; or that the firearms be turned over
6 to a third party who is lawfully eligible to possess
7 firearms, and who does not reside with respondent.

8 (15) Prohibition of access to records. If an order of
9 protection prohibits respondent from having contact with
10 the minor child, or if petitioner's address is omitted
11 under subsection (b) of Section 203, or if necessary to
12 prevent abuse or wrongful removal or concealment of a minor
13 child, the order shall deny respondent access to, and
14 prohibit respondent from inspecting, obtaining, or
15 attempting to inspect or obtain, school or any other
16 records of the minor child who is in the care of
17 petitioner.

18 (16) Order for payment of shelter services. Order
19 respondent to reimburse a shelter providing temporary
20 housing and counseling services to the petitioner for the
21 cost of the services, as certified by the shelter and
22 deemed reasonable by the court.

23 (17) Order for injunctive relief. Enter injunctive
24 relief necessary or appropriate to prevent further abuse of
25 a family or household member or further abuse, neglect, or
26 exploitation of a high-risk adult with disabilities or to

1 effectuate one of the granted remedies, if supported by the
2 balance of hardships. If the harm to be prevented by the
3 injunction is abuse or any other harm that one of the
4 remedies listed in paragraphs (1) through (16) of this
5 subsection is designed to prevent, no further evidence is
6 necessary that the harm is an irreparable injury.

7 (18) Telephone services.

8 (A) Unless a condition described in subparagraph
9 (B) of this paragraph exists, the court may, upon
10 request by the petitioner, order a wireless telephone
11 service provider to transfer to the petitioner the
12 right to continue to use a telephone number or numbers
13 indicated by the petitioner and the financial
14 responsibility associated with the number or numbers,
15 as set forth in subparagraph (C) of this paragraph. For
16 purposes of this paragraph (18), the term "wireless
17 telephone service provider" means a provider of
18 commercial mobile service as defined in 47 U.S.C. 332.
19 The petitioner may request the transfer of each
20 telephone number that the petitioner, or a minor child
21 in his or her custody, uses. The clerk of the court
22 shall serve the order on the wireless telephone service
23 provider's agent for service of process provided to the
24 Illinois Commerce Commission. The order shall contain
25 all of the following:

26 (i) The name and billing telephone number of

1 the account holder including the name of the
2 wireless telephone service provider that serves
3 the account.

4 (ii) Each telephone number that will be
5 transferred.

6 (iii) A statement that the provider transfers
7 to the petitioner all financial responsibility for
8 and right to the use of any telephone number
9 transferred under this paragraph.

10 (B) A wireless telephone service provider shall
11 terminate the respondent's use of, and shall transfer
12 to the petitioner use of, the telephone number or
13 numbers indicated in subparagraph (A) of this
14 paragraph unless it notifies the petitioner, within 72
15 hours after it receives the order, that one of the
16 following applies:

17 (i) The account holder named in the order has
18 terminated the account.

19 (ii) A difference in network technology would
20 prevent or impair the functionality of a device on
21 a network if the transfer occurs.

22 (iii) The transfer would cause a geographic or
23 other limitation on network or service provision
24 to the petitioner.

25 (iv) Another technological or operational
26 issue would prevent or impair the use of the

1 telephone number if the transfer occurs.

2 (C) The petitioner assumes all financial
3 responsibility for and right to the use of any
4 telephone number transferred under this paragraph. In
5 this paragraph, "financial responsibility" includes
6 monthly service costs and costs associated with any
7 mobile device associated with the number.

8 (D) A wireless telephone service provider may
9 apply to the petitioner its routine and customary
10 requirements for establishing an account or
11 transferring a number, including requiring the
12 petitioner to provide proof of identification,
13 financial information, and customer preferences.

14 (E) Except for willful or wanton misconduct, a
15 wireless telephone service provider is immune from
16 civil liability for its actions taken in compliance
17 with a court order issued under this paragraph.

18 (F) All wireless service providers that provide
19 services to residential customers shall provide to the
20 Illinois Commerce Commission the name and address of an
21 agent for service of orders entered under this
22 paragraph (18). Any change in status of the registered
23 agent must be reported to the Illinois Commerce
24 Commission within 30 days of such change.

25 (G) The Illinois Commerce Commission shall
26 maintain the list of registered agents for service for

1 each wireless telephone service provider on the
2 Commission's website. The Commission may consult with
3 wireless telephone service providers and the Circuit
4 Court Clerks on the manner in which this information is
5 provided and displayed.

6 (c) Relevant factors; findings.

7 (1) In determining whether to grant a specific remedy,
8 other than payment of support, the court shall consider
9 relevant factors, including but not limited to the
10 following:

11 (i) the nature, frequency, severity, pattern and
12 consequences of the respondent's past abuse, neglect
13 or exploitation of the petitioner or any family or
14 household member, including the concealment of his or
15 her location in order to evade service of process or
16 notice, and the likelihood of danger of future abuse,
17 neglect, or exploitation to petitioner or any member of
18 petitioner's or respondent's family or household; and

19 (ii) the danger that any minor child will be abused
20 or neglected or improperly relocated from the
21 jurisdiction, improperly concealed within the State or
22 improperly separated from the child's primary
23 caretaker.

24 (2) In comparing relative hardships resulting to the
25 parties from loss of possession of the family home, the
26 court shall consider relevant factors, including but not

1 limited to the following:

2 (i) availability, accessibility, cost, safety,
3 adequacy, location and other characteristics of
4 alternate housing for each party and any minor child or
5 dependent adult in the party's care;

6 (ii) the effect on the party's employment; and

7 (iii) the effect on the relationship of the party,
8 and any minor child or dependent adult in the party's
9 care, to family, school, church and community.

10 (3) Subject to the exceptions set forth in paragraph
11 (4) of this subsection, the court shall make its findings
12 in an official record or in writing, and shall at a minimum
13 set forth the following:

14 (i) That the court has considered the applicable
15 relevant factors described in paragraphs (1) and (2) of
16 this subsection.

17 (ii) Whether the conduct or actions of respondent,
18 unless prohibited, will likely cause irreparable harm
19 or continued abuse.

20 (iii) Whether it is necessary to grant the
21 requested relief in order to protect petitioner or
22 other alleged abused persons.

23 (4) For purposes of issuing an ex parte emergency order
24 of protection, the court, as an alternative to or as a
25 supplement to making the findings described in paragraphs
26 (c) (3) (i) through (c) (3) (iii) of this subsection, may use

1 the following procedure:

2 When a verified petition for an emergency order of
3 protection in accordance with the requirements of Sections
4 203 and 217 is presented to the court, the court shall
5 examine petitioner on oath or affirmation. An emergency
6 order of protection shall be issued by the court if it
7 appears from the contents of the petition and the
8 examination of petitioner that the averments are
9 sufficient to indicate abuse by respondent and to support
10 the granting of relief under the issuance of the emergency
11 order of protection.

12 (5) Never married parties. No rights or
13 responsibilities for a minor child born outside of marriage
14 attach to a putative father until a father and child
15 relationship has been established under the Illinois
16 Parentage Act of 1984, the Illinois Parentage Act of 2015,
17 the Illinois Public Aid Code, Section 12 of the Vital
18 Records Act, the Juvenile Court Act of 1987, the Probate
19 Act of 1975, the Revised Uniform Reciprocal Enforcement of
20 Support Act, the Uniform Interstate Family Support Act, the
21 Expedited Child Support Act of 1990, any judicial,
22 administrative, or other act of another state or territory,
23 any other Illinois statute, or by any foreign nation
24 establishing the father and child relationship, any other
25 proceeding substantially in conformity with the Personal
26 Responsibility and Work Opportunity Reconciliation Act of

1 1996 (Pub. L. 104-193), or where both parties appeared in
2 open court or at an administrative hearing acknowledging
3 under oath or admitting by affirmation the existence of a
4 father and child relationship. Absent such an
5 adjudication, finding, or acknowledgment, no putative
6 father shall be granted temporary allocation of parental
7 responsibilities, including parenting time with the minor
8 child, or physical care and possession of the minor child,
9 nor shall an order of payment for support of the minor
10 child be entered.

11 (d) Balance of hardships; findings. If the court finds that
12 the balance of hardships does not support the granting of a
13 remedy governed by paragraph (2), (3), (10), (11), or (16) of
14 subsection (b) of this Section, which may require such
15 balancing, the court's findings shall so indicate and shall
16 include a finding as to whether granting the remedy will result
17 in hardship to respondent that would substantially outweigh the
18 hardship to petitioner from denial of the remedy. The findings
19 shall be an official record or in writing.

20 (e) Denial of remedies. Denial of any remedy shall not be
21 based, in whole or in part, on evidence that:

22 (1) Respondent has cause for any use of force, unless
23 that cause satisfies the standards for justifiable use of
24 force provided by Article 7 of the Criminal Code of 2012;

25 (2) Respondent was voluntarily intoxicated;

26 (3) Petitioner acted in self-defense or defense of

1 another, provided that, if petitioner utilized force, such
2 force was justifiable under Article 7 of the Criminal Code
3 of 2012;

4 (4) Petitioner did not act in self-defense or defense
5 of another;

6 (5) Petitioner left the residence or household to avoid
7 further abuse, neglect, or exploitation by respondent;

8 (6) Petitioner did not leave the residence or household
9 to avoid further abuse, neglect, or exploitation by
10 respondent;

11 (7) Conduct by any family or household member excused
12 the abuse, neglect, or exploitation by respondent, unless
13 that same conduct would have excused such abuse, neglect,
14 or exploitation if the parties had not been family or
15 household members.

16 (Source: P.A. 99-85, eff. 1-1-16; 99-90, eff. 1-1-16; 99-642,
17 eff. 7-28-16; 100-388, eff. 1-1-18; 100-863, eff. 8-14-18;
18 100-923, eff. 1-1-19.)

19 (750 ILCS 60/217) (from Ch. 40, par. 2312-17)

20 Sec. 217. Emergency order of protection.

21 (a) Prerequisites. An emergency order of protection shall
22 issue if petitioner satisfies the requirements of this
23 subsection for one or more of the requested remedies. For each
24 remedy requested, petitioner shall establish that:

25 (1) The court has jurisdiction under Section 208;

1 (2) The requirements of Section 214 are satisfied; and

2 (3) There is good cause to grant the remedy, regardless
3 of prior service of process or of notice upon the
4 respondent, because:

5 (i) For the remedies of "prohibition of abuse"
6 described in Section 214(b)(1), "stay away order and
7 additional prohibitions" described in Section
8 214(b)(3), "removal or concealment of minor child"
9 described in Section 214(b)(8), "order to appear"
10 described in Section 214(b)(9), "physical care and
11 possession of the minor child" described in Section
12 214(b)(5), "protection of property" described in
13 Section 214(b)(11), "prohibition of entry" described
14 in Section 214(b)(14), "prohibition of firearm
15 possession" described in Section 214(b)(14.5),
16 "prohibition of access to records" described in
17 Section 214(b)(15), and "injunctive relief" described
18 in Section 214(b)(16), the harm which that remedy is
19 intended to prevent would be likely to occur if the
20 respondent were given any prior notice, or greater
21 notice than was actually given, of the petitioner's
22 efforts to obtain judicial relief;

23 (ii) For the remedy of "grant of exclusive
24 possession of residence" described in Section
25 214(b)(2), the immediate danger of further abuse of
26 petitioner by respondent, if petitioner chooses or had

1 chosen to remain in the residence or household while
2 respondent was given any prior notice or greater notice
3 than was actually given of petitioner's efforts to
4 obtain judicial relief, outweighs the hardships to
5 respondent of an emergency order granting petitioner
6 exclusive possession of the residence or household.
7 This remedy shall not be denied because petitioner has
8 or could obtain temporary shelter elsewhere while
9 prior notice is given to respondent, unless the
10 hardships to respondent from exclusion from the home
11 substantially outweigh those to petitioner;

12 (iii) For the remedy of "possession of personal
13 property" described in Section 214(b)(10), improper
14 disposition of the personal property would be likely to
15 occur if respondent were given any prior notice, or
16 greater notice than was actually given, of
17 petitioner's efforts to obtain judicial relief, or
18 petitioner has an immediate and pressing need for
19 possession of that property.

20 An emergency order may not include the counseling, legal
21 custody, payment of support or monetary compensation remedies.

22 (a-5) When a petition for an emergency order of protection
23 is granted, the order shall not be publicly available until the
24 order is served on the respondent.

25 (b) Appearance by respondent. If respondent appears in
26 court for this hearing for an emergency order, he or she may

1 elect to file a general appearance and testify. Any resulting
2 order may be an emergency order, governed by this Section.
3 Notwithstanding the requirements of this Section, if all
4 requirements of Section 218 have been met, the court may issue
5 a 30-day interim order.

6 (c) Emergency orders: court holidays and evenings.

7 (1) Prerequisites. When the court is unavailable at the
8 close of business, the petitioner may file a petition for a
9 21-day emergency order before any available circuit judge
10 or associate judge who may grant relief under this Act. If
11 the judge finds that there is an immediate and present
12 danger of abuse to petitioner and that petitioner has
13 satisfied the prerequisites set forth in subsection (a) of
14 Section 217, that judge may issue an emergency order of
15 protection.

16 (1.5) Issuance of order. The chief judge of the circuit
17 court may designate for each county in the circuit at least
18 one judge to be reasonably available to issue orally, by
19 telephone, by facsimile, or otherwise, an emergency order
20 of protection at all times, whether or not the court is in
21 session.

22 (2) Certification and transfer. The judge who issued
23 the order under this Section shall promptly communicate or
24 convey the order to the sheriff to facilitate the entry of
25 the order into the Law Enforcement Agencies Data System by
26 the Illinois ~~Department of~~ State Police pursuant to Section

1 302. Any order issued under this Section and any
2 documentation in support thereof shall be certified on the
3 next court day to the appropriate court. The clerk of that
4 court shall immediately assign a case number, file the
5 petition, order and other documents with the court, and
6 enter the order of record and file it with the sheriff for
7 service, in accordance with Section 222. Filing the
8 petition shall commence proceedings for further relief
9 under Section 202. Failure to comply with the requirements
10 of this subsection shall not affect the validity of the
11 order.

12 (Source: P.A. 101-255, eff. 1-1-20.)

13 (750 ILCS 60/220) (from Ch. 40, par. 2312-20)

14 Sec. 220. Duration and extension of orders.

15 (a) Duration of emergency and interim orders. Unless
16 re-opened or extended or voided by entry of an order of greater
17 duration:

18 (1) Emergency orders issued under Section 217 shall be
19 effective for not less than 14 nor more than 21 days;

20 (2) Interim orders shall be effective for up to 30
21 days.

22 (b) Duration of plenary orders.

23 (0.05) A plenary order of protection entered under this
24 Act shall be valid for a fixed period of time, not to
25 exceed two years.

1 (1) A plenary order of protection entered in
2 conjunction with another civil proceeding shall remain in
3 effect as follows:

4 (i) if entered as preliminary relief in that other
5 proceeding, until entry of final judgment in that other
6 proceeding;

7 (ii) if incorporated into the final judgment in
8 that other proceeding, until the order of protection is
9 vacated or modified; or

10 (iii) if incorporated in an order for involuntary
11 commitment, until termination of both the involuntary
12 commitment and any voluntary commitment, or for a fixed
13 period of time not exceeding 2 years.

14 (2) Duration of an order of protection entered in
15 conjunction with a criminal prosecution or delinquency
16 petition shall remain in effect as provided in Section
17 112A-20 of the Code of Criminal Procedure of 1963.

18 (c) Computation of time. The duration of an order of
19 protection shall not be reduced by the duration of any prior
20 order of protection.

21 (d) Law enforcement records. When a plenary order of
22 protection expires upon the occurrence of a specified event,
23 rather than upon a specified date as provided in subsection
24 (b), no expiration date shall be entered in Illinois Department
25 ~~of~~ State Police records. To remove the plenary order from those
26 records, either party shall request the clerk of the court to

1 file a certified copy of an order stating that the specified
2 event has occurred or that the plenary order has been vacated
3 or modified with the Sheriff, and the Sheriff shall direct that
4 law enforcement records shall be promptly corrected in
5 accordance with the filed order.

6 (e) Extension of orders. Any emergency, interim or plenary
7 order may be extended one or more times, as required, provided
8 that the requirements of Section 217, 218 or 219, as
9 appropriate, are satisfied. If the motion for extension is
10 uncontested and petitioner seeks no modification of the order,
11 the order may be extended on the basis of petitioner's motion
12 or affidavit stating that there has been no material change in
13 relevant circumstances since entry of the order and stating the
14 reason for the requested extension. An extension of a plenary
15 order of protection may be granted, upon good cause shown, to
16 remain in effect until the order of protection is vacated or
17 modified. Extensions may be granted only in open court and not
18 under the provisions of subsection (c) of Section 217, which
19 applies only when the court is unavailable at the close of
20 business or on a court holiday.

21 (f) Termination date. Any order of protection which would
22 expire on a court holiday shall instead expire at the close of
23 the next court business day.

24 (g) Statement of purpose. The practice of dismissing or
25 suspending a criminal prosecution in exchange for the issuance
26 of an order of protection undermines the purposes of this Act.

1 This Section shall not be construed as encouraging that
2 practice.

3 (Source: P.A. 100-199, eff. 1-1-18.)

4 (750 ILCS 60/222) (from Ch. 40, par. 2312-22)

5 Sec. 222. Notice of orders.

6 (a) Entry and issuance. Upon issuance of any order of
7 protection, the clerk shall immediately (i) enter the order on
8 the record and file it in accordance with the circuit court
9 procedures and (ii) provide a file stamped copy of the order to
10 respondent, if present, and to petitioner.

11 (b) Filing with sheriff. The clerk of the issuing judge
12 shall, or the petitioner may, on the same day that an order of
13 protection is issued, file a certified copy of that order with
14 the sheriff or other law enforcement officials charged with
15 maintaining Illinois ~~Department of~~ State Police records or
16 charged with serving the order upon respondent. If the
17 respondent, at the time of the issuance of the order, is
18 committed to the custody of the Illinois Department of
19 Corrections or Illinois Department of Juvenile Justice or is on
20 parole, aftercare release, or mandatory supervised release,
21 the sheriff or other law enforcement officials charged with
22 maintaining Illinois ~~Department of~~ State Police records shall
23 notify the Department of Corrections or Department of Juvenile
24 Justice within 48 hours of receipt of a copy of the order of
25 protection from the clerk of the issuing judge or the

1 petitioner. Such notice shall include the name of the
2 respondent, the respondent's IDOC inmate number or IDJJ youth
3 identification number, the respondent's date of birth, and the
4 LEADS Record Index Number.

5 (c) Service by sheriff. Unless respondent was present in
6 court when the order was issued, the sheriff, other law
7 enforcement official or special process server shall promptly
8 serve that order upon respondent and file proof of such
9 service, in the manner provided for service of process in civil
10 proceedings. Instead of serving the order upon the respondent,
11 however, the sheriff, other law enforcement official, special
12 process server, or other persons defined in Section 222.10 may
13 serve the respondent with a short form notification as provided
14 in Section 222.10. If process has not yet been served upon the
15 respondent, it shall be served with the order or short form
16 notification if such service is made by the sheriff, other law
17 enforcement official, or special process server. A single fee
18 may be charged for service of an order obtained in civil court,
19 or for service of such an order together with process, unless
20 waived or deferred under Section 210.

21 (c-5) If the person against whom the order of protection is
22 issued is arrested and the written order is issued in
23 accordance with subsection (c) of Section 217 and received by
24 the custodial law enforcement agency before the respondent or
25 arrestee is released from custody, the custodial law
26 enforcement agent shall promptly serve the order upon the

1 respondent or arrestee before the respondent or arrestee is
2 released from custody. In no event shall detention of the
3 respondent or arrestee be extended for hearing on the petition
4 for order of protection or receipt of the order issued under
5 Section 217 of this Act.

6 (d) Extensions, modifications and revocations. Any order
7 extending, modifying or revoking any order of protection shall
8 be promptly recorded, issued and served as provided in this
9 Section.

10 (e) Notice to schools. Upon the request of the petitioner,
11 within 24 hours of the issuance of an order of protection, the
12 clerk of the issuing judge shall send a certified copy of the
13 order of protection to the day-care facility, pre-school or
14 pre-kindergarten, or private school or the principal office of
15 the public school district or any college or university in
16 which any child who is a protected person under the order of
17 protection or any child of the petitioner is enrolled as
18 requested by the petitioner at the mailing address provided by
19 the petitioner. If the child transfers enrollment to another
20 day-care facility, pre-school, pre-kindergarten, private
21 school, public school, college, or university, the petitioner
22 may, within 24 hours of the transfer, send to the clerk written
23 notice of the transfer, including the name and address of the
24 institution to which the child is transferring. Within 24 hours
25 of receipt of notice from the petitioner that a child is
26 transferring to another day-care facility, pre-school,

1 pre-kindergarten, private school, public school, college, or
2 university, the clerk shall send a certified copy of the order
3 to the institution to which the child is transferring.

4 (f) Disclosure by schools. After receiving a certified copy
5 of an order of protection that prohibits a respondent's access
6 to records, neither a day-care facility, pre-school,
7 pre-kindergarten, public or private school, college, or
8 university nor its employees shall allow a respondent access to
9 a protected child's records or release information in those
10 records to the respondent. The school shall file the copy of
11 the order of protection in the records of a child who is a
12 protected person under the order of protection. When a child
13 who is a protected person under the order of protection
14 transfers to another day-care facility, pre-school,
15 pre-kindergarten, public or private school, college, or
16 university, the institution from which the child is
17 transferring may, at the request of the petitioner, provide,
18 within 24 hours of the transfer, written notice of the order of
19 protection, along with a certified copy of the order, to the
20 institution to which the child is transferring.

21 (g) Notice to health care facilities and health care
22 practitioners. Upon the request of the petitioner, the clerk of
23 the circuit court shall send a certified copy of the order of
24 protection to any specified health care facility or health care
25 practitioner requested by the petitioner at the mailing address
26 provided by the petitioner.

1 (h) Disclosure by health care facilities and health care
2 practitioners. After receiving a certified copy of an order of
3 protection that prohibits a respondent's access to records, no
4 health care facility or health care practitioner shall allow a
5 respondent access to the records of any child who is a
6 protected person under the order of protection, or release
7 information in those records to the respondent, unless the
8 order has expired or the respondent shows a certified copy of
9 the court order vacating the corresponding order of protection
10 that was sent to the health care facility or practitioner.
11 Nothing in this Section shall be construed to require health
12 care facilities or health care practitioners to alter
13 procedures related to billing and payment. The health care
14 facility or health care practitioner may file the copy of the
15 order of protection in the records of a child who is a
16 protected person under the order of protection, or may employ
17 any other method to identify the records to which a respondent
18 is prohibited access. No health care facility or health care
19 practitioner shall be civilly or professionally liable for
20 reliance on a copy of an order of protection, except for
21 willful and wanton misconduct.

22 (Source: P.A. 101-508, eff. 1-1-20.)

23 (750 ILCS 60/222.5)

24 Sec. 222.5. Filing of an order of protection issued in
25 another state.

1 (a) A person entitled to protection under an order of
2 protection issued by the court of another state, tribe, or
3 United States territory may file a certified copy of the order
4 of protection with the clerk of the court in a judicial circuit
5 in which the person believes that enforcement may be necessary.

6 (b) The clerk shall:

7 (1) treat the foreign order of protection in the same
8 manner as a judgment of the circuit court for any county of
9 this State in accordance with the provisions of the Uniform
10 Enforcement of Foreign Judgments Act, except that the clerk
11 shall not mail notice of the filing of the foreign order to
12 the respondent named in the order; and

13 (2) on the same day that a foreign order of protection
14 is filed, file a certified copy of that order with the
15 sheriff or other law enforcement officials charged with
16 maintaining Illinois ~~Department of~~ State Police records as
17 set forth in Section 222 of this Act.

18 (c) Neither residence in this State nor filing of a foreign
19 order of protection shall be required for enforcement of the
20 order by this State. Failure to file the foreign order shall
21 not be an impediment to its treatment in all respects as an
22 Illinois order of protection.

23 (d) The clerk shall not charge a fee to file a foreign
24 order of protection under this Section.

25 (e) The sheriff shall inform the Illinois ~~Department of~~
26 State Police as set forth in Section 302 of this Act.

1 (Source: P.A. 91-903, eff. 1-1-01.)

2 (750 ILCS 60/302) (from Ch. 40, par. 2313-2)

3 Sec. 302. Data maintenance by law enforcement agencies.

4 (a) All sheriffs shall furnish to the Illinois ~~Department~~
5 ~~of~~ State Police, on the same day as received, in the form and
6 detail the Department requires, copies of any recorded
7 emergency, interim, or plenary orders of protection issued by
8 the court, and any foreign orders of protection filed by the
9 clerk of the court, and transmitted to the sheriff by the clerk
10 of the court pursuant to subsection (b) of Section 222 of this
11 Act. Each order of protection shall be entered in the Law
12 Enforcement Agencies Data System on the same day it is issued
13 by the court. If an emergency order of protection was issued in
14 accordance with subsection (c) of Section 217, the order shall
15 be entered in the Law Enforcement Agencies Data System as soon
16 as possible after receipt from the clerk.

17 (b) The Illinois ~~Department of~~ State Police shall maintain
18 a complete and systematic record and index of all valid and
19 recorded orders of protection issued pursuant to this Act. The
20 data shall be used to inform all dispatchers and law
21 enforcement officers at the scene of an alleged incident of
22 abuse, neglect, or exploitation or violation of an order of
23 protection of any recorded prior incident of abuse, neglect, or
24 exploitation involving the abused, neglected, or exploited
25 party and the effective dates and terms of any recorded order

1 of protection.

2 (c) The data, records and transmittals required under this
3 Section shall pertain to any valid emergency, interim or
4 plenary order of protection, whether issued in a civil or
5 criminal proceeding or authorized under the laws of another
6 state, tribe, or United States territory.

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

8 Section 1140. The Probate Act of 1975 is amended by
9 changing Sections 2-6.6 and 11a-24 as follows:

10 (755 ILCS 5/2-6.6)

11 Sec. 2-6.6. Person convicted of or found civilly liable for
12 certain offenses against the elderly or a person with a
13 disability.

14 (a) A person who is convicted of a violation of Section
15 12-19, 12-21, 16-1.3, or 17-56, or subsection (a) or (b) of
16 Section 12-4.4a, of the Criminal Code of 1961 or the Criminal
17 Code of 2012 or a person who has been found by a preponderance
18 of the evidence to be civilly liable for financial
19 exploitation, as defined in subsection (a) of Section 2-6.2 of
20 this Act, may not receive any property, benefit, or other
21 interest by reason of the death of the victim of that offense,
22 whether as heir, legatee, beneficiary, joint tenant, tenant by
23 the entirety, survivor, appointee, or in any other capacity and
24 whether the property, benefit, or other interest passes

1 pursuant to any form of title registration, testamentary or
2 nontestamentary instrument, intestacy, renunciation, or any
3 other circumstance. Except as provided in subsection (f) of
4 this Section, the property, benefit, or other interest shall
5 pass as if the person convicted of a violation of Section
6 12-19, 12-21, 16-1.3, or 17-56, or subsection (a) or (b) of
7 Section 12-4.4a, of the Criminal Code of 1961 or the Criminal
8 Code of 2012 or the person found by a preponderance of the
9 evidence to be civilly liable for financial exploitation, as
10 defined in subsection (a) of Section 2-6.2 of this Act, died
11 before the decedent; provided that with respect to joint
12 tenancy property or property held in tenancy by the entirety,
13 the interest possessed prior to the death by the person
14 convicted or found civilly liable may not be diminished by the
15 application of this Section. Notwithstanding the foregoing, a
16 person convicted of a violation of Section 12-19, 12-21,
17 16-1.3, or 17-56, or subsection (a) or (b) of Section 12-4.4a,
18 of the Criminal Code of 1961 or the Criminal Code of 2012 or a
19 person who has been found by a preponderance of the evidence to
20 be civilly liable for financial exploitation, as defined in
21 subsection (a) of Section 2-6.2 of this Act, shall be entitled
22 to receive property, a benefit, or an interest in any capacity
23 and under any circumstances described in this Section if it is
24 demonstrated by clear and convincing evidence that the victim
25 of that offense knew of the conviction or finding of civil
26 liability and subsequent to the conviction or finding of civil

1 liability expressed or ratified his or her intent to transfer
2 the property, benefit, or interest to the person convicted of a
3 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
4 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
5 of 1961 or the Criminal Code of 2012 or the person found by a
6 preponderance of the evidence to be civilly liable for
7 financial exploitation, as defined in subsection (a) of Section
8 2-6.2 of this Act, in any manner contemplated by this Section.

9 (b) The holder of any property subject to the provisions of
10 this Section is not liable for distributing or releasing the
11 property to the person convicted of violating Section 12-19,
12 12-21, 16-1.3, or 17-56, or subsection (a) or (b) of Section
13 12-4.4a, of the Criminal Code of 1961 or the Criminal Code of
14 2012 or to the person found by a preponderance of the evidence
15 to be civilly liable for financial exploitation as defined in
16 subsection (a) of Section 2-6.2 of this Act.

17 (c) If the holder is a financial institution, trust
18 company, trustee, or similar entity or person, the holder shall
19 not be liable for any distribution or release of the property,
20 benefit, or other interest to the person convicted of a
21 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
22 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
23 of 1961 or the Criminal Code of 2012 or person found by a
24 preponderance of the evidence to be civilly liable for
25 financial exploitation, as defined in subsection (a) of Section
26 2-6.2 of this Act, unless the holder knowingly distributes or

1 releases the property, benefit, or other interest to the person
2 so convicted or found civilly liable after first having
3 received actual written notice of the conviction or finding of
4 civil liability in sufficient time to act upon the notice.

5 (d) The Illinois ~~Department of~~ State Police shall have
6 access to State of Illinois databases containing information
7 that may help in the identification or location of persons
8 convicted of or found civilly liable for the offenses
9 enumerated in this Section. Interagency agreements shall be
10 implemented, consistent with security and procedures
11 established by the State agency and consistent with the laws
12 governing the confidentiality of the information in the
13 databases. Information shall be used only for administration of
14 this Section.

15 (e) A civil action against a person for financial
16 exploitation, as defined in subsection (a) of Section 2-6.2 of
17 this Act, may be brought by an interested person, pursuant to
18 this Section, after the death of the victim or during the
19 lifetime of the victim if the victim is adjudicated a person
20 with a disability. A guardian is under no duty to bring a civil
21 action under this subsection during the ward's lifetime, but
22 may do so if the guardian believes it is in the best interests
23 of the ward.

24 (f) The court may, in its discretion, consider such facts
25 and circumstances as it deems appropriate to allow the person
26 convicted or found civilly liable for financial exploitation,

1 as defined in subsection (a) of Section 2-6.2 of this Act, to
2 receive a reduction in interest or benefit rather than no
3 interest or benefit as stated under subsection (a) of this
4 Section.

5 (Source: P.A. 98-833, eff. 8-1-14; 99-143, eff. 7-27-15.)

6 (755 ILCS 5/11a-24)

7 Sec. 11a-24. Notification; Illinois ~~Department of~~ State
8 Police. When a court adjudges a respondent to be a person with
9 a disability under this Article, the court shall direct the
10 circuit court clerk to notify the Illinois ~~Department of~~ State
11 Police, Firearm Owner's Identification (FOID) Office, in a form
12 and manner prescribed by the Illinois ~~Department of~~ State
13 Police, and shall forward a copy of the court order to the
14 Department no later than 7 days after the entry of the order.
15 Upon receipt of the order, the Illinois ~~Department of~~ State
16 Police shall provide notification to the National Instant
17 Criminal Background Check System.

18 (Source: P.A. 98-63, eff. 7-9-13; 99-143, eff. 7-27-15.)

19 Section 1145. The Charitable Trust Act is amended by
20 changing Section 16.5 as follows:

21 (760 ILCS 55/16.5)

22 Sec. 16.5. Terrorist acts.

23 (a) Any person or organization subject to registration

1 under this Act, who knowingly acts to further, directly or
2 indirectly, or knowingly uses charitable assets to conduct or
3 further, directly or indirectly, an act or actions as set forth
4 in Article 29D of the Criminal Code of 2012, is thereby engaged
5 in an act or actions contrary to public policy and antithetical
6 to charity, and all of the funds, assets, and records of the
7 person or organization shall be subject to temporary and
8 permanent injunction from use or expenditure and the
9 appointment of a temporary and permanent receiver to take
10 possession of all of the assets and related records.

11 (b) An ex parte action may be commenced by the Attorney
12 General, and, upon a showing of probable cause of a violation
13 of this Section or Article 29D of the Criminal Code of 2012, an
14 immediate seizure of books and records by the Attorney General
15 by and through his or her assistants or investigators or the
16 Illinois Department of State Police and freezing of all assets
17 shall be made by order of a court to protect the public,
18 protect the assets, and allow a full review of the records.

19 (c) Upon a finding by a court after a hearing that a person
20 or organization has acted or is in violation of this Section,
21 the person or organization shall be permanently enjoined from
22 soliciting funds from the public, holding charitable funds, or
23 acting as a trustee or fiduciary within Illinois. Upon a
24 finding of violation all assets and funds held by the person or
25 organization shall be forfeited to the People of the State of
26 Illinois or otherwise ordered by the court to be accounted for

1 and marshaled and then delivered to charitable causes and uses
2 within the State of Illinois by court order.

3 (d) A determination under this Section may be made by any
4 court separate and apart from any criminal proceedings and the
5 standard of proof shall be that for civil proceedings.

6 (e) Any knowing use of charitable assets to conduct or
7 further, directly or indirectly, an act or actions set forth in
8 Article 29D of the Criminal Code of 2012 shall be a misuse of
9 charitable assets and breach of fiduciary duty relative to all
10 other Sections of this Act.

11 (Source: P.A. 97-1150, eff. 1-25-13.)

12 Section 1150. The Revised Uniform Unclaimed Property Act is
13 amended by changing Section 15-705 as follows:

14 (765 ILCS 1026/15-705)

15 Sec. 15-705. Exceptions to the sale of tangible property.
16 The administrator shall dispose of tangible property
17 identified by this Section in accordance with this Section.

18 (a) Military medals or decorations. The administrator may
19 not sell a medal or decoration awarded for military service in
20 the armed forces of the United States. Instead, the
21 administrator, with the consent of the respective organization
22 under paragraph (1), agency under paragraph (2), or entity
23 under paragraph (3), may deliver a medal or decoration to be
24 held in custody for the owner, to:

1 (1) a military veterans organization qualified under
2 Section 501(c)(19) of the Internal Revenue Code;

3 (2) the agency that awarded the medal or decoration; or

4 (3) a governmental entity.

5 After delivery, the administrator is not responsible for
6 the safekeeping of the medal or decoration.

7 (b) Property with historical value. Property that the
8 administrator reasonably believes may have historical value
9 may be, at his or her discretion, loaned to an accredited
10 museum in the United States where it will be kept until such
11 time as the administrator orders it to be returned to his or
12 her custody.

13 (c) Human remains. If human remains are delivered to the
14 administrator under this Act, the administrator shall deliver
15 those human remains to the coroner of the county in which the
16 human remains were abandoned for disposition under Section
17 3-3034 of the Counties Code. The only human remains that may be
18 delivered to the administrator under this Act and that the
19 administrator may receive are those that are reported and
20 delivered as contents of a safe deposit box.

21 (d) Evidence in a criminal investigation. Property that may
22 have been used in the commission of a crime or that may assist
23 in the investigation of a crime, as determined after consulting
24 with the Illinois ~~Department of~~ State Police, shall be
25 delivered to the Illinois ~~Department of~~ State Police or other
26 appropriate law enforcement authority to allow law enforcement

1 to determine whether a criminal investigation should take
2 place. Any such property delivered to a law enforcement
3 authority shall be held in accordance with existing statutes
4 and rules related to the gathering, retention, and release of
5 evidence.

6 (e) Firearms.

7 (1) The administrator, in cooperation with the
8 Illinois ~~Department of~~ State Police, shall develop a
9 procedure to determine whether a firearm delivered to the
10 administrator under this Act has been stolen or used in the
11 commission of a crime. The Illinois ~~Department of~~ State
12 Police shall determine the appropriate disposition of a
13 firearm that has been stolen or used in the commission of a
14 crime. The administrator shall attempt to return a firearm
15 that has not been stolen or used in the commission of a
16 crime to the rightful owner if the Illinois ~~Department of~~
17 State Police determines that the owner may lawfully possess
18 the firearm.

19 (2) If the administrator is unable to return a firearm
20 to its owner, the administrator shall transfer custody of
21 the firearm to the Illinois ~~Department of~~ State Police.
22 Legal title to a firearm transferred to the Illinois
23 ~~Department of~~ State Police under this subsection (e) is
24 vested in the Illinois ~~Department of~~ State Police by
25 operation of law if:

26 (i) the administrator cannot locate the owner of

1 the firearm;

2 (ii) the owner of the firearm may not lawfully
3 possess the firearm;

4 (iii) the apparent owner does not respond to notice
5 published under Section 15-503 of this Act; or

6 (iv) the apparent owner responds to notice
7 published under Section 15-502 and states that he or
8 she no longer claims an interest in the firearm.

9 (3) With respect to a firearm whose title is
10 transferred to the Illinois ~~Department of~~ State Police
11 under this subsection (e), the Illinois ~~Department of~~ State
12 Police may:

13 (i) retain the firearm for use by the crime
14 laboratory system, for training purposes, or for any
15 other application as deemed appropriate by the
16 Department;

17 (ii) transfer the firearm to the Illinois State
18 Museum if the firearm has historical value; or

19 (iii) destroy the firearm if it is not retained
20 pursuant to subparagraph (i) or transferred pursuant
21 to subparagraph (ii).

22 As used in this subsection, "firearm" has the meaning
23 provided in the Firearm Owners Identification Card Act.

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

25 Section 1155. The Law Enforcement Disposition of Property

1 Act is amended by changing Section 2 as follows:

2 (765 ILCS 1030/2) (from Ch. 141, par. 142)

3 Sec. 2. (a) Such property believed to be abandoned, lost or
4 stolen or otherwise illegally possessed shall be retained in
5 custody by the sheriff, chief of police or other principal
6 official of the law enforcement agency, which shall make
7 reasonable inquiry and efforts to identify and notify the owner
8 or other person entitled to possession thereof, and shall
9 return the property after such person provides reasonable and
10 satisfactory proof of his ownership or right to possession and
11 reimburses the agency for all reasonable expenses of such
12 custody.

13 (b) Weapons that have been confiscated as a result of
14 having been abandoned or illegally possessed may be transferred
15 to the Illinois ~~Department of~~ State Police for use by the crime
16 laboratory system, for training purposes, or for any other
17 application as deemed appropriate by the Department, if no
18 legitimate claim is made for the confiscated weapon within 6
19 months of the date of confiscation, or within 6 months of final
20 court disposition if such confiscated weapon was used for
21 evidentiary purposes.

22 (Source: P.A. 85-632.)

23 Section 1160. The Illinois Human Rights Act is amended by
24 changing Section 2-103 as follows:

1 (775 ILCS 5/2-103) (from Ch. 68, par. 2-103)

2 Sec. 2-103. Arrest record.

3 (A) Unless otherwise authorized by law, it is a civil
4 rights violation for any employer, employment agency or labor
5 organization to inquire into or to use an arrest record, as
6 defined under subsection (B-5) of Section 1-103, as a basis to
7 refuse to hire, to segregate, or to act with respect to
8 recruitment, hiring, promotion, renewal of employment,
9 selection for training or apprenticeship, discharge,
10 discipline, tenure or terms, privileges or conditions of
11 employment. This Section does not prohibit a State agency, unit
12 of local government or school district, or private organization
13 from requesting or utilizing sealed felony conviction
14 information obtained from the Illinois ~~Department of~~ State
15 Police under the provisions of Section 3 of the Criminal
16 Identification Act or under other State or federal laws or
17 regulations that require criminal background checks in
18 evaluating the qualifications and character of an employee or a
19 prospective employee.

20 (B) The prohibition against the use of an arrest record, as
21 defined under paragraph (1) of subsection (B-5) of Section
22 1-103, contained in this Act shall not be construed to prohibit
23 an employer, employment agency, or labor organization from
24 obtaining or using other information which indicates that a
25 person actually engaged in the conduct for which he or she was

1 arrested.

2 (Source: P.A. 101-565, eff. 1-1-20.)

3 Section 1165. The Illinois Torture Inquiry and Relief
4 Commission Act is amended by changing Section 60 as follows:

5 (775 ILCS 40/60)

6 Sec. 60. Report. Beginning January 1, 2010, and annually
7 thereafter, the Illinois Torture Inquiry and Relief Commission
8 shall report on its activities to the General Assembly and the
9 Governor. The report may contain recommendations of any needed
10 legislative changes related to the activities of the
11 Commission. The report shall recommend the funding needed by
12 the Commission, the State's Attorneys, and the Illinois
13 ~~Department of~~ State Police in order to meet their
14 responsibilities under this Act. Recommendations concerning
15 the State's Attorneys or the Illinois ~~Department of~~ State
16 Police shall only be made after consultations with the Illinois
17 State's Attorneys Association, the Illinois ~~Department of~~
18 State Police, and the Attorney General.

19 (Source: P.A. 96-223, eff. 8-10-09.)

20 Section 1170. The Assumed Business Name Act is amended by
21 changing Section 5 as follows:

22 (805 ILCS 405/5) (from Ch. 96, par. 8)

1 Sec. 5. Any person or persons carrying on, conducting or
2 transacting business as aforesaid, who shall fail to comply
3 with the provisions of this Act, shall be guilty of a Class C
4 misdemeanor, and each day any person or persons conducts
5 business in violation of this Act shall be deemed a separate
6 offense.

7 A person shall be exempt from prosecution for a violation
8 of this Act if he is a peace officer who uses a false or
9 fictitious business name in the enforcement of the criminal
10 laws; provided such use is approved in writing by one of the
11 following:

12 (a) In all counties, the respective State's Attorney;

13 (b) The Director of the Illinois State Police under Section
14 2605-200 of the Illinois ~~Department of~~ State Police Law ~~(20~~
15 ~~ILCS 2605/2605-200)~~; or

16 (c) In cities over 1,000,000, the Superintendent of Police.

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

18 Section 1175. The Recyclable Metal Purchase Registration
19 Law is amended by changing Section 6.5 as follows:

20 (815 ILCS 325/6.5)

21 Sec. 6.5. Recyclable Metal Theft Task Force.

22 (a) The Recyclable Metal Theft Task Force is created within
23 the Office of the Secretary of State. The Office of the
24 Secretary of State shall provide administrative support for the

1 Task Force. The Task Force shall consist of the members
2 designated in subsections (b) and (c).

3 (b) Members of the Task Force representing the State shall
4 be appointed as follows:

5 (1) Two members of the Senate appointed one each by the
6 President of the Senate and by the Minority Leader of the
7 Senate;

8 (2) Two members of the House of Representatives
9 appointed one each by the Speaker of the House of
10 Representatives and by the Minority Leader of the House of
11 Representatives;

12 (3) One member representing the Office of the Secretary
13 of State appointed by the Secretary of State; and

14 (4) Two members representing the Illinois Department
15 ~~of~~ State Police appointed by the Director of the Illinois
16 State Police, one of whom must represent the State Police
17 Academy.

18 (c) The members appointed under subsection (b) shall select
19 from their membership a chairperson. The chairperson shall
20 appoint the public members of the Task Force as follows:

21 (1) One member representing municipalities in this
22 State with consideration given to persons recommended by an
23 organization representing municipalities in this State;

24 (2) Five chiefs of police from various geographical
25 areas of the State with consideration given to persons
26 recommended by an organization representing chiefs of

1 police in this State;

2 (3) One representative of a public utility
3 headquartered in Illinois;

4 (4) One representative of recyclable metal dealers in
5 Illinois;

6 (5) One representative of scrap metal suppliers in
7 Illinois;

8 (6) One representative of insurance companies offering
9 homeowners insurance in this State;

10 (7) One representative of rural electric cooperatives
11 in Illinois; and

12 (8) One representative of a local exchange carrier
13 doing business in Illinois.

14 (d) The Task Force shall endeavor to establish a
15 collaborative effort to combat recyclable metal theft
16 throughout the State and assist in developing regional task
17 forces, as determined necessary, to combat recyclable metal
18 theft. The Task Force shall consider and develop long-term
19 solutions, both legislative and enforcement-driven, for the
20 rising problem of recyclable metal thefts in this State.

21 (e) Each year, the Task Force shall review the
22 effectiveness of its efforts in deterring and investigating the
23 problem of recyclable metal theft and in assisting in the
24 prosecution of persons engaged in recyclable metal theft. The
25 Task Force shall by October 31 of each year report its findings
26 and recommendations to the General Assembly and the Governor.

1 (Source: P.A. 99-52, eff. 1-1-16; 99-760, eff. 1-1-17.)

2 Section 1180. The Consumer Fraud and Deceptive Business
3 Practices Act is amended by changing Section 2L as follows:

4 (815 ILCS 505/2L)

5 Sec. 2L. Used motor vehicles; modification or disclaimer of
6 implied warranty of merchantability limited.

7 (a) Any retail sale of a used motor vehicle made after July
8 1, 2017 (the effective date of Public Act 99-768) to a consumer
9 by a licensed vehicle dealer within the meaning of Chapter 5 of
10 the Illinois Vehicle Code or by an auction company at an
11 auction that is open to the general public is made subject to
12 this Section.

13 (b) This Section does not apply to any of the following:

14 (1) a vehicle with more than 150,000 miles at the time
15 of sale;

16 (2) a vehicle with a title that has been branded
17 "rebuilt" or "flood";

18 (3) a vehicle with a gross vehicle weight rating of
19 8,000 pounds or more; or

20 (4) a vehicle that is an antique vehicle, as defined in
21 the Illinois Vehicle Code, or that is a collector motor
22 vehicle.

23 (b-5) This Section does not apply to the sale of any
24 vehicle for which the dealer offers an express warranty that

1 provides coverage that is equal to or greater than the limited
2 implied warranty of merchantability required under this
3 Section 2L.

4 (b-6) This Section does not apply to forfeited vehicles
5 sold at auction by or on behalf of the Illinois ~~Department of~~
6 State Police.

7 (c) Except as otherwise provided in this Section 2L, any
8 sale of a used motor vehicle as described in subsection (a) may
9 not exclude, modify, or disclaim the implied warranty of
10 merchantability created under this Section 2L or limit the
11 remedies for a breach of the warranty hereunder before midnight
12 of the 15th calendar day after delivery of a used motor vehicle
13 or until a used motor vehicle is driven 500 miles after
14 delivery, whichever is earlier. In calculating time under this
15 Section, a day on which the warranty is breached and all
16 subsequent days in which the used motor vehicle fails to
17 conform with the implied warranty of merchantability are
18 excluded. In calculating distance under this Section, the miles
19 driven to obtain or in connection with the repair, servicing,
20 or testing of a used motor vehicle that fails to conform with
21 the implied warranty of merchantability are excluded. An
22 attempt to exclude, modify, or disclaim the implied warranty of
23 merchantability or to limit the remedies for a breach of the
24 warranty in violation of this Section renders a purchase
25 agreement voidable at the option of the purchaser.

26 (d) An implied warranty of merchantability is met if a used

1 motor vehicle functions for the purpose of ordinary
2 transportation on the public highway and substantially free of
3 a defect in a power train component. As used in this Section,
4 "power train component" means the engine block, head, all
5 internal engine parts, oil pan and gaskets, water pump, intake
6 manifold, transmission, and all internal transmission parts,
7 torque converter, drive shaft, universal joints, rear axle and
8 all rear axle internal parts, and rear wheel bearings.

9 (e) The implied warranty of merchantability expires at
10 midnight of the 15th calendar day after delivery of a used
11 motor vehicle or when a used motor vehicle is driven 500 miles
12 after delivery, whichever is earlier. In calculating time, a
13 day on which the implied warranty of merchantability is
14 breached is excluded and all subsequent days in which the used
15 motor vehicle fails to conform with the warranty are also
16 excluded. In calculating distance, the miles driven to or by
17 the seller to obtain or in connection with the repair,
18 servicing, or testing of a used motor vehicle that fails to
19 conform with the implied warranty of merchantability are
20 excluded. An implied warranty of merchantability does not
21 extend to damage that occurs after the sale of the used motor
22 vehicle that results from:

23 (1) off-road use;

24 (2) racing;

25 (3) towing;

26 (4) abuse;

- 1 (5) misuse;
- 2 (6) neglect;
- 3 (7) failure to perform regular maintenance; and
- 4 (8) failure to maintain adequate oil, coolant, and
- 5 other required fluids or lubricants.

6 (f) If the implied warranty of merchantability described in
7 this Section is breached, the consumer shall give reasonable
8 notice to the seller no later than 2 business days after the
9 end of the statutory warranty period. Before the consumer
10 exercises another remedy pursuant to Article 2 of the Uniform
11 Commercial Code, the seller shall have a reasonable opportunity
12 to repair the used motor vehicle. The consumer shall pay
13 one-half of the cost of the first 2 repairs necessary to bring
14 the used motor vehicle into compliance with the warranty. The
15 payments by the consumer are limited to a maximum payment of
16 \$100 for each repair; however, the consumer shall only be
17 responsible for a maximum payment of \$100 if the consumer
18 brings in the vehicle for a second repair for the same defect.
19 Reasonable notice as defined in this Section shall include, but
20 not be limited to:

21 (1) text, provided the seller has provided the consumer
22 with a cell phone number;

23 (2) phone call or message to the seller's business
24 phone number provided on the seller's bill of sale for the
25 purchase of the motor vehicle;

26 (3) in writing to the seller's address provided on the

1 seller's bill of sale for the purchase of the motor
2 vehicle;

3 (4) in person at the seller's address provided on the
4 seller's bill of sale for the purchase of the motor
5 vehicle.

6 (g) The maximum liability of a seller for repairs pursuant
7 to this Section is limited to the purchase price paid for the
8 used motor vehicle, to be refunded to the consumer or lender,
9 as applicable, in exchange for return of the vehicle.

10 (h) An agreement for the sale of a used motor vehicle
11 subject to this Section is voidable at the option of the
12 consumer, unless it contains on its face or in a separate
13 document the following conspicuous statement printed in
14 boldface 10-point or larger type set off from the body of the
15 agreement:

16 "Illinois law requires that this vehicle will be free of a
17 defect in a power train component for 15 days or 500 miles
18 after delivery, whichever is earlier, except with regard to
19 particular defects disclosed on the first page of this
20 agreement. "Power train component" means the engine block,
21 head, all internal engine parts, oil pan and gaskets, water
22 pump, intake manifold, transmission, and all internal
23 transmission parts, torque converter, drive shaft, universal
24 joints, rear axle and all rear axle internal parts, and rear
25 wheel bearings. You (the consumer) will have to pay up to \$100
26 for each of the first 2 repairs if the warranty is violated."

1 (i) The inclusion in the agreement of the statement
2 prescribed in subsection (h) of this Section does not create an
3 express warranty.

4 (j) A consumer of a used motor vehicle may waive the
5 implied warranty of merchantability only for a particular
6 defect in the vehicle, including, but not limited to, a rebuilt
7 or flood-branded title and only if all of the following
8 conditions are satisfied:

9 (1) the seller subject to this Section fully and
10 accurately discloses to the consumer that because of
11 circumstances unusual to the business, the used motor
12 vehicle has a particular defect;

13 (2) the consumer agrees to buy the used motor vehicle
14 after disclosure of the defect; and

15 (3) before the sale, the consumer indicates agreement
16 to the waiver by signing and dating the following
17 conspicuous statement that is printed on the first page of
18 the sales agreement or on a separate document in boldface
19 10-point or larger type and that is written in the language
20 in which the presentation was made:

21 "Attention consumer: sign here only if the seller has
22 told you that this vehicle has the following problem or
23 problems and you agree to buy the vehicle on those terms:

- 24 1.
- 25 2.
- 26 3. "

1 (k) It shall be an affirmative defense to any claim under
2 this Section that:

3 (1) an alleged nonconformity does not substantially
4 impair the use and market value of the motor vehicle;

5 (2) a nonconformity is the result of abuse, neglect, or
6 unauthorized modifications or alterations of the motor
7 vehicle;

8 (3) a claim by a consumer was not filed in good faith;
9 or

10 (4) any other affirmative defense allowed by law.

11 (l) Other than the 15-day, 500-mile implied warranty of
12 merchantability identified herein, a seller subject to this
13 Section is not required to provide any further express or
14 implied warranties to a purchasing consumer unless:

15 (1) the seller is required by federal or State law to
16 provide a further express or implied warranty; or

17 (2) the seller fails to fully inform and disclose to
18 the consumer that the vehicle is being sold without any
19 further express or implied warranties, other than the 15
20 day, 500 mile implied warranty of merchantability
21 identified in this Section.

22 (m) Any person who violates this Section commits an
23 unlawful practice within the meaning of this Act.

24 (Source: P.A. 99-768, eff. 7-1-17; 100-4, eff. 7-1-17; 100-512,
25 eff. 7-1-18; 100-863, eff. 8-14-18.)

1 Section 1185. The Employee Credit Privacy Act is amended by
2 changing Section 5 as follows:

3 (820 ILCS 70/5)

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

5 "Credit history" means an individual's past borrowing and
6 repaying behavior, including paying bills on time and managing
7 debt and other financial obligations.

8 "Credit report" means any written or other communication of
9 any information by a consumer reporting agency that bears on a
10 consumer's creditworthiness, credit standing, credit capacity,
11 or credit history.

12 "Employee" means an individual who receives compensation
13 for performing services for an employer under an express or
14 implied contract of hire.

15 "Employer" means an individual or entity that permits one
16 or more individuals to work or that accepts applications for
17 employment or is an agent of an employer. "Employer" does not,
18 however, include:

19 (1) Any bank holding company, financial holding
20 company, bank, savings bank, savings and loan association,
21 credit union, or trust company, or any subsidiary or
22 affiliate thereof, that is authorized to do business under
23 the laws of this State or of the United States.

24 (2) Any company authorized to engage in any kind of
25 insurance or surety business pursuant to the Illinois

1 Insurance Code, including any employee, agent, or employee
2 of an agent acting on behalf of a company engaged in the
3 insurance or surety business.

4 (3) Any State law enforcement or investigative unit,
5 including, without limitation, any such unit within the
6 Office of any Executive Inspector General, the Illinois
7 ~~Department of~~ State Police, the Department of Corrections,
8 the Department of Juvenile Justice, or the Department of
9 Natural Resources.

10 (4) Any State or local government agency which
11 otherwise requires use of the employee's or applicant's
12 credit history or credit report.

13 (5) Any entity that is defined as a debt collector
14 under federal or State statute.

15 "Financial information" means non-public information on
16 the overall financial direction of an organization, including,
17 but not limited to, company taxes or profit and loss reports.

18 "Marketable assets" means company property that is
19 specially safeguarded from the public and to which access is
20 only entrusted to managers and select other employees. For the
21 purposes of this Act, marketable assets do not include the
22 fixtures, furnishings, or equipment of an employer.

23 "Personal or confidential information" means sensitive
24 information that a customer or client of the employing
25 organization gives explicit authorization for the organization
26 to obtain, process, and keep; that the employer entrusts only

1 to managers and a select few employees; or that is stored in
2 secure repositories not accessible by the public or low-level
3 employees.

4 "State or national security information" means information
5 only offered to select employees because it may jeopardize the
6 security of the State or the nation if it were entrusted to the
7 general public.

8 "Trade secrets" means sensitive information regarding a
9 company's overall strategy or business plans. This does not
10 include general proprietary company information such as
11 handbooks, policies, or low-level strategies.

12 (Source: P.A. 96-1426, eff. 1-1-11.)

13 Section 1190. The Unemployment Insurance Act is amended by
14 changing Section 1900 as follows:

15 (820 ILCS 405/1900) (from Ch. 48, par. 640)

16 Sec. 1900. Disclosure of information.

17 A. Except as provided in this Section, information obtained
18 from any individual or employing unit during the administration
19 of this Act shall:

20 1. be confidential,

21 2. not be published or open to public inspection,

22 3. not be used in any court in any pending action or
23 proceeding,

24 4. not be admissible in evidence in any action or

1 proceeding other than one arising out of this Act.

2 B. No finding, determination, decision, ruling or order
3 (including any finding of fact, statement or conclusion made
4 therein) issued pursuant to this Act shall be admissible or
5 used in evidence in any action other than one arising out of
6 this Act, nor shall it be binding or conclusive except as
7 provided in this Act, nor shall it constitute res judicata,
8 regardless of whether the actions were between the same or
9 related parties or involved the same facts.

10 C. Any officer or employee of this State, any officer or
11 employee of any entity authorized to obtain information
12 pursuant to this Section, and any agent of this State or of
13 such entity who, except with authority of the Director under
14 this Section, shall disclose information shall be guilty of a
15 Class B misdemeanor and shall be disqualified from holding any
16 appointment or employment by the State.

17 D. An individual or his duly authorized agent may be
18 supplied with information from records only to the extent
19 necessary for the proper presentation of his claim for benefits
20 or with his existing or prospective rights to benefits.
21 Discretion to disclose this information belongs solely to the
22 Director and is not subject to a release or waiver by the
23 individual. Notwithstanding any other provision to the
24 contrary, an individual or his or her duly authorized agent may
25 be supplied with a statement of the amount of benefits paid to
26 the individual during the 18 months preceding the date of his

1 or her request.

2 E. An employing unit may be furnished with information,
3 only if deemed by the Director as necessary to enable it to
4 fully discharge its obligations or safeguard its rights under
5 the Act. Discretion to disclose this information belongs solely
6 to the Director and is not subject to a release or waiver by
7 the employing unit.

8 F. The Director may furnish any information that he may
9 deem proper to any public officer or public agency of this or
10 any other State or of the federal government dealing with:

- 11 1. the administration of relief,
- 12 2. public assistance,
- 13 3. unemployment compensation,
- 14 4. a system of public employment offices,
- 15 5. wages and hours of employment, or
- 16 6. a public works program.

17 The Director may make available to the Illinois Workers'
18 Compensation Commission information regarding employers for
19 the purpose of verifying the insurance coverage required under
20 the Workers' Compensation Act and Workers' Occupational
21 Diseases Act.

22 G. The Director may disclose information submitted by the
23 State or any of its political subdivisions, municipal
24 corporations, instrumentalities, or school or community
25 college districts, except for information which specifically
26 identifies an individual claimant.

1 H. The Director shall disclose only that information
2 required to be disclosed under Section 303 of the Social
3 Security Act, as amended, including:

4 1. any information required to be given the United
5 States Department of Labor under Section 303(a)(6); and

6 2. the making available upon request to any agency of
7 the United States charged with the administration of public
8 works or assistance through public employment, the name,
9 address, ordinary occupation and employment status of each
10 recipient of unemployment compensation, and a statement of
11 such recipient's right to further compensation under such
12 law as required by Section 303(a)(7); and

13 3. records to make available to the Railroad Retirement
14 Board as required by Section 303(c)(1); and

15 4. information that will assure reasonable cooperation
16 with every agency of the United States charged with the
17 administration of any unemployment compensation law as
18 required by Section 303(c)(2); and

19 5. information upon request and on a reimbursable basis
20 to the United States Department of Agriculture and to any
21 State food stamp agency concerning any information
22 required to be furnished by Section 303(d); and

23 6. any wage information upon request and on a
24 reimbursable basis to any State or local child support
25 enforcement agency required by Section 303(e); and

26 7. any information required under the income

1 eligibility and verification system as required by Section
2 303(f); and

3 8. information that might be useful in locating an
4 absent parent or that parent's employer, establishing
5 paternity or establishing, modifying, or enforcing child
6 support orders for the purpose of a child support
7 enforcement program under Title IV of the Social Security
8 Act upon the request of and on a reimbursable basis to the
9 public agency administering the Federal Parent Locator
10 Service as required by Section 303(h); and

11 9. information, upon request, to representatives of
12 any federal, State or local governmental public housing
13 agency with respect to individuals who have signed the
14 appropriate consent form approved by the Secretary of
15 Housing and Urban Development and who are applying for or
16 participating in any housing assistance program
17 administered by the United States Department of Housing and
18 Urban Development as required by Section 303(i).

19 I. The Director, upon the request of a public agency of
20 Illinois, of the federal government or of any other state
21 charged with the investigation or enforcement of Section 10-5
22 of the Criminal Code of 2012 (or a similar federal law or
23 similar law of another State), may furnish the public agency
24 information regarding the individual specified in the request
25 as to:

26 1. the current or most recent home address of the

1 individual, and

2 2. the names and addresses of the individual's
3 employers.

4 J. Nothing in this Section shall be deemed to interfere
5 with the disclosure of certain records as provided for in
6 Section 1706 or with the right to make available to the
7 Internal Revenue Service of the United States Department of the
8 Treasury, or the Department of Revenue of the State of
9 Illinois, information obtained under this Act.

10 K. The Department shall make available to the Illinois
11 Student Assistance Commission, upon request, information in
12 the possession of the Department that may be necessary or
13 useful to the Commission in the collection of defaulted or
14 delinquent student loans which the Commission administers.

15 L. The Department shall make available to the State
16 Employees' Retirement System, the State Universities
17 Retirement System, the Teachers' Retirement System of the State
18 of Illinois, and the Department of Central Management Services,
19 Risk Management Division, upon request, information in the
20 possession of the Department that may be necessary or useful to
21 the System or the Risk Management Division for the purpose of
22 determining whether any recipient of a disability benefit from
23 the System or a workers' compensation benefit from the Risk
24 Management Division is gainfully employed.

25 M. This Section shall be applicable to the information
26 obtained in the administration of the State employment service,

1 except that the Director may publish or release general labor
2 market information and may furnish information that he may deem
3 proper to an individual, public officer or public agency of
4 this or any other State or the federal government (in addition
5 to those public officers or public agencies specified in this
6 Section) as he prescribes by Rule.

7 N. The Director may require such safeguards as he deems
8 proper to insure that information disclosed pursuant to this
9 Section is used only for the purposes set forth in this
10 Section.

11 O. Nothing in this Section prohibits communication with an
12 individual or entity through unencrypted e-mail or other
13 unencrypted electronic means as long as the communication does
14 not contain the individual's or entity's name in combination
15 with any one or more of the individual's or entity's social
16 security number; driver's license or State identification
17 number; credit or debit card number; or any required security
18 code, access code, or password that would permit access to
19 further information pertaining to the individual or entity.

20 P. (Blank).

21 Q. The Director shall make available to an elected federal
22 official the name and address of an individual or entity that
23 is located within the jurisdiction from which the official was
24 elected and that, for the most recently completed calendar
25 year, has reported to the Department as paying wages to
26 workers, where the information will be used in connection with

1 the official duties of the official and the official requests
2 the information in writing, specifying the purposes for which
3 it will be used. For purposes of this subsection, the use of
4 information in connection with the official duties of an
5 official does not include use of the information in connection
6 with the solicitation of contributions or expenditures, in
7 money or in kind, to or on behalf of a candidate for public or
8 political office or a political party or with respect to a
9 public question, as defined in Section 1-3 of the Election
10 Code, or in connection with any commercial solicitation. Any
11 elected federal official who, in submitting a request for
12 information covered by this subsection, knowingly makes a false
13 statement or fails to disclose a material fact, with the intent
14 to obtain the information for a purpose not authorized by this
15 subsection, shall be guilty of a Class B misdemeanor.

16 R. The Director may provide to any State or local child
17 support agency, upon request and on a reimbursable basis,
18 information that might be useful in locating an absent parent
19 or that parent's employer, establishing paternity, or
20 establishing, modifying, or enforcing child support orders.

21 S. The Department shall make available to a State's
22 Attorney of this State or a State's Attorney's investigator,
23 upon request, the current address or, if the current address is
24 unavailable, current employer information, if available, of a
25 victim of a felony or a witness to a felony or a person against
26 whom an arrest warrant is outstanding.

1 T. The Director shall make available to the Illinois
2 ~~Department of~~ State Police, a county sheriff's office, or a
3 municipal police department, upon request, any information
4 concerning the current address and place of employment or
5 former places of employment of a person who is required to
6 register as a sex offender under the Sex Offender Registration
7 Act that may be useful in enforcing the registration provisions
8 of that Act.

9 U. The Director shall make information available to the
10 Department of Healthcare and Family Services and the Department
11 of Human Services for the purpose of determining eligibility
12 for public benefit programs authorized under the Illinois
13 Public Aid Code and related statutes administered by those
14 departments, for verifying sources and amounts of income, and
15 for other purposes directly connected with the administration
16 of those programs.

17 V. The Director shall make information available to the
18 State Board of Elections as may be required by an agreement the
19 State Board of Elections has entered into with a multi-state
20 voter registration list maintenance system.

21 W. The Director shall make information available to the
22 State Treasurer's office and the Department of Revenue for the
23 purpose of facilitating compliance with the Illinois Secure
24 Choice Savings Program Act, including employer contact
25 information for employers with 25 or more employees and any
26 other information the Director deems appropriate that is

1 directly related to the administration of this program.

2 X. The Director shall make information available, upon
3 request, to the Illinois Student Assistance Commission for the
4 purpose of determining eligibility for the adult vocational
5 community college scholarship program under Section 65.105 of
6 the Higher Education Student Assistance Act.

7 (Source: P.A. 100-484, eff. 9-8-17; 101-315, eff. 1-1-20.)

8 Section 9995. No acceleration or delay. Where this Act
9 makes changes in a statute that is represented in this Act by
10 text that is not yet or no longer in effect (for example, a
11 Section represented by multiple versions), the use of that text
12 does not accelerate or delay the taking effect of (i) the
13 changes made by this Act or (ii) provisions derived from any
14 other Public Act.

15 Section 9999. Effective date. This Act takes effect upon
16 becoming law.

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